Effective 5/7/2025

Part 14
Gambling

76-9-1401 Definitions.

As used in this part:

(1)

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

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

(ii) does not provide the opportunity to:

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

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

(b) "Amusement device" includes:

(i) a video game;

(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.

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

(6)

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

(b) "Fringe gambling" does not include:

(i) a promotional activity that is clearly ancillary to the primary activity of a business; or

(ii) use of an amusement device or vending machine.

(7)

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

(i) is not an amusement device or a vending machine;

(ii) is capable of displaying or otherwise presenting information on a screen or through any other mechanism; and

(iii) provides the user with a card, token, credit, gift certificate, product, or opportunity to participate in a contest, game, gaming scheme, or sweepstakes with a potential return of money or other prize.

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

(8)

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

(i) is based on an element of chance, regardless of:

(A) the existence of a preview or pre-reveal feature in the device, contest, or game; or

(B) whether the preview or pre-reveal feature described in Subsection (8)(a)(i)(A) allows users to see individual or successive outcomes; and

(ii) is in accord with an agreement or understanding that someone will receive anything of value in the event of a certain outcome.

(b) "Gambling" includes:

(i) a lottery; and

(ii) a proposition bet.

(c) "Gambling" does not include:

(i) a lawful business transaction; or

(ii) use of an amusement device.

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

(10) "Gambling device or record" means anything specifically designed for use in gambling or fringe gambling or used primarily for gambling or fringe gambling.

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

(12) "Internet service provider" means a person engaged in the business of providing internet access service, with the intent of making a profit, to consumers in Utah.

(13) "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property, or portion of it, or for any share or any interest in property, upon any

agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it is known.

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

(a) the internet; or

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

(15) "Prize" means a gift, award, gratuity, good, service, credit, or anything else of value that may be or is transferred to an individual or placed on an account or other record with the intent to be transferred to an individual.

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

(a) continues for a limited period of time;

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

(c) does not require an individual to purchase a good or service from the business in consideration for participation or an advantage in the promotional activity or any other contest, game, gaming scheme, sweepstakes, or promotional activity;

(d) promotes a good or service described in Subsection (16)(b) on terms that are commercially reasonable; and

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

(i) simulate a gambling environment;

(ii) require the purchase of something of value to participate in the promotional activity that is not regularly used, purchased, or redeemed by users of the machine or device;

(iii) provide a good or service described in Subsection (16)(b):

(A) in a manner in which the person acquiring the good or service is unable to immediately acquire, redeem, or otherwise use the good or service after the time of purchase; or

(B) at a value less than the full value of the good or service;

(iv) appear or operate in a manner similar to a machine or device that is normally found in a casino for the purpose of gambling;

(v) provide an entertaining display, designed to appeal to an individual's senses, that promotes actual or simulated game play that is similar in appearance or function to gambling, including:

(A) a video playing card game, including a video poker game;

(B) a video bingo game;

(C) a video craps game;

(D) a video keno game;

(E) a video lotto game;

(F) an 8-liner machine;

(G) a Pot O' Gold game;

(H) a video game involving a random or chance matching of pictures, words, numbers, or symbols; or

(I) a video game that reveals a prize as the game is played; or

(vi) otherwise create a pretextual transaction to facilitate a contest, game, gaming scheme, or sweepstakes in an attempt to circumvent the requirements of this part or Utah Constitution, Article VI, Section 27.

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

(18) "Skill-based game" means a game, played on a machine or device, the outcome of which is based, in whole or in part, on the skill of the player, regardless of whether a degree of chance is involved.
(19) "Sweepstakes" means a game, advertising scheme, marketing scheme, or other promotion:
(a) that an individual may enter with or without payment of any consideration;
(b) that qualifies the person to win a prize; and
(c) the result of which is based on chance.
(20) "Vending machine" means a device:
(a) that dispenses merchandise in exchange for money or any other item of value;
(b) that provides full and adequate return of the value deposited;
(c) through which the return of value is not conditioned on an element of chance or skill; and
(d)
(i) does not include a promotional activity; or
(ii) includes a promotional activity that is clearly ancillary to the primary activity of a business.
(21) "Video gaming device" means a device that includes all of the following:
(a) a video display and computer mechanism for playing a game;
(b) the length of play of any single game is not substantially affected by the skill, knowledge, or dexterity of the player;
(c) a meter, tracking, or recording mechanism that records or tracks any money, tokens, games, or credits accumulated or remaining;
(d) a play option that permits a player to spend or risk varying amounts of money, tokens, or credits during a single game, in which the spending or risking of a greater amount of money, tokens, or credits:
(i) does not significantly extend the length of play time of any single game; and
(ii) provides for a chance of greater return of credits, games, or money; and
(e) an operating mechanism that, in order to function, requires inserting money, tokens, or other valuable consideration other than entering the user's name, birthdate, or contact information.

