

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Consolidation of gaming.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to the administration of government;
2 recreating, renumbering and amending statutes to
3 consolidate gaming regulation statutes; repealing obsolete
4 provisions; conforming provisions and references; providing
5 for application as specified; and providing for an
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9 *****
10 *****

11 **STAFF COMMENT**
12 **This bill draft moves existing statutes regulating gaming**
13 **activities under Wyoming Statutes to the Wyoming Gaming**
14 **Commission's existing Chapter 24 in Title 9 of the Wyoming**
15 **Statutes. The structure under this bill is as follows:**

16

17 **CHAPTER 24 REGULATED GAMING ACTIVITIES**

1 ARTICLE 1 - ONLINE SPORTS WAGERING

2 (Renumbered to Article 6)

3
4 ARTICLE 2 - IN GENERAL

5 9-24-201. Definitions.*

6 9-24-202. Wyoming gaming commission created; composition;
7 qualifications.

8 9-24-203. Gaming commission; appointment, terms of office
9 and political affiliation of members; vacancies;
10 appointment districts.

11 9-24-204. Gaming commission; officers; director; meetings;
12 personal or private interest; compensation; records.*

13 9-24-205. Supervision of gaming activities; rulemaking;
14 prosecution.*

15
16 ARTICLE 3 - CHARITABLE GAMING

17 9-24-301. Definitions*

18 9-24-302. Bingo games and pull tab games.*

19 9-24-303. Calcutta wagering.*

20
21 ARTICLE 4 - PARI-MUTUEL WAGERING

22 9-24-401. Definitions.

23 9-24-402. Financial interest in events; licenses generally;
24 rulemaking.

25 9-24-403. Pari-mutuel permits; fees and reports;
26 disposition of funds; enforcement of provisions.

27 9-24-404. Qualifications as to horses; preference to
28 Wyoming bred horses.

29 9-24-405. Horses to race under true name; substitution of
30 horses, concealment of identification,
31 prohibited.

32 9-24-406. Stimulation or retardation of animals prohibited;
33 tests.

34 9-24-407. Bribery, touting and betting by minors
35 prohibited.

36 9-24-408. County elections as to pari-mutuel events.

37 9-24-409. Bond of permittees; required; conditions;
38 prosecution of actions.

39 9-24-410. Penalties.

40 9-24-411. Removal of livestock from quarters at county or
41 state fairs.

42
43 ARTICLE 5 - SKILL BASED AMUSEMENT GAMES

44 9-24-501. Definitions.*

- 1 9-24-502. Skill based amusement games authorization;
- 2 commission authority; applicability.
- 3 9-24-503. Laboratory report required.
- 4 9-24-504. Restrictions on operation of skill based
- 5 amusement games.
- 6 9-24-505. Required permits and licenses; applicable fees;
- 7 tax imposition; taxation rate; distribution.
- 8 9-24-506. Operator permit, vendor license and skill based
- 9 amusement game decal approval; criteria; review.
- 10 9-24-507. Penalties.

11

12 ARTICLE 6 - ONLINE SPORTS WAGERING

- 13 9-24-601. Definitions.
- 14 9-24-602. Online sports wagering regulation; rulemaking.
- 15 9-24-603. Permits; licenses; fees; application.
- 16 9-24-604. Distribution of revenue.
- 17 9-24-605. Age to engage in online sports wagering.
- 18 9-24-606. Penalties; compliance.

19

20 *Sections created new by this bill draft from existing

21 provisions of law.

22 *****

23 *****

24

25 Section 1. W.S. 9-24-201, 9-24-204 and 9-24-205, 9-

26 24-301 through 9-24-303, 9-24-402 and 9-24-501 are created

27 to read:

28

29 ARTICLE 2

30 IN GENERAL

31

32 9-24-201. Definitions.

33

34 (a) As used in this chapter unless otherwise defined:

1

2 (i) "Commission" means the Wyoming gaming
3 commission;

4

5 (ii) "Director" means the executive director of
6 the Wyoming gaming commission;

7

8 (iii) "Net proceeds" means all revenue less the
9 payment to the player;

10

11 (iv) "Gaming activity" means all gaming
12 activities provided for and regulated by this chapter.

13

14 **9-24-204. Gaming commission; officers; director;**
15 **meetings; personal or private interest; compensation;**
16 **records.**

17

18 (a) The commission shall annually elect from its
19 membership a president and vice-president, and may employ a
20 director who has a working knowledge of pari-mutuel
21 betting, horse racing and other forms of gaming regulated
22 by the commission or an executive secretary, or both. The
23 director may be retained on a yearly basis or for the

1 racing season only as determined by the commission. Salary
2 for the director and executive secretary shall be
3 determined by the commission with the consent of the
4 personnel division. The commission may also employ other
5 personnel required to carry out this act.

6

7 (b) The commission shall hold an annual fall meeting
8 in Wyoming and shall hold special meetings at such times
9 and places within Wyoming as the majority of the members
10 determine. A majority of the commission constitutes a
11 quorum and a majority vote of a quorum may act for the
12 commission. The secretary of the commission shall keep a
13 record of the proceedings of the commission which is open
14 at all times for public inspection. Legislative liaisons
15 shall be considered members of the governing body of the
16 commission for purposes of attending executive sessions
17 held pursuant to W.S. 16-4-405(a) only.

18

19 (c) Any member of the commission who has a personal
20 or private interest in any matter proposed or pending
21 before the commission shall publicly disclose this fact to
22 the commission and shall not vote on the matter.

23

1 (d) The members of the commission shall receive per
2 diem and mileage as provided in W.S. 33-1-302(a)(vii), and
3 compensation of fifty dollars (\$50.00) for each day during
4 which they are actually engaged in the discharge of their
5 duties.

6

7 **9-24-205. Supervision of gaming activities;**
8 **rulemaking; prosecution.**

9

10 (a) The commission shall:

11

12 (i) Supervise the conduct of all gaming
13 activities provided for and regulated by this chapter;

14

15 (ii) Administer title 6, chapter 7, article 1 of
16 the Wyoming statutes;

17

18 (iii) Access criminal history record information
19 for all employees who supervise the conduct of gaming
20 activities or administer and enforce title 6, chapter 7,
21 article 1 of the Wyoming statutes, subject to W.S. 9-1-
22 627(d).

23

1 (b) The commission may make reasonable rules for the
2 control, supervision and direction of applicants,
3 permittees and licensees under this chapter.

4

5 (c) The attorney general may, at the request of the
6 department, act on behalf of the commission to prosecute
7 criminal actions under W.S. 6-7-101 through 6-7-104 and 9-
8 24-401 through 9-24-407 if after a thorough investigation
9 the action is deemed advisable by the attorney general.

10

11

ARTICLE 3

12

CHARITABLE GAMING

13

14 **9-24-301. Definitions.**

15

16 (a) As used in this article:

17

18 (i) "Calcutta wagering" means wagering on the
19 outcome of amateur contests, cutter horse racing, dog sled
20 racing, professional rodeo events or professional golf
21 tournaments in which those who wager bid at auction for the
22 exclusive right to "purchase" or wager upon a particular
23 contestant or entrant in the event and when the outcome of

1 the event has been decided the total wagers comprising the
2 pool, less a percentage "take-out" by the event's sponsor,
3 is distributed to those who "purchased" or wagered upon the
4 winning contestants or entrants;

5

6 (ii) "Charitable or nonprofit organization"
7 means an organization recognized as a charitable or
8 nonprofit organization under Wyoming statutes and which
9 possesses a valid exemption from federal income tax issued
10 by the Internal Revenue Service under the provisions of 26
11 U.S.C. 501(c) and political parties organized under the law
12 of Wyoming and exempt from federal income tax issued by the
13 Internal Revenue Service under the provisions of 26 U.S.C.
14 527.

15

16 **9-24-302. Bingo games and pull tab games.**

17

18 (a) The commission shall regulate bingo games and pull
19 tab games.

20

21 (b) Bingo games shall only be conducted and pull tab
22 games shall only be sold in accordance with this section by
23 charitable or nonprofit organizations that have been in

1 existence in this state for not less than three (3) years
2 and that are licensed under this section.

3

4 (c) A charitable or nonprofit organization applying
5 for a license under this section shall do so on a uniform
6 application furnished by the commission. The commission
7 shall not charge applicants any fee and shall not require
8 any fee for any license issued under this section.

9

10 (d) Any person required to be licensed under this
11 section shall file an annual report with the commission as
12 specified by rule.

