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Gambling Revisions

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joseph Elison

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill clarifies the definition of gambling.

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Highlighted Provisions:

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This bill:

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- ▶ defines a term;
- ▶ clarifies that a proposition bet falls within the definition of gambling; and
- ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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76-9-1401, as renumbered and amended by Laws of Utah 2025, Chapter 173

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Be it enacted by the Legislature of the state of Utah:

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Section 1. Section **76-9-1401** is amended to read:

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76-9-1401 . Definitions.

18

As used in this part:

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(1)(a) "Amusement device" means a game that:

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(i) is activated by a coin, token, or other object of consideration or value; and

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(ii) does not provide the opportunity to:

22

(A) enter into a sweepstakes, lottery, or other gambling event; or

23

(B) receive any form of consideration or value, except an appropriate reward.

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(b) "Amusement device" includes:

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(i) a video game;

26

(ii) a driving simulator;

- (iii) an electronic game;
- (iv) a claw machine;
- (v) a bowling game;
- (vi) a shuffleboard game;
- (vii) a skee-ball game;
- (viii) a pool table;
- (ix) a pinball machine;
- (x) a target machine; and
- (xi) a baseball machine.

(2) "Amusement facility" means a facility that:

- (a) is operated primarily for the purpose of providing amusement or entertainment to customers;
- (b) is located on property that is open to customers for the purpose of providing customers with an opportunity to use an amusement device;
- (c) receives a substantial amount of the facility's revenue from the operation of amusement devices; and
- (d) does not provide an opportunity for, or a machine or device that enables, gambling or fringe gambling.

(3)(a) "Appropriate reward" means a reward that:

- (i) an individual receives as a result of the individual's participation in or use of an amusement device; and
- (ii) provides:
 - (A) full and adequate return for money, a token, or other consideration or value invested into the amusement device;
 - (B) an immediate and unrecorded ability to replay a game featured on an amusement device that is not exchangeable for value;
 - (C) a toy, novelty, or other non-monetary prize with a value of less than \$100 as a reward for playing; or
 - (D) tickets or credits that are redeemable for a toy, novelty, or non-monetary prize at an amusement facility, or at any franchise or chain of the amusement facility, where the amusement device is located.

(b) "Appropriate reward" does not include money, a gift certificate, a gift card, credit to be used in a retail store, or other form of monetary compensation or reward.

(4) "Consumer" means the same as that term is defined in Section 76-5c-401.

65 (5) "Enter or entry" means an act or process by which an individual becomes eligible to
66 receive a prize offered for participation in any form of sweepstakes, game, or contest.

67 (6)(a) "Fringe gambling" means any de facto form of gambling, lottery, fringe gaming
68 device, or video gaming device that is given, conducted, or offered for use or sale by
69 a business in exchange for anything of value or incident to the purchase of another
70 good or service.

71 (b) "Fringe gambling" does not include:

72 (i) a promotional activity that is clearly ancillary to the primary activity of a business;
73 or
74 (ii) use of an amusement device or vending machine.

75 (7)(a) "Fringe gaming device" means a mechanically, electrically, or electronically
76 operated machine or device that:

77 (i) is not an amusement device or a vending machine;
78 (ii) is capable of displaying or otherwise presenting information on a screen or
79 through any other mechanism; and
80 (iii) provides the user with a card, token, credit, gift certificate, product, or
81 opportunity to participate in a contest, game, gaming scheme, or sweepstakes with
82 a potential return of money or other prize.

83 (b) "Fringe gaming device" includes a machine or device similar to a machine or device
84 described in Subsection (7)(a) that seeks to avoid application or circumvent this part
85 or Utah Constitution, Article VI, Section 27.

86 (8)(a) "Gambling" means risking anything of value for a return or risking anything of
87 value upon the outcome of a contest, game, gaming scheme, or gaming device when
88 the return or outcome:

89 (i) is based on an element of chance, regardless of:
90 (A) the existence of a preview or pre-reveal feature in the device, contest, or
91 game; or
92 (B) whether the preview or pre-reveal feature described in Subsection (8)(a)(i)(A)
93 allows users to see individual or successive outcomes; and
94 (ii) is in accord with an agreement or understanding that someone will receive
95 anything of value in the event of a certain outcome.

96 (b) "Gambling" includes:

97 (i) a lottery[.] ; and
98 (ii) a proposition bet.

99 (c) "Gambling" does not include:

100 (i) a lawful business transaction; or

101 (ii) use of an amusement device.

102 (9) "Gambling bet" means money, checks, credit, or any other representation of value.

103 (10) "Gambling device or record" means anything specifically designed for use in gambling

104 or fringe gambling or used primarily for gambling or fringe gambling.

105 (11) "Gambling proceeds" means anything of value used in gambling or fringe gambling.

