

**Superseded 5/14/2019**

**76-10-1102 Gambling.**

- (1) A person is guilty of gambling if the person:
  - (a) participates in gambling, including any Internet or online gambling;
  - (b) knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented, or under the control of the actor, whether in whole or in part;  
or
  - (c) knowingly allows the use of any video gaming device that is:
    - (i) in any business establishment or public place; and
    - (ii) accessible for use by any person within the establishment or public place.
- (2) Gambling is a class B misdemeanor, except that any person who is convicted two or more times under this section is guilty of a class A misdemeanor.
- (3)
  - (a) A person is guilty of a class A misdemeanor who intentionally provides or offers to provide any form of Internet or online gambling to any person in this state.
  - (b) Subsection (3)(a) does not apply to an Internet service provider or hosting company as defined in Section 76-10-1230, a provider of public telecommunications services as defined in Section 54-8b-2, or an Internet advertising service by reason of the fact that the Internet service provider, hosting company, Internet advertising service, or provider of public telecommunications services:
    - (i) transmits, routes, or provides connections for material without selecting the material; or
    - (ii) stores or delivers the material at the direction of a user.
- (4) If any federal law is enacted that authorizes Internet gambling in the states and that federal law provides that individual states may opt out of Internet gambling, this state shall opt out of Internet gambling in the manner provided by federal law and within the time frame provided by that law.
- (5) Whether or not any federal law is enacted that authorizes Internet gambling in the states, this section acts as this state's prohibition of any gambling, including Internet gambling, in this state.