13

14 (e) Bingo games and pull tab games authorized under
15 this section shall be subject to the following:

16

17 (i) Tickets for bingo games shall be sold only in
18 this state;

19

20 (ii) Pull tab games shall be sold only on the
21 premises owned or occupied by the charitable or nonprofit
22 organization licensed under this section;

23

1 (iii) In conducting bingo games and pull tab games
2 the charitable or nonprofit organization shall use only
3 volunteers who are bona fide members of the charitable or
4 nonprofit organization or employees or contractors who are
5 paid by the charitable or nonprofit organization to assist
6 in the operation of the game;

7

8 (iv) Players of bingo games or pull tab games
9 shall be eighteen (18) years or older;

10

11 (v) Not less than sixty-five percent (65%) of all
12 gross sales of bingo games and pull tab games shall be
13 redeemed as winnings each month. The net proceeds after
14 payment of winnings shall be restricted as follows:

15

16 (A) Not more than forty percent (40%) of
17 net proceeds shall be paid to distributors or manufacturers
18 of supplies or equipment necessary to conduct the game; and

19

20 (B) Seventy-five percent (75%) of the net
21 proceeds remaining after payment for all costs and supplies
22 shall be donated within one (1) year by the organization to
23 a bona fide charitable or benevolent purpose.

1

2 (vi) The charitable or nonprofit organization
3 conducting the bingo game or pull tab game may purchase
4 supplies or equipment necessary to conduct the game from a
5 distributor or manufacturer at a price based on a per card
6 or pull tab basis subject to the limitations provided in
7 subparagraph (v)(A) of this subsection.

8

9 **9-24-303. Calcutta wagering.**

10

11 (a) The commission shall regulate calcutta wagering on
12 contests and events.

13

14 (b) Calcutta wagering on contests or events shall only
15 be conducted by bona fide nationally chartered veterans',
16 religious, charitable, educational or fraternal
17 organizations and nonprofit local civic or service clubs
18 organized or incorporated under the laws of this state and
19 that are licensed under this section.

20

21 (c) An organization or club applying for a license
22 under this section shall do so on a uniform application
23 furnished by the commission. The commission shall not

1 charge applicants any fee and shall not require any fee for
2 any license issued under this section.

3

4 (d) Any person required to be licensed under this
5 section shall file an annual report with the commission as
6 specified by rule.

7

8 (e) Calcutta wagering on contests or events
9 authorized under this section shall be subject to the
10 following:

11

12 (i) The contest or event shall be conducted
13 solely in this state;

14

15 (ii) Any rules affecting the contest or
16 requirements for participants shall be clearly posted;

17

18 (iii) The total prizes or prize money paid out in
19 any one (1) contest or event shall not exceed ninety
20 percent (90%) of the total wagers;

21

22 (iv) A minimum of ten percent (10%) of the total
23 wagers on each contest or event shall be donated within one

1 (1) year by the sponsoring organization or club to a bona
2 fide charitable or benevolent purpose;

3

4 (v) No separate organization, club or
5 professional person shall be employed to conduct the
6 contest or event or assist therein;

7

8 (vi) Thirty (30) days written notice of the time
9 and place of a contest or event shall be provided to the
10 governing body of the county or municipality in which the
11 organization or club intends to conduct the contest or
12 event. No contest or event shall be conducted if the
13 governing body passes a resolution objecting thereto;

14

15 (vii) The sponsoring organization or club shall
16 comply with the relevant sections of the internal revenue
17 code of 1954, as amended, relating to taxes on wagering;

18

19 (viii) Persons wagering on calcutta contests or
20 events shall be eighteen (18) years or older.

21

22

ARTICLE 5

23

SKILL BASED AMUSEMENT GAMES

1

2 **9-24-501. Definitions.**

3

4 (a) As used in this article:

5

6 (i) "Establishment" means a single physical
7 place of business that operates as a truck stop, smoke shop
8 or that is licensed or permitted to sell alcoholic liquor
9 or malt beverages under W.S. 12-2-203(g), 12-4-201, 12-4-
10 301, 12-4-401, 12-4-407, 12-4-413, 12-4-414 or 12-4-415;

11

12 (ii) "Operator" means a person who possesses and
13 operates an establishment where skill based amusement games
14 may be played for profit;

15

16 (iii) "Skill" means a player's knowledge,
17 dexterity or any other ability or expertise relevant to
18 game play;

19

20 (iv) "Skill based amusement game" means a game
21 played in exchange for consideration of cash, credit or
22 other thing of value on a fixed, commercial electrical
23 gaming device in which the bona fide skill of the player,

1 determined by an individual's level of strategy and skill,
2 rather than any inherent element of chance, is the primary
3 factor in determining the outcome and for which the player
4 may be awarded a prize or other thing of value for a
5 successful outcome. "Skill based amusement game" shall not
6 include any game played for prizes of nominal value as
7 provided by rule of the commission;

8

9 (v) "Smoke shop" means a retailer as defined in
10 W.S. 14-3-301(a)(iii) that derives fifty percent (50%) or
11 more of its gross annual revenue from nicotine products as
12 defined by W.S. 14-3-301(a)(vi).

13

14 (vi) "Truck stop" means a business premises that
15 is:

16

17 (A) Equipped with diesel islands used for
18 fueling commercial motor vehicles and that sells on average
19 one hundred twenty-five thousand (125,000) gallons of
20 diesel or biodiesel fuel each month based on the previous
21 twelve (12) months of sales; and

22

1 (B) Located on a parcel of land of not less
2 than two (2) acres that is either owned or leased by the
3 business and which includes a convenience store with
4 parking spaces dedicated to commercial motor vehicle use.

5

6 (vii) "Vendor" means a person who owns and
7 distributes a skill based amusement game to an operator for
8 profit.

9

10 **Section 2.** W.S. 6-7-101(a)(iii)(M), 7-19-201(a)(vi),
11 33-1-202(a)(i) and (ii)(intro), 33-1-301(a), 33-1-
12 302(a)(intro) and (vii), 33-1-303(a)(intro) and 33-1-
13 304(a)(intro), (c)(intro) and (e) are amended to read:

14

15 **6-7-101. Definitions.**

16

17 (a) As used in this article:

18

19 (iii) "Gambling" means risking any property for
20 gain contingent in whole or in part upon lot, chance, the
21 operation of a gambling device or the happening or outcome
22 of an event, including a sporting event, over which the

1 person taking a risk has no control, but does not include
2 any of the following:

3

4 (M) Activities authorized by the Wyoming
5 gaming commission under ~~title 11, chapter 25~~ title 9,
6 chapter 24 of the Wyoming statutes;

7

8 **7-19-201. State or national criminal history record**
9 **information.**

10

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

14

15 (vi) Persons ~~applying for a permit or license~~
16 ~~under W.S. 11-25-104(f) or if required under W.S. 11-25-~~
17 ~~104(k)~~ title 9, chapter 24 of the Wyoming statutes;

18

19 **33-1-202. Disposition of fees and interest.**

20

21 (a) Except as otherwise specifically provided by
22 statute:

23

1 (i) All fees and monies received and
2 collected by the boards or commissions under this title and
3 under W.S. ~~11-25-201(d)~~ 9-24-403(d), 21-2-802(d) and 23-2-
4 414(d) shall be deposited into the state treasury and
5 credited to each board's or commission's respective account
6 as created by statute;

7
8 (ii) The interest on all fees and monies
9 collected by the boards or commissions under this title and
10 under W.S. ~~11-25-201(d)~~ 9-24-403(d), 21-2-802(d) and 23-2-
11 414(d) shall be credited as follows:

12

13 **33-1-301. Purpose and scope.**

14

15 (a) The purpose of this article is to establish
16 procedures for the operation of boards authorized to
17 establish examination, inspection, permit or license fees
18 for any profession or occupation regulated under this title
19 or under W.S. ~~11-25-201~~ 9-24-403, 21-2-802 and 23-2-414.

