**DRAFT ONLY
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INTRODUCTION**

SENATE FILE NO.

Online sweepstakes prohibited.

Sponsored by: SDraft Committee

A BILL

for

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

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

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STAFF COMMENT

- **The bill draft is intended to address questions concerning whether existing gambling law covers online sweepstakes games, including whether those games involve risking property ("anything of value 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 sweepstakes games under Wyoming's existing professional gambling law.**
- **Under current law, professional gambling includes 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 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.

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

40-12-210. Construction of article.

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

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

6-7-101. Definitions.

(a) As used in this article:

(viii) "Professional gambling" means:

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

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

(C) Operating an online sweepstakes game for play by another person, or knowingly providing services for

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

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

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

(B) Involves, directly or indirectly, the risking of property or a representative of value to obtain property or a chance to obtain property;

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

(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 virtual 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)