

DRAFT ONLY NOT APPROVED FOR INTRODUCTION
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SENATE FILE NO.

Online casinos and sweepstakes prohibited.

Sponsored by: SDraft Committee

A BILL

for

1 AN ACT relating to gambling; amending the definition of
 2 professional gambling to include operating online casino or
 3 sweepstakes games and knowingly providing services related
 4 to those games; creating definitions; specifying
 5 construction of provisions related to the promotional
 6 advertising of prizes; and providing for an effective date.

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

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11 **STAFF COMMENT**

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- 13 • The bill draft is intended to address questions
 14 concerning whether existing gambling law covers online
 15 casino and sweepstakes games, including whether those
 16 games involve risking property ("anything of value
 17 whether tangible or intangible, real or personal,

public or private") for gain ("the direct realization of winnings"), whether simulated games are covered, and whether the law clearly reaches operators and related service providers.

- This bill draft addresses online casino and sweepstakes games under Wyoming's existing professional gambling law.
- Under current law, professional gambling includes, in effect, operating an illegal gambling business by "aiding or inducing another person to engage in gambling, with the intent to derive a profit."
- The bill draft adds operating an online casino or sweepstakes game, and knowingly providing services to operate, offer or promote those games, to the definition of professional gambling.
- Amending the definition of professional gambling makes related existing terms applicable, including "gambling device," "gambling record" and "gambling proceeds," which are subject to seizure and disposition under existing law.
- Because professional gambling is already a felony under W.S. 6-7-102, the conduct added by the bill would be subject to that existing felony penalty, copied below.

6-7-102. Gambling; professional gambling; penalties.

(b) A person who engages in professional gambling commits a felony punishable by imprisonment for not more than three (3) years, a fine of not more than three thousand dollars (\$3,000.00), or both.

Section 1. W.S. 40-12-210 is created to read:

40-12-210. Construction of article.

1 Nothing in this article shall be construed to authorize the
2 operation, offering or promotion of an online casino or
3 sweepstakes game as defined in W.S. 6-7-101(a)(xv).

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5 **Section 2.** W.S. 6-7-101(a)(viii) and by creating new
6 paragraphs (xv) and (xvi) is amended to read:

7
8 **6-7-101. Definitions.**

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10 (a) As used in this article:

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12 (viii) "Professional gambling" means:

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14 (A) Aiding or inducing another to engage in
15 gambling, with the intent to derive a profit therefrom; ~~or~~

16
17 (B) Participating in gambling and having,
18 other than by virtue of skill or luck, a lesser chance of
19 losing or a greater chance of winning than one (1) or more
20 of the other participants; ~~or~~

21
22 (C) Operating an online casino or
23 sweepstakes game for play by another person, or knowingly

1 providing services for the purpose of operating, offering
2 or promoting an online casino or sweepstakes game for play
3 by another person, including geolocation services, payment
4 processing, server hosting, platform services, gaming
5 content, data services, promotion or advertising. This
6 subparagraph shall not apply to a person's participation in
7 an online casino or sweepstakes game solely as a player;

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9 (xv) "Online casino or sweepstakes game" means
10 any game, contest or promotion that:

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12 (A) Is offered for play or conducted over
13 the internet by use of a computer, digital platform or
14 mobile application on a mobile device;

15
16 (B) Involves, directly or indirectly, the
17 risking or use of property or a representative of value for
18 the opportunity to obtain property or a chance to obtain
19 property;

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21 (C) Enables a person to participate in
22 gambling or wagering activity, or simulates gambling or
23 wagering activity; and

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(D) Is not a game, contest, promotion or activity that, if conducted in accordance with applicable law, is excluded from the definition of gambling under paragraph (iii) of this subsection or otherwise expressly authorized by the laws of this state or federal law.

(xvi) "Representative of value" means any unit used as part of a single-currency, dual-currency, multi-currency, free-play, promotional-play, sweepstakes-entry or similar system that may be awarded, exchanged, redeemed or used, directly or indirectly, to obtain property or a chance to obtain property.

Section 3. This act is effective July 1, 2027.

(END)