20

21 **33-1-302. Duties of licensure boards.**

22

1 (a) Except as otherwise specifically provided by
2 statute, a board authorized to establish examination,
3 inspection, permit or license fees for any profession or
4 occupation regulated under this title or under W.S. ~~11-25-~~
5 ~~201-9-24-403~~, 21-2-802 or 23-2-414 shall:

6
7 (vii) Compensate each member for per diem and
8 mileage for attending and traveling to and from meetings,
9 hearings and other activities necessary in the performance
10 of the duties of the office in the same manner and amount
11 as members of the Wyoming legislature. Members who are
12 state employees that receive compensation from their
13 employers for activities performed pursuant to this title
14 or under W.S. ~~11-25-201-~~~~9-24-403~~, 21-2-802 or 23-2-414
15 shall not receive additional compensation but shall receive
16 mileage and per diem as provided under this paragraph if
17 they are not reimbursed by their employers;

18

19 **33-1-303. Powers of licensure boards.**

20

21 (a) Except as otherwise specifically provided by
22 statute, a board authorized to establish examination,
23 inspection, permit or license fees for any profession or

1 occupation regulated under this title or under W.S. ~~11-25-~~
2 ~~201-9-24-403~~, 21-2-802 or 23-2-414 may:

3

4 **33-1-304. Considering criminal convictions; pre-**
5 **application determinations.**

6

7 (a) Except as specifically required by its licensure,
8 certification or registration statutes, every board,
9 commission, commissioner or authority authorized to
10 establish examination, inspection, permit, license,
11 certification or registration requirements or fees for any
12 profession or occupation regulated under this title or
13 under W.S. 7-4-211, ~~11-25-201-9-24-403~~, 15-5-103, 17-4-406,
14 21-2-802, 23-2-414, 26-4-101 or 40-22-109 and who considers
15 criminal convictions as part of its regulatory duties shall
16 not consider prior convictions that do not affect the
17 practice of the profession or occupation or the ability to
18 practice the profession or occupation regulated by the
19 board, commission, commissioner or authority. Specifically,
20 the board, commission, commissioner or authority may cite
21 as state policy the following:

22

1 (c) No board, commission, commissioner or authority
2 authorized to regulate through licensure, certification or
3 registration a profession or occupation under this title,
4 or under W.S. 7-4-211, ~~11-25-201~~9-24-403, 15-5-103, 17-4-
5 406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109, shall
6 consider evidence of any conviction more than twenty (20)
7 years old, or for a lesser period of time if expressly
8 provided by statute, when analyzing a person's criminal
9 history pursuant to the board's, commission's,
10 commissioner's or authority's regulatory duties, except
11 when:

12
13 (e) Any person who has been previously convicted of a
14 crime may at any time apply to a board, commission,
15 commissioner or authority authorized to establish
16 examination, inspection, permit, license, certification or
17 registration requirements for any profession or occupation
18 regulated under this title or under W.S. 7-4-211, ~~11-25-201~~
19 9-24-403, 15-5-103, 17-4-406, 21-2-802, 23-2-414, 26-4-101
20 or 40-22-103 for a determination as to whether one (1) or
21 more of the person's criminal convictions will prevent the
22 person from receiving a license, certification or
23 registration. Each board, commission, commissioner or

1 authority may by rule establish a procedure by which an
2 application submitted under this subsection is reviewed and
3 may by rule delegate the authority to review an application
4 to a staff member of the board, commission, commissioner or
5 authority. A board, commission, commissioner or authority
6 may request criminal history background information for
7 purposes of reviewing an application under this subsection
8 in accordance with W.S. 7-19-106(a)(xxxix). The board,
9 commission, commissioner or authority may by rule establish
10 and charge a reasonable fee to recover the costs of
11 researching and developing a determination under this
12 subsection, provided that any fee shall not exceed the
13 costs of providing the determination under this subsection.
14 A determination made by a board, commission, commissioner
15 or authority under this subsection shall not be binding
16 upon the board, commission, commissioner or authority.

17

18 **Section 3.** W.S. 11-25-102 as 9-24-401, 11-25-104 as
19 9-24-402, 11-25-208 as 9-24-410, 11-25-305 as 9-24-506,
20 9-24-101 through 9-24-103 as 9-24-601 through 9-24-603 and
21 9-24-106 as 9-24-606 are amended and renumbered to read:

22

23

ARTICLE 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PARI-MUTUEL WAGERING

~~11-25-102.~~ 9-24-401. Definitions.

(a) As used in this act:

(i) "Breeder award" means monies collected pursuant to W.S. ~~11-25-201(j)~~ 9-24-403(j), and distributed by the commission to promote the improved breeding and development of the horse industry in Wyoming. Breeder awards may include purse enhancement of Wyoming bred races;

STAFF COMMENT
Renumbered and repealed provisions are included within the text of this bill draft as stricken text.

(ii) ~~"Commission" means the Wyoming gaming commission;~~

(iii) "Drug" means any substance foreign to a horse's body as prescribed by the commission;

(iv) "Event" means a pari-mutuel event;

1

2 (v) "Pari-mutuel event" means the events which
3 are authorized by the commission for the conduct of horse
4 racing (to include quarter horse, thoroughbred or other
5 approved races), harness racing, cutter racing, chariot
6 racing, chuckwagon racing, professional roping and rodeo
7 events and simulcasting of dog racing and the events
8 described in this paragraph as prescribed by the
9 commission. Notwithstanding W.S. 6-7-101(a)(iv) and ~~11-25-~~
10 ~~203-9-24-405~~, the commission may authorize and promulgate
11 rules providing for pari-mutuel wagering on events that
12 have previously occurred, utilizing an electronic system or
13 device that affords an opportunity for the exercise of
14 skill or judgment where the outcome is not completely
15 controlled by chance alone;

16

17 (vi) "Pari-mutuel wagering" means wagering on
18 the outcome of pari-mutuel events in which those who wager
19 purchase tickets of various denominations on entrants in
20 the events and all wagers for each event are pooled and
21 held by the permittee for distribution, and when the
22 outcome of the event has been decided, the permittee
23 distributes the total wagers comprising the pool, less an

1 amount not greater than twenty-five and nine-tenths percent
2 (25.90%) for live racing and in the event of simulcasting
3 an amount not to exceed the percentage allowed at the host
4 track or thirty-five percent (35%), whichever is less and
5 less the amount for breakage to holders of tickets on the
6 winning entries;

7

8 (vii) "Simulcasting" means the sale of pari-
9 mutuel pools electronically transmitted live or historic on
10 interstate or intrastate pari-mutuel events as prescribed
11 by the commission. The commission shall authorize
12 simulcasting subject to the following conditions:

13

14 (A) Simulcasting ~~may~~shall be conducted
15 only by a holder of a permit to simulcast issued under this
16 act. The permit shall be authorized by the commission for
17 a period not to exceed three (3) years from the date of
18 issuance. The commissioners shall issue a simulcast permit
19 only to an applicant authorized under this act to conduct a
20 pari-mutuel event other than simulcasting;

21

22 (B) Simulcasting ~~may~~shall be conducted off
23 the permitted premises only if the board of county

1 commissioners of the county in which such simulcasting will
2 be conducted grants its approval;

3

4 (C) No simulcasting ~~may~~shall be conducted
5 within one hundred (100) miles of any premises permitted
6 under this act, except that the commission may waive the
7 one hundred (100) mile limitation if the simulcast permit
8 application includes written approval from the permittee
9 whose permitted premises is within the one hundred (100)
10 mile limitation;

11

12

13

(D) The commission shall promulgate rules
14 for conducting simulcasting as are reasonably necessary to
15 protect the public interest.

16

17 (viii) "This act" means ~~W.S. 11-25-101 through~~
18 ~~11-25-306~~this article;

19

20 (ix) "Multiple wagering" means wagers which
21 consist of a single betting interest on two (2) entries;

22

23 (x) "Exotic wagering" means wagers which consist
24 of a single betting interest on three (3) or more entries;

1

2 (xi) "Advance deposit pari-mutuel wager" means a
3 wager in which a person who has opened an account in
4 advance with a licensee can place wagers from this account
5 in person, by telephone or other electronic means;

6

7 (xii) "Horsemen's association" means the
8 association that represents the majority of the owners and
9 trainers licensed by the commission to race horses at an
10 event;

11

12 (xiii) "Out-of-state simulcast facility" means a
13 track or other facility, located within a jurisdiction
14 other than Wyoming, at which pari-mutuel wagers are placed,
15 accepted or distributed, either in person or
16 electronically, on simulcast races pursuant to proper
17 authorization under the laws of that jurisdiction;

18

19 (xiv) "Source market fee" means a license fee,
20 assessed by the commission pursuant to W.S. ~~11-25-201(m)-9-~~
21 24-403(m), payable by out-of-state simulcast facilities
22 that conduct pari-mutuel wagering on simulcast races and

1 that accept wagers from Wyoming residents by telephone or
2 other electronic means at those facilities;

3

4 (xv) ~~"Net proceeds" means all revenue less the~~
5 ~~payment to the player;~~

6

7 (xvi) ~~"Establishment" means a single physical~~
8 ~~place of business that operates as a truck stop, smoke shop~~
9 ~~or that is licensed or permitted to sell alcoholic liquor~~
10 ~~or malt beverages under W.S. 12-2-203(g), 12-4-201, 12-4-~~
11 ~~301, 12-4-401, 12-4-407, 12-4-413, 12-4-414 or 12-4-415;~~

12

13 (xvii) ~~"Operator" means a person who possesses~~
14 ~~and operates an establishment where skill based amusement~~
15 ~~games may be played for profit;~~

16

17 (xviii) ~~"Skill" means a player's knowledge,~~
18 ~~dexterity or any other ability or expertise relevant to~~
19 ~~game play;~~

20

21 (xix) ~~"Skill based amusement game" means a game~~
22 ~~played in exchange for consideration of cash, credit or~~
23 ~~other thing of value on a fixed, commercial electrical~~