106 (12) "Internet service provider" means a person engaged in the business of providing [

107 Internet] internet access service, with the intent of making a profit, to consumers in Utah.

108 (13) "Lottery" means any scheme for the disposal or distribution of property by chance

109 among persons who have paid or promised to pay any valuable consideration for the

110 chance of obtaining property, or portion of it, or for any share or any interest in property,

111 upon any agreement, understanding, or expectation that it is to be distributed or disposed

112 of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever

113 name it is known.

114 (14) "Online gambling" means gambling, fringe gambling, or gaming by use of:

115 (a) the [Internet] internet; or

116 (b) any mobile electronic device that allows access to data and information.

117 (15) "Prize" means a gift, award, gratuity, good, service, credit, or anything else of value

118 that may be or is transferred to an individual or placed on an account or other record

119 with the intent to be transferred to an individual.

120 (16) "Promotional activity that is clearly ancillary to the primary activity of a business"

121 means a promotional activity that:

122 (a) continues for a limited period of time;

123 (b) is related to a good or service ordinarily provided by a business or the marketing or

124 advertisement of a good or service ordinarily provided by the business;

125 (c) does not require an individual to purchase a good or service from the business in

126 consideration for participation or an advantage in the promotional activity or any

127 other contest, game, gaming scheme, sweepstakes, or promotional activity;

128 (d) promotes a good or service described in Subsection (16)(b) on terms that are

129 commercially reasonable; and

130 (e) does not, through use of a machine or device:

131 (i) simulate a gambling environment;

132 (ii) require the purchase of something of value to participate in the promotional

133 activity that is not regularly used, purchased, or redeemed by users of the machine
134 or device;

135 (iii) provide a good or service described in Subsection (16)(b):
136 (A) in a manner in which the person acquiring the good or service is unable to
137 immediately acquire, redeem, or otherwise use the good or service after the
138 time of purchase; or
139 (B) at a value less than the full value of the good or service;
140 (iv) appear or operate in a manner similar to a machine or device that is normally
141 found in a casino for the purpose of gambling;
142 (v) provide an entertaining display, designed to appeal to an individual's senses, that
143 promotes actual or simulated game play that is similar in appearance or function
144 to gambling, including:
145 (A) a video playing card game, including a video poker game;
146 (B) a video bingo game;
147 (C) a video craps game;
148 (D) a video keno game;
149 (E) a video lotto game;
150 (F) an 8-liner machine;
151 (G) a Pot O' Gold game;
152 (H) a video game involving a random or chance matching of pictures, words,
153 numbers, or symbols; or
154 (I) a video game that reveals a prize as the game is played; or
155 (vi) otherwise create a pretextual transaction to facilitate a contest, game, gaming
156 scheme, or sweepstakes in an attempt to circumvent the requirements of this part
157 or [Article VI, Section 27, of the Utah Constitution] Utah Constitution, Article VI,
158 Section 27.

159 (17) "Proposition bet" means a gambling bet on an individual action, statistic, occurrence,
160 or non-occurrence during an athletic event.

161 [(17)] (18) "Skill-based game" means a game, played on a machine or device, the outcome
162 of which is based, in whole or in part, on the skill of the player, regardless of whether a
163 degree of chance is involved.

164 [(18)] (19) "Sweepstakes" means a game, advertising scheme, marketing scheme, or other
165 promotion:

166 (a) that an individual may enter with or without payment of any consideration;

167 (b) that qualifies the person to win a prize; and
168 (c) the result of which is based on chance.

169 [(49)] (20) "Vending machine" means a device:

170 (a) that dispenses merchandise in exchange for money or any other item of value;
171 (b) that provides full and adequate return of the value deposited;
172 (c) through which the return of value is not conditioned on an element of chance or skill;
173 and
174 (d)(i) does not include a promotional activity; or
175 (ii) includes a promotional activity that is clearly ancillary to the primary activity of a
176 business.

177 [(20)] (21) "Video gaming device" means a device that includes all of the following:

178 (a) a video display and computer mechanism for playing a game;
179 (b) the length of play of any single game is not substantially affected by the skill,
180 knowledge, or dexterity of the player;
181 (c) a meter, tracking, or recording mechanism that records or tracks any money, tokens,
182 games, or credits accumulated or remaining;
183 (d) a play option that permits a player to spend or risk varying amounts of money,
184 tokens, or credits during a single game, in which the spending or risking of a greater
185 amount of money, tokens, or credits:
186 (i) does not significantly extend the length of play time of any single game; and
187 (ii) provides for a chance of greater return of credits, games, or money; and
188 (e) an operating mechanism that, in order to function, requires inserting money, tokens,
189 or other valuable consideration other than entering the user's name, birthdate, or
190 contact information.

191 **Section 2. Effective Date.**

192 This bill takes effect on May 6, 2026.