1 ~~gaming device in which the bona fide skill of the player,~~
2 ~~determined by an individual's level of strategy and skill,~~
3 ~~rather than any inherent element of chance, is the primary~~
4 ~~factor in determining the outcome and for which the player~~
5 ~~may be awarded a prize or other thing of value for a~~
6 ~~successful outcome. "Skill based amusement game" shall not~~
7 ~~include any game played for prizes of nominal value as~~
8 ~~provided by rule of the commission;~~

9

10 ~~(xx) "Vendor" means a person who owns and~~
11 ~~distributes a skill based amusement game to an operator for~~
12 ~~profit;~~

13

14 ~~(xxi) "Truck stop" means a business premises~~
15 ~~that is;~~

16

17 ~~(A) Equipped with diesel islands used for~~
18 ~~fueling commercial motor vehicles and that sells on average~~
19 ~~one hundred twenty five thousand (125,000) gallons of~~
20 ~~diesel or biodiesel fuel each month based on the previous~~
21 ~~twelve (12) months of sales; and~~

22

1 ~~(B) Located on a parcel of land of not less~~
2 ~~than two (2) acres that is either owned or leased by the~~
3 ~~business and which includes a convenience store with~~
4 ~~parking spaces dedicated to commercial motor vehicle use.~~

5
6 ~~(xxii) "Smoke shop" means a retailer as defined~~
7 ~~in W.S. 14-3-301(a)(iii) that derives fifty percent (50%)~~
8 ~~or more of its gross annual revenue from nicotine products~~
9 ~~as defined by W.S. 14-3-301(a)(vi).~~

10
11 ~~11-25-104~~ 9-24-402. **Financial interest in events;**
12 **licenses generally; rulemaking.**

13
14 ~~(a) The commission shall annually elect from its~~
15 ~~membership a president and vice president, and may employ a~~
16 ~~director who has a working knowledge of pari-mutuel~~
17 ~~betting, horse racing and other forms of gaming regulated~~
18 ~~by the commission or an executive secretary, or both. The~~
19 ~~director may be retained on a yearly basis or for the~~
20 ~~racing season only as determined by the commission. Salary~~
21 ~~for the director or executive secretary shall be determined~~
22 ~~by the commission with the consent of the personnel~~

1 ~~division. The commission may also employ other personnel~~
2 ~~required to carry out this act.~~

3
4 (b) ~~The commission shall hold an annual fall meeting~~
5 ~~in Wyoming and shall hold special meetings at such times~~
6 ~~and places within Wyoming as the majority of the members~~
7 ~~determine. A majority of the commission constitutes a~~
8 ~~quorum and a majority vote of a quorum may act for the~~
9 ~~commission. The secretary of the commission shall keep a~~
10 ~~record of the proceedings of the commission which is open~~
11 ~~at all times for public inspection. Legislative liaisons~~
12 ~~shall be considered members of the governing body of the~~
13 ~~commission for purposes of attending executive sessions~~
14 ~~held pursuant to W.S. 16-4-405(a) only.~~

15
16 (c) ~~Any member of the commission who has a personal~~
17 ~~or private interest in any matter proposed or pending~~
18 ~~before the commission shall publicly disclose this fact to~~
19 ~~the commission and shall not vote on the matter.~~

20
21 (d) Any member of the commission who owns or has any
22 interest, or whose spouse or member of his immediate family
23 has any interest, in any ~~activity~~ pari-mutuel event

1 regulated by the commission or in an animal participating
2 in a pari-mutuel event shall disclose that interest and
3 shall not participate in any commission decision involving
4 a protest regarding that activity or occurring at that
5 pari-mutuel event.

6

7 (e) The commission may authorize by license or permit
8 and supervise all the conduct of all events provided for
9 and regulated by this act. The commission may make
10 reasonable rules for the control, supervision and direction
11 of applicants, permittees and licensees. The rules shall
12 include procedures for resolving scheduling conflicts and
13 settling disputes between permittees, for the supervising,
14 disciplining, suspending, fining and barring from pari-
15 mutuel events of all persons required to be licensed or
16 permitted by this act, and for the holding, conducting and
17 operating of all pari-mutuel events pursuant to this act.
18 The rules shall include requirements for internal controls
19 for all aspects of pari-mutuel wagering, including
20 procedures for system integrity, system security,
21 operations and accounting. The commission may require that
22 license applicants be fingerprinted for identification
23 purposes as a condition of licensing. The commission shall

1 announce the place, time and duration of pari-mutuel events
2 for which license or permit fees shall be required and
3 establish reasonable fees for all licenses and permits
4 provided for by this act. The fees shall be established to
5 ensure that the costs of administering this act are
6 recovered through the total revenues received under this
7 act. The commission shall establish security access
8 safeguards for licensees to use for advance deposit pari-
9 mutuel wagering. The commission shall prohibit advance
10 deposit pari-mutuel advertising that it determines to be
11 deceptive to the public.

12

13 (f) Each permittee, licensee, any current and
14 prospective employee, volunteer and contract employee of a
15 permittee or licensee and each person who has access to
16 restricted areas or animals housed on permitted event
17 grounds for horse racing or for pari-mutuel activities
18 shall be licensed by the commission and shall comply with
19 all rules and regulations and all orders issued by the
20 commission. No person shall hold any event with pari-mutuel
21 wagering without obtaining a permit. The commission may
22 require that all permittees, licensees, current and
23 prospective employees, volunteers and contract employees of

1 a permittee or licensee and each person who has access to
2 restricted areas or animals housed on permitted event
3 grounds for horse racing or for pari-mutuel activities
4 submit fingerprints to the Wyoming division of criminal
5 investigation to perform a criminal history background
6 check pursuant to W.S. 7-19-201 in order to obtain state
7 and national criminal history record information. The
8 division may share the results of the criminal history
9 background check with the commission pursuant to W.S. 7-19-
10 106(a)(xxxv). For purposes of this subsection, permittees,
11 licensees, current and prospective employees, volunteers
12 and contract employees of a permittee or licensee, shall
13 include the following as defined:

14

15 (i) "Assistant starter" means a person who
16 handles a horse in the starting gate on race day and during
17 training;

18

19 (ii) "Assistant trainer" means a person who is
20 designated by the trainer to make decisions on behalf of
21 the trainer during the trainer's absence;

22

1 (iii) "Clerk of scales" means a person whose
2 primary responsibility is to weigh the riders before and
3 after a race to ensure proper weight is carried;

4

5 (iv) "Commission or permittee employee" means a
6 person who is an employee that by virtue of their required
7 employment duties has access to restricted areas of the
8 permitted event grounds or has access to information that
9 is limited by law or confidential in nature and could
10 effectuate or manipulate wagering activity or wagering
11 information;

12

13 (v) "Commission safety officer" means a person
14 who is employed by the commission to monitor activities and
15 practices in the stable area, barn area and on the
16 racetrack for compliance with this act and rules of the
17 commission;

18

19 (vi) "Commission veterinarian" means a Wyoming
20 licensed veterinarian hired directly by the commission;

21

22 (vii) "Exercise rider" means a person who
23 exercises a horse during a training session;

1

2 (viii) "Farrier" means a person who provides
3 hoof care, including the trimming and balancing of horses
4 hooves and placing of shoes on hooves, if necessary;

5

6 (ix) "Groom" means a person who cleans stalls,
7 bathes, brushes and provides general care to a race horse;

8

9 (x) "Horseman's bookkeeper" means a person whose
10 primary responsibility is to keep and preserve books ~~which~~
11 ~~will~~that reflect the deposits or other credits and
12 withdrawals or other charges that may be made by an owner
13 or other licensee;

14

15 (xi) "Host facility" means a person who leases
16 their property to a permitholder to operate or host pari-
17 mutuel wagering;

18

19 (xii) "Identifier" means a person who verifies
20 the identity of each race horse prior to the race;

21

1 (xiii) "Jockey" means a person who is a race
2 rider of a horse, including a licensed jockey or an
3 apprentice jockey;

4

5 (xiv) "Jockey agent" means a person who handles
6 the daily business of a jockey or apprentice;

7

8 (xv) "Mutuel employee" means a person who acts
9 under the direction of the mutuel managers and sells
10 betting tickets;

11

12 (xvi) "Mutuel manager" means a person who is an
13 employee of the permittee who manages the mutuel department
14 overseeing all wagering activity;

15

16 (xvii) "Owner" means a person who is the owner,
17 part owner or lessee of a horse;

18

19 (xviii) "Paddock judge" means a person who is
20 responsible for the paddock area and saddling routine of
21 the race horses;

22

1 (xix) "Pari-mutuel service provider" means any
2 ~~business or~~ person providing goods or services to a pari-
3 mutuel permitholder who is required to have access to
4 designated and secured areas of the pari-mutuel event or
5 provides direct services for the support of players or
6 wagering terminals;

7

8 (xx) "Patrol judge" means a person who observes
9 the progress of a race from various vantage points around
10 the track;

11

12 (xxi) "Permitholder" means a person or entity
13 holding a permit issued by the Wyoming gaming commission to
14 operate a pari-mutuel facility;

15

16 (xxii) "Permittee official" means any mutuel
17 manager, steward, events judge, placing judge, patrol
18 judge, paddock judge, clerk of scale, identifier, starter,
19 horsemen bookkeeper, track safety officer, racing secretary
20 and track superintendent who by virtue of their position
21 has unrestricted access to the pari-mutuel event grounds
22 and animals participating;

23

1 (xxiii) "Placing judge" means a person who posts
2 the order of finish in a race;

3

4 (xxiv) "Pony rider" means a person that rides a
5 horse while leading another race horse, either during a
6 training session or escorting the race horse to the post on
7 race days;

8

9 (xxv) "Private practice veterinarian" means a
10 Wyoming licensed veterinarian hired to provide services to
11 owners and trainers;

12

13 (xxvi) "Racing secretary" means a person who
14 drafts conditions of races and assigns weights for handicap
15 events;

16

17 (xxvii) "Security employee" means a person who
18 is responsible for the protection of property, ~~and~~ and people,
19 acting in accordance with the permittee's guidelines;

20

21 (xxviii) "Service provider employee" means a
22 person who is an employee of the pari-mutuel service

1 providers who ~~provide~~provides additional support to the
2 vendor;

3

4 (xxix) "Starter" means a person who is
5 responsible for the official dispatching of horses for a
6 race;

7

8 (xxx) "Steward" or "event judge" means a person
9 who is the head event official, or their designee, charged
10 with the duty of making sure the events comply with this
11 act and the rules of the commission;

12

13 (xxxii) "Track safety officer" means a person who
14 monitors the paddock and racetrack areas during all
15 training and racing hours for safety related issues;

16

17 (xxxiii) "Track superintendent" means a person
18 who is responsible for all track maintenance, ensuring that
19 the track surface is properly groomed and prepared for
20 training and racing hours;

21

22 (xxxiiii) "Trainer" means a person who is engaged
23 in the training of race horses;

1

2 (xxxiv) "Valet" means a person who assists in
3 the saddling of horses for the jockeys in a pari-mutuel
4 event;

5

6 (xxxv) "Veterinarian assistant" means a person
7 who is hired by a commission veterinarian or a private
8 practice veterinarian to assist in providing veterinarian
9 services under the direct supervision of a licensed
10 veterinarian.

11

12 (g) The commission may delegate authority to enforce
13 rules of the commission and this act to three (3) stewards
14 at each pari-mutuel event, at least one (1) of whom shall
15 be an employee of and selected by the commission. The
16 commission shall require at least one (1) steward to
17 supervise each simulcast location that is approved by the
18 commission. Stewards shall exercise such reasonable and
19 necessary authority as is designated by rules of the
20 commission including the following:

21

22 (i) Enforce rules of the commission and this
23 act;

1

2 (ii) Rule on the outcome of events;

3

4 (iii) Levy fines not to exceed one thousand
5 dollars (\$1,000.00) for violations of rules of the
6 commission. Violations shall be reported daily and fines
7 shall be paid to the commission within forty-eight (48)
8 hours of imposition and notice;

9

10 (iv) Suspend licenses not to exceed thirty (30)
11 calendar days for violations of rules of the commission.
12 Suspensions shall be reported to the commission daily;

13

14 (v) Recommend that the commission impose fines
15 or suspensions greater than permitted by paragraphs (iii)
16 and (iv) of this subsection.

17

18 (h) Only a licensed steward of the permitted event
19 may impose fines or license suspensions except that a
20 starter may impose fines when horses arrive at the gate
21 until off time in an amount not exceeding two hundred
22 dollars (\$200.00).

23

1 (j) Any fine or license suspension imposed by a
2 steward or fine imposed by a starter may be appealed in
3 writing to the commission within five (5) days after its
4 imposition. The commission may affirm or reverse the
5 decision of a steward or starter or may increase or
6 decrease any fine or suspension. A fine imposed by the
7 commission shall not exceed ten thousand dollars
8 (\$10,000.00). Suspensions of a license may be for any
9 period of time, but shall be commensurate with the
10 seriousness of the offense.

11

12 (k) The commission shall access criminal history
13 record information for ~~all operators and vendors under~~
14 ~~article 3 of this chapter and~~ all licensees, permittees and
15 employees of the commission under W.S. 9-1-627(d) for the
16 purposes of this act. Every applicant for a permit or
17 license under this act shall provide the commission
18 fingerprints and other information necessary for a criminal
19 history record background check as provided under W.S. 7-
20 19-201.

21

22 (m) The commission shall establish the number of
23 actual live horse racing or pari-mutuel event days required

1 to qualify for a simulcasting permit. The commission shall
2 adopt rules governing establishment of live horse racing or
3 pari-mutuel event days required for a simulcasting permit
4 in a manner that ensures fair and equitable involvement of
5 all affected parties, including consideration of the
6 economic viability of those days to permit applicants.

7

8 (n) ~~Commencing July 1, 2020, any person conducting an~~
9 ~~activity as specified by W.S. 6-7-101(a)(iii)(D) or (F)~~
10 ~~shall first obtain a license from the commission. Under~~
11 ~~this subsection, the commission shall not charge license~~
12 ~~applicants any fee and shall not require any fee for any~~
13 ~~license issued. Any person required to be licensed under~~
14 ~~this subsection shall file an annual report with the~~
15 ~~commission as specified by rule.~~

16

17 (o) ~~In addition to all other duties, the commission,~~
18 ~~in the reasonable exercise of its discretion, shall:~~

19

20 (i) ~~Enforce W.S. 6-7-101 through 6-7-104;~~

21

1 ~~(ii) Regulate online sports wagering and sports~~
2 ~~wagering operators and vendors under W.S. 9-24-101 through~~
3 ~~9-24-106.~~

4
5 ~~11-25-208.~~ 9-24-410. **Penalties.**

6
7 (a) Any person holding or conducting any pari-mutuel
8 event in connection with the pari-mutuel system of wagering
9 without a permit issued in accordance with this act, or any
10 person who violates any other provision of this act is
11 guilty of a misdemeanor and shall be fined not more than
12 ten thousand dollars (\$10,000.00), imprisoned for not more
13 than six (6) months, or both.

14
15 (b) ~~The attorney general may, at the request of the~~
16 ~~commission, act on behalf of the commission to prosecute~~
17 ~~criminal actions under this chapter or title 6, chapter 7,~~
18 ~~article 1 of the Wyoming statutes if after a thorough~~
19 ~~investigation the action is deemed advisable by the~~
20 ~~attorney general.~~

21

1 ~~11-25-305~~ 9-24-506. Operator permit, vendor license
 2 and skill based amusement game decal approval; criteria;
 3 review.

4

5 (a) The commission shall, not more than sixty (60)
 6 days after the date of receipt of an application or
 7 application for renewal for an operator permit, vendor
 8 license or skill based amusement game decal under W.S. ~~11-~~
 9 ~~25-304~~ 9-24-505 either:

10

11 (i) Issue the permit, license or decal; or

12

13 (ii) Deny the application based on the grounds
 14 that the applicant failed to qualify as provided by
 15 subsection (b) of this section.

16

17 (b) The commission shall deny any application under
 18 this article upon finding any of the following:

19

20 (i) The applicant has been convicted of,
 21 forfeited bail on or pleaded guilty within ten (10) years
 22 before the date of filing the application to:

23

1 (A) A crime involving theft, dishonesty or
2 fraud;

3

4 (B) Bribery or unlawfully influencing a
5 public official;

6

7 (C) A felony involving physical harm to an
8 individual; or

9

10 (D) Any other crime identified by
11 commission rules that negatively impacts the applicant's
12 credibility or the security, integrity or fairness of play
13 of skill based amusement games operated by the applicant.

14

15 (ii) The applicant tampered with submitted
16 documentation or concealed, failed to disclose or otherwise
17 attempted to mislead the commission with respect to any
18 material fact contained in the application or contained in
19 any other information required of or submitted by an
20 applicant to the commission;

21

22 (iii) The applicant failed or refused to
23 cooperate in the investigation of a crime relating to

1 gambling, corruption of a public official or any organized
2 criminal activity;

3

4 (iv) The applicant failed to otherwise meet the
5 requirements imposed under this article.

6

7 (c) Operators shall have a continuing duty to
8 disclose in writing any material change in the information
9 provided in the application to the commission, including:

10

11 (i) Changes to names and contact information;

12

13 (ii) Arrests, convictions, guilty pleas,
14 disciplinary actions or license denials in Wyoming and any
15 other jurisdiction;

16

17 (iii) Any civil action brought against the
18 operator or establishment; and

19

20 (iv) Any other information required by
21 commission rules.

22

1 (d) If the commission denies an application or
2 intends to revoke or suspend a license or permit issued
3 under this article, it shall notify the applicant, licensee
4 or permittee in writing, stating the grounds for denial,
5 revocation or suspension and informing the person of a
6 right to submit, before not more than thirty (30) days, any
7 additional documentation relating to the grounds of denial,
8 revocation or suspension. Upon receiving any additional
9 documentation, the commission shall reconsider its decision
10 and inform the applicant before not more than twenty (20)
11 days of the result of the reconsideration. A denial of an
12 application under this article shall be subject to the
13 contested case procedures of the Wyoming Administrative
14 Procedure Act.

15

16

ARTICLE 6

17

ONLINE SPORTS WAGERING

18

19

~~9-24-101~~ 9-24-601. Definitions.

20

21

(a) As used in this ~~chapter~~ article:

22

1 (i) "Cash equivalent" means an asset that is
2 convertible to cash and approved for use in connection with
3 online sports wagering. Approved cash equivalents include:

4

5 (A) Travelers checks;

6

7 (B) Foreign currency and coin;

8

9 (C) Certified checks, cashier's checks and
10 money orders;

11

12 (D) Personal checks and drafts;

13

14 (E) Digital, crypto and virtual currencies;

15

16 (F) Online and mobile payment systems that
17 support online money transfers;

18

19 (G) Credit cards and debit cards;

20

21 (H) Prepaid access instruments;

22

1 (J) Any other form of asset that is
2 convertible to cash approved by commission rules.

3

4 (ii) ~~"Commission" means the Wyoming gaming~~
5 ~~commission;~~

6

7 (iii) ~~"Director" means the executive director of~~
8 ~~the commission;~~

9

10 (iv) "Fantasy sports contest" means a simulated
11 game or contest with an entry fee that meets all of the
12 following conditions:

13

14 (A) No fantasy sports contest team is
15 composed entirely of individual contestants who are members
16 of the same real world sports team;

17

18 (B) Each prize and award or the value of
19 all prizes and awards offered to winning fantasy sports
20 contest players is made known to the fantasy sports contest
21 players in advance of the fantasy sports contest;

22

1 (C) Each winning outcome reflects the
2 relative knowledge and skill of the fantasy sports contest
3 players and is determined by the aggregated statistical
4 results of the performance of multiple individual
5 contestants who each fantasy sports contest player has
6 selected to form that player's fantasy sports contest team.
7 The individual performances of the individual contestants
8 in the fantasy sports contest directly correspond with the
9 actual performances of those contestants in a real world
10 sporting event in which those individuals participated;

11

12 (D) A winning outcome is not based on the
13 performance of a single real world sports team, any
14 combination of real world sports teams or a single
15 contestant in a real world sporting event, nor is it based
16 on the score or point spread of one (1) or more real world
17 sporting events;

18

19 (E) The fantasy sports contest does not
20 constitute or involve a slot machine or a fixed, commercial
21 electrical gaming device.

22

1 (v) "Fantasy sports contest player" means a
2 person who engages in selecting individual contestants to
3 comprise a team for a fantasy sports contest;

4

5 (vi) "Online sports wagering" means engaging in
6 sports wagering conducted by a sports wagering operator
7 through a sports wagering account over the internet by use
8 of a computer, digital platform or mobile application on a
9 mobile device, any of which uses communications technology
10 to accept sports wagers or any system or method of
11 electronic sports wagering approved by commission rules.
12 "Online sports wagering" shall not include or be conducted
13 from any physical location created by a sports wagering
14 operator or vendor for a patron to physically visit to
15 place a wager;

16

17 (vii) "Online sports wagering revenue" means the
18 total of all wagers placed by patrons with an online sports
19 wagering operator, excluding the actual dollar value of
20 free wagers and promotional play provided, minus all
21 payments to patrons and minus any applicable federal excise
22 taxes. Payments to patrons include all payments of cash,
23 cash equivalents, merchandise and any other thing of value;

1

2 (viii) "Patron" means a person who places an
3 online sports wagering wager;

4

5 (ix) "Prohibited sports wager" means:

6

7 (A) A wager involving any sporting event or
8 other event where the majority of contestants or athletes
9 in the sporting event are under the age of eighteen (18)
10 years;

11

12 (B) Any wagering category not authorized by
13 law or commission rules adopted in compliance with law.

14

15 (x) "Qualified gaming entity" means a gaming
16 entity that offers online sports wagering through
17 computers, digital platforms or mobile applications in not
18 less than three (3) jurisdictions in the United States
19 pursuant to a state regulatory structure;

20

21 (xi) "Sporting event" means any professional
22 sports event or athletic event, any Olympic or
23 international sports event or athletic event, any amateur

1 sports event or athletic event, any collegiate sports event
2 or athletic event, electronic sports, or any portion
3 thereof, including the individual performance statistics of
4 contestants or athletes in sports events, athletic events
5 or a combination of sports and athletic events, or any
6 other event approved by commission rules;

7

8 (xii) "Sports wagering" means the business of
9 accepting wagers from patrons on sporting events through
10 online sports wagering. "Sports wagering" wagers include
11 single game bets, teaser bets, parlays, over-under,
12 moneyline, pools, exchange wagering, in-game wagering, in-
13 play bets, proposition bets and straight bets. "Sports
14 wagering" shall not include any of the following:

15

16 (A) Activities other than online sports
17 wagering that are exempted from criminal penalties under
18 W.S. 6-7-101 through 6-7-104;

19

20 (B) Activities outside of this ~~chapter~~
21 article authorized or regulated by the commission;

22

23 (C) Lotteries authorized by law;

1

2

(D) Fantasy sports contests;

3

4

(E) Prohibited sports wagers.

5

6

(xiii) "Sports wagering account" means a financial record established by a sports wagering operator for an individual patron into which the patron may deposit and from which the patron may withdraw funds for sports wagering and other purchases, and into which the sports wagering operator may credit winnings or other amounts due to that patron or authorized by that patron. In compliance with any other applicable law, a sports wagering account may be established electronically through an approved mobile application or digital platform;

16

17

(xiv) "Sports wagering operator" means any qualified gaming entity authorized by the commission to accept online sports wagers;

20

21

(xv) "Sports wagering vendor" means a vendor that provides services to a sports wagering operator that the sports wagering operator uses to accept online sports

23

1 wagers, including geolocation services, know your customer
2 services, payment processors, server host providers,
3 integrity monitoring services, cyber security services and
4 data providers;

5

6 (xvi) "Critical component" means any part or
7 component of a mobile application or digital platform that:

8

9 (A) Records, stores, processes, shares,
10 transmits or receives sensitive information, including
11 validation numbers and personal identification numbers; or

12

13 (B) Stores the results or the current
14 status of a patron's wager with an online sports wagering
15 operator.

16

17 (xvii) "Key personnel" means any person employed
18 in an executive or supervisory capacity by a license
19 holder, permit holder or applicant and who is authorized to
20 make discretionary decisions that exhibit influence or
21 control over gaming operations.

22

1 ~~9-24-102~~ 9-24-602. Online sports wagering regulation;
2 rulemaking.

3

4 (a) The commission shall regulate online sports
5 wagering and sports wagering operators and vendors.

6

7 (b) The commission shall promulgate rules to
8 implement this ~~chapter~~ article. The rules the commission
9 promulgates shall establish standards and procedures for
10 online sports wagering and associated sports wagering
11 systems. The rules shall include:

12

13 (i) Governance of the conduct of online sports
14 wagering and the system of wagering associated with online
15 sports wagering, including all of the following:

16

17 (A) Terms and conditions for online sports
18 wagering that are compliant with all applicable federal
19 laws;

20

21 (B) Identification of the sporting events
22 upon which online sports wagers may be accepted and methods
23 of play;

1

2

(C) The manner in which online sports wagers are received and payoffs are remitted;

4

5

(D) Procedures for managing and resolving suspected cheating, sports wagering irregularities and complaints;

8

9

(E) A requirement that for a patron to make a lawful wager the patron must be physically present in the state when making the wager unless otherwise authorized by the commission;

13

14

(F) A requirement for each sports wagering operator to use a geolocation system to ensure that a patron making an online sports wager is physically present in the state when making the wager unless otherwise authorized by the commission;

19

20

(G) Internal controls for all aspects of online sports wagering, including procedures for system integrity, system security, operations and accounting;

23

1 (H) Operational controls for online gaming
2 accounts;

3
4 (J) Procedures to ensure that sports
5 wagering operators do not offer prohibited sports wagers.

6
7 (ii) Establishing the method for calculating
8 online sports wagering revenue and standards for the
9 counting and recording of cash and cash equivalents
10 received in the conduct of online sports wagering, to
11 include methods for ensuring that internal controls are
12 followed, financial records are maintained and audits are
13 conducted;

14
15 (iii) Reasonable minimum qualifications for
16 sports wagering operators;

17
18 (iv) Any other matters necessary for overseeing
19 online sports wagering and sports wagering operators and
20 vendors.

21
22 (c) In promulgating rules pursuant to this ~~section~~
23 article, the commission shall examine the regulations

1 implemented in other states where online sports wagering is
2 conducted and shall, as far as practicable, adopt a similar
3 regulatory framework to maximize revenue generated for the
4 state.

5

6 ~~9-24-103~~ 9-24-603. **Permits; licenses; fees;**
7 **application.**

8

9 (a) A sports wagering operator shall possess a permit
10 issued by the commission to accept online sports wagers. No
11 person shall accept online sports wagers without holding a
12 valid permit issued by the commission.

13

14 (b) A qualified gaming entity applying for a sports
15 wagering operator permit shall do so on a uniform
16 application furnished by the commission. The fee for both
17 an initial application and renewal application shall be two
18 thousand five hundred dollars (\$2,500.00). The application
19 shall require an applicant, at a minimum, to provide:

20

21 (i) The full name, current address and contact
22 information of the applicant;

23

1 (ii) Disclosure of each person who has control
2 of the applicant as described in subsection (g) of this
3 section;

4

5 (iii) The applicant's fingerprints and the
6 fingerprints of individuals identified in subsection (g) of
7 this section considered to have control of an applicant or
8 permit holder;

9

10 (iv) Allowance for the commission to obtain
11 fingerprints and to conduct a national criminal history
12 record check of the applicant, each individual disclosed
13 under subsection (g) of this section and each person
14 required to be licensed under subsections (p) and (q) of
15 this section in accordance with procedures established by
16 the commission. This subsection shall not require an
17 applicant or individual who has submitted to a criminal
18 background check in this or any other state within the
19 twelve (12) months before submitting the application to
20 resubmit to another criminal background check provided that
21 the applicant or individual submits the results of the
22 previous criminal background check and affirms that there
23 has been no material change in the criminal history since

1 the time of the criminal background check. The cost of the
2 criminal history record background check shall be paid
3 using a portion of the applicant's application fee;

4

5 (v) Other information and permissions as
6 requested by the commission;

7

8 (vi) For the applicant and each person disclosed
9 under subsection (g) of this section, a record of previous
10 issuances and denials of any gambling related license or
11 application under Wyoming statutes or in any other
12 jurisdiction in the United States;

13

14 (vii) Any additional information required by
15 commission rules.

16

17 (c) The commission shall charge a permit fee of one
18 hundred thousand dollars (\$100,000.00) for an initial
19 sports wagering operator permit. An initial permit and any
20 renewal permit shall each be valid for five (5) years. The
21 commission shall charge a fee of fifty thousand dollars
22 (\$50,000.00) for a sports wagering operator permit renewal.

23

1 (d) A sports wagering vendor shall possess a permit
2 issued by the commission to conduct business in the state.
3 No person shall provide vendor services to a sports
4 wagering operator without holding a valid permit issued by
5 the commission.

6

7 (e) The commission shall charge a fee of ten thousand
8 dollars (\$10,000.00) for an initial sports wagering vendor
9 permit. An initial permit and any renewal permit shall each
10 be valid for five (5) years. The commission shall charge a
11 fee of five thousand dollars (\$5,000.00) for a sports
12 wagering vendor permit renewal.

13

14 (f) Sports wagering operator fees, sports wagering
15 vendor permit fees and license fees charged pursuant to
16 subsections (c), (e), (p) and (q) of this section shall be
17 deposited in the sports wagering account, which is hereby
18 created. Subject to legislative appropriation, amounts
19 within the account may be used by the commission for all
20 expenses incurred in administering this ~~chapter~~article. On
21 a quarterly basis, the commission shall transfer amounts
22 within the account in excess of five hundred thousand

1 dollars (\$500,000.00) to the state treasurer for credit to
2 the general fund.

3

4 (g) The following persons are considered to have
5 control of a sports wagering operator permit applicant or
6 permit holder:

7

8 (i) Each holding company, parent company or
9 subsidiary company of the applicant or permit holder;

10

11 (ii) Each person, except for a bank or other
12 licensed lending institution that holds a mortgage or other
13 lien acquired in the ordinary course of business, who owns
14 fifteen percent (15%) or more of a corporate applicant or
15 permit holder and has the ability to:

16

17 (A) Control the activities of the corporate
18 applicant or permit holder; or

19

20 (B) Elect a majority of the board of
21 directors of that corporate applicant or permit holder.

22

1 (iii) Each person associated with a noncorporate
2 applicant or permit holder who directly or indirectly holds
3 a beneficial or proprietary interest in the noncorporate
4 applicant's or permit holder's business operations or who
5 the commission otherwise determines has the ability to
6 control the noncorporate applicant or permit holder;

7

8 (iv) Key personnel of an applicant or permit
9 holder, including any executive, employee or agent having
10 the power to exercise ultimate decision making authority
11 over the applicant's or permit holder's sports wagering
12 operations in this state.

13

14 (h) The commission shall, not more than ninety (90)
15 days after the date of receipt of an application for a
16 permit or license or application for renewal of a permit or
17 license under this ~~section~~article, either:

18

19 (i) Issue the permit or license; or

20

21 (ii) Deny the application based on the grounds
22 that the applicant failed to qualify as provided by
23 subsection (j) of this section.

1

2 (j) The commission shall deny an application under
3 this article upon finding any of the following:

4

5 (i) The applicant or permit holder has been
6 convicted of, forfeited bail on or pleaded guilty to:

7

8 (A) A crime involving theft, dishonesty or
9 fraud;

10

11 (B) Bribery or unlawfully influencing a
12 public official;

13

14 (C) A felony crime involving physical harm
15 to a person; or

16

17 (D) Any other crime identified by rule of
18 the commission that negatively impacts the applicant's
19 credibility or the security, integrity or fairness of
20 online sports wagering.

21

22 (ii) The applicant tampered with submitted
23 documentation or concealed, failed to disclose or otherwise

1 attempted to mislead the commission with respect to any
2 material fact contained in the application or contained in
3 any other information required of or submitted by an
4 applicant to the commission;

5

6 (iii) The applicant, license holder or permit
7 holder failed or refused to cooperate in the investigation
8 of a crime related to gambling, corruption of a public
9 official or any organized criminal activity;

10

11 (iv) The applicant, license holder or permit
12 holder has intentionally not disclosed the existence or
13 identity of other persons who have control of the applicant
14 or permit holder as required by this section;

15

16 (v) The applicant, license holder or permit
17 holder has had a permit or license revoked by any
18 government authority responsible for the regulation of
19 sports wagering;

20

21 (vi) The applicant, license holder or permit
22 holder has not demonstrated financial responsibility

1 sufficient to adequately meet the requirements of this
2 ~~chapter~~article, as specified by rule of the commission; or

3

4 (vii) The applicant, license holder or permit
5 holder has not met the requirements of this section, any
6 other provision of this ~~chapter~~article, commission rules
7 or any applicable federal laws.

8

9 (k) Given a sufficient number of applicants, at any
10 one (1) time the commission shall issue not less than five
11 (5) sports wagering operator permits to applicants that
12 satisfy the requirements under this ~~chapter~~article. If an
13 insufficient number of applicants apply for a sports
14 wagering operator permit, this provision shall not be
15 interpreted to direct the commission to issue a permit to
16 an unqualified applicant.

17

18 (m) The commission shall issue a permit to a sports
19 wagering vendor that is currently operating in good
20 standing in a similar role in at least three (3)
21 jurisdictions in the United States under a state regulatory
22 structure and that has paid all required fees under
23 subsection (e) of this section.

1

2 (n) Permit holders and license holders under this
3 article shall have an ongoing obligation to disclose in
4 writing any material change in the information provided in
5 the application to the commission, including:

6

7 (i) Changes to names and contact information;

8

9 (ii) Arrests, convictions, guilty pleas,
10 disciplinary actions or license denials in Wyoming or any
11 other jurisdiction;

12

13 (iii) Any civil action brought against the
14 permit holder or license holder; and

15

16 (iv) Any other information specified by rule of
17 the commission.

18

19 (o) If the commission denies an application or
20 intends to revoke or suspend a permit or license issued
21 under this article, it shall notify the applicant, licensee
22 or permittee in writing, stating the grounds for denial,
23 revocation or suspension and informing the person of a

1 right to submit, within not more than thirty (30) days, any
2 additional documentation relating to the grounds for
3 denial, revocation or suspension. Upon receiving any
4 additional documentation, the commission shall reconsider
5 its decision and inform the applicant of its decision
6 within not more than twenty (20) days of the submission of
7 information for reconsideration. A denial of an application
8 or a revocation or suspension of a permit or license under
9 this article shall be subject to the contested case
10 procedures of the Wyoming Administrative Procedure Act.

11

12 (p) Key personnel of an applicant, license holder or
13 permit holder who may exercise ultimate decision making
14 authority over the applicant's, permit holder's or license
15 holder's online sports wagering operations in this state
16 shall be licensed by the commission. The commission shall
17 charge a fee of two hundred fifty dollars (\$250.00) for an
18 initial license and renewal application under this
19 subsection. An initial license and any renewal license
20 issued under this subsection shall each be valid for five
21 (5) years.

22

1 (q) Any employee of an applicant, license holder or
2 permit holder who is not subject to licensure under
3 subsection (p) of this section and who is authorized to
4 change and is capable of changing play or outcome of wagers
5 through the deployment of code to production for any
6 critical component of the applicant's, permit holder's or
7 license holder's mobile application or digital platform in
8 this state shall be licensed by the commission. The
9 commission shall charge a fee of two hundred fifty dollars
10 (\$250.00) for an initial license and renewal application
11 under this subsection. An initial license and any renewal
12 license issued under this subsection shall each be valid
13 for five (5) years.

14

15 ~~9-24-106~~ 9-24-606. Penalties; compliance.

16

17 (a) Any person who knowingly accepts online sports
18 wagers or otherwise operates a business of sports wagering
19 and does not possess a valid permit or license issued by
20 the commission under this ~~chapter~~ article shall be subject
21 to the following, in addition to any penalty imposed under
22 W.S. 6-7-102:

23

1 (i) For a first offense, a civil penalty of
2 twenty-five thousand dollars (\$25,000.00);

3

4 (ii) For a second or subsequent offense, a civil
5 penalty of fifty thousand dollars (\$50,000.00).

6

7 (b) When a series of similar events result in a
8 violation under this ~~chapter~~article or commission rules,
9 those events that occur within the same month shall be
10 treated as one offense and not separate and distinct
11 offenses.

12

13 (c) The commission shall develop a compliance program
14 that includes establishing procedures to review online
15 sports wagering and related activities occurring in the
16 state to ensure compliance with and enforcement of this
17 ~~chapter~~article. The program shall include review and
18 evaluation of the conduct of:

19

20 (i) Sports wagering operators, sports wagering
21 vendors, qualified gaming entities, patrons and any other
22 person permitted or authorized to engage in activities
23 under this ~~chapter~~article; and

1

2 (ii) Persons operating without a valid permit or
3 license under this ~~chapter~~article, engaging in activities
4 not authorized or regulated under this ~~chapter~~article or
5 pursuing or engaging in activities otherwise in violation
6 of this ~~chapter~~article.

7

8 **Section 4.** W.S. 9-24-104 and 9-24-604 are renumbered
9 as 9-24-105 and 9-24-605, 11-25-101 is renumbered as 9-24-
10 202, 11-25-103 is renumbered as 9-24-203, 11-25-201 through
11 11-25-207 are renumbered as 9-24-403 through 9-24-409, 11-
12 25-209 is renumbered as 9-24-411, 11-25-301 through 11-25-
13 304 are renumbered as 9-24-502 through 9-24-505 and 11-25-
14 306 is renumbered as 9-24-507.

15

16 **Section 5.** W.S. 6-7-101(a)(i) and (iii)(D), (F), (N)
17 and (O), 11-25-102(a)(ii) and (xv) through (xxii),
18 renumbered as 9-24-401(a) (ii) and (xv) through (xxii) by
19 this act, 11-25-104(a) through (c), (n) and (o),
20 renumbered as 9-24-402(a) through (c), (n) and (o) by this
21 act, and 11-25-208(b), renumbered as 9-24-410(b) by this
22 act, are repealed.

23

1 *****

2 *****

3 STAFF COMMENT

4 The following provisions are repealed and do not otherwise
5 appear in the text of this bill (as they are not
6 renumbered):

7
8 6-7-101. Definitions.

9
10 (a) As used in this article:

11
12 ~~(i) "Calcutta wagering" means wagering on the~~
13 ~~outcome of amateur contests, cutter horse racing, dog sled~~
14 ~~racing, professional rodeo events or professional golf~~
15 ~~tournament in which those who wager bid at auction for the~~
16 ~~exclusive right to "purchase" or wager upon a particular~~
17 ~~contestant or entrant in the event and when the outcome of~~
18 ~~the event has been decided the total wagers comprising the~~
19 ~~pool, less a percentage "take-out" by the event's sponsor,~~
20 ~~is distributed to those who "purchased" or wagered upon the~~
21 ~~winning contestants or entrants;~~

22
23 (iii) "Gambling" means risking any property for
24 gain contingent in whole or in part upon lot, chance, the
25 operation of a gambling device or the happening or outcome
26 of an event, including a sporting event, over which the
27 person taking a risk has no control, but does not include
28 any of the following:

29
30 ~~(D) Bingo games conducted, or pull tabs~~
31 ~~sold, by charitable or nonprofit organizations where the~~
32 ~~tickets for the bingo are sold only in this state and the~~
33 ~~pull tabs are sold only on the premises owned or occupied~~
34 ~~by the charitable or nonprofit organization provided that:~~

35
36 ~~(I) Bingo games and pull tab games~~
37 ~~shall only be conducted by charitable or nonprofit~~
38 ~~organizations, which have been in existence in this state~~
39 ~~for at least three (3) years and, commencing July 1, 2020,~~
40 ~~are licensed by the Wyoming gaming commission under W.S.~~
41 ~~11-25-104(n) to conduct bingo or pull tab games;~~

42
43 ~~(II) In conducting bingo games and~~
44 ~~pull tab games the organization shall use only volunteers~~
45 ~~who are bona fide members of the charitable or nonprofit~~

1 ~~organization or employees or contractors who are paid by~~
2 ~~the organization to assist in the operation of the game;~~

3
4 ~~(III) Players of bingo games or pull~~
5 ~~tab games shall be eighteen (18) years or older;~~

6
7 ~~(IV) At least sixty-five percent (65%)~~
8 ~~of all gross sales shall be redeemed as winnings each~~
9 ~~month. The net proceeds after payment of winnings shall be~~
10 ~~restricted as follows:~~

11
12 ~~(1) No more than forty percent~~
13 ~~(40%) of net proceeds shall be paid to distributors or~~
14 ~~manufacturers of supplies or equipment necessary to conduct~~
15 ~~the game; and~~

16
17 ~~(2) Seventy-five percent (75%) of~~
18 ~~the net proceeds remaining after payment for all costs and~~
19 ~~supplies shall be donated within one (1) year by the~~
20 ~~organization to a bona fide charitable or benevolent~~
21 ~~purpose.~~

22
23 ~~(F) Calcutta wagering on contests or events~~
24 ~~conducted by a bona fide nationally chartered veterans',~~
25 ~~religious, charitable, educational or fraternal~~
26 ~~organization or nonprofit local civic or service club~~
27 ~~organized or incorporated under the laws of this state and,~~
28 ~~commencing July 1, 2020, licensed by the Wyoming gaming~~
29 ~~commission under W.S. 11-25-104(n) to conduct calcutta~~
30 ~~wagering on contests or events, provided that:~~

31
32 ~~(I) The contest or event is conducted~~
33 ~~solely in this state;~~

34
35 ~~(II) Any rules affecting the contest~~
36 ~~or requirements for participants are clearly posted;~~

37
38 ~~(III) The total prizes or prize money~~
39 ~~paid out in any one (1) contest or event does not exceed~~
40 ~~ninety percent (90%) of the total wagers;~~

41
42 ~~(IV) A minimum of ten percent (10%) of~~
43 ~~the total wagers on each contest or event is donated within~~
44 ~~one (1) year by the sponsoring organization to a bona fide~~
45 ~~charitable or benevolent purpose;~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

~~(V) No separate organization or professional person is employed to conduct the contest or event or assist therein;~~

~~(VI) The sponsoring organization before conducting the contest or event gives thirty (30) days written notice of the time and place thereof to the governing body of the county or municipality in which it intends to conduct the contest or event and the governing body does not pass a resolution objecting thereto;~~

~~(VII) The sponsoring organization has complied with the relevant sections of the internal revenue code of 1954, as amended, relating to taxes on wagering.~~

~~(N) Online sports wagering regulated under W.S. 9-24-101 through 9-24-106;~~

~~(O) Fantasy sports contests as defined in W.S. 9-24-101(a)(iv).~~

25 **Section 6.** It is the intent of the legislature that
26 this act consolidates statutes related to the regulation of
27 gaming activities in the state of Wyoming by repealing,
28 creating, renumbering and amending statutes. Any other act
29 adopted by the Wyoming legislature during the same session
30 in which this act is adopted shall be given precedence and
31 shall prevail over the amendments in this act to the extent
32 that such acts are in conflict with this act, except that
33 the provisions of such acts shall be incorporated by the

1 legislative service office into conforming or sequential
2 statute section numbers as are adopted in this act.

3

4 **Section 7.** This act is effective July 1, 2025.

5

6 (END)