Amended by Chapter 410, 2026 General Session

76-9-1402 Participating in gambling.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits participating in gambling if the actor participates in:
(a) gambling;
(b) fringe gambling; or
(c) online gambling.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2).
(4) If federal law authorizes online gambling in the states of the United States and provides that individual states may opt out of online gambling, this state shall opt out of online gambling in the manner provided by federal law and within the time frame provided by that law.
(5) Regardless of whether a federal law is enacted that authorizes online gambling in the states of the United States, this section and Section 76-9-1404 act as this state's prohibition of gambling, fringe gambling, or online gambling, in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1403 Permitting gambling.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits permitting gambling if the actor knowingly:

(a) permits gambling or fringe gambling to be played, conducted, or dealt upon or in real or personal property owned, rented, or under the control of the actor, whether in whole or in part; or

(b) allows the use of a video gaming device that is:

(i) in a business establishment or public place; and

(ii) accessible for use by an individual within the establishment or public place.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2).

Enacted by Chapter 173, 2025 General Session

76-9-1404 Online gambling promotion.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits online gambling promotion if the actor intentionally provides or offers to provide a form of online gambling to an individual in this state.

(3) A violation of Subsection (2) is a third degree felony.

(4) This section does not apply to an Internet service provider, a hosting company as defined in Section 76-5c-401, a provider of public telecommunications services as defined in Section 54-8b-2, or an Internet advertising service that:

(a) transmits, routes, or provides connections for material without selecting the material; or

(b) stores or delivers the material at the direction of a user.

Enacted by Chapter 173, 2025 General Session

76-9-1405 General gambling promotion.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits general gambling promotion if the actor:

(a) derives, or intends to derive, an economic benefit other than personal winnings from gambling or fringe gambling; and

(b)

(i) induces or aids another individual to engage in gambling or fringe gambling; or

(ii) knowingly invests in, finances, owns, controls, supervises, manages, or participates in gambling or fringe gambling.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1406 Gambling fraud.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits gambling fraud if the actor:

(a) participates in gambling or fringe gambling;

(b) wins or acquires gambling proceeds for the actor or another individual; and

(c) knows the actor has a lesser risk of losing or greater chance of winning than one or more of the other participants, and the risk is not known to all the other participants.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of what the actor wins or acquires for the actor or another individual is or exceeds $5,000;

(b) a third degree felony if the value of what the actor wins or acquires for the actor or another individual is or exceeds $1,500 but is less than $5,000;

(c) a class A misdemeanor if the value of what the actor wins or acquires for the actor or another individual is or exceeds $500 but is less than $1,500; or

(d) a class B misdemeanor if the value of what the actor wins or acquires for the actor or another individual is less than $500.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1407 Possessing a gambling device or record.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits possessing a gambling device or record if the actor:

(a) knowingly possesses a gambling device or record; and

(b) intends to use the gambling device or record in gambling or fringe gambling.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1408 Deriving a benefit from a fringe gaming device.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits deriving a benefit from a fringe gaming device if the actor:

(a) permits a fringe gaming device to be located on or in real or personal property owned, rented, or under the control of the actor;

(b) allows individual or public access or use of a fringe gaming device as part of a business owned or operated by the actor;

(c) induces or aids an individual to use a fringe gaming device;

(d) invests in, finances, owns, controls, or otherwise manages a fringe gaming device; or

(e) possesses a fringe gaming device with the intent to use or allow another individual to use the fringe gaming device.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2).

(4) This section applies regardless of whether the fringe gaming device:

(a) is server-based;

(b) uses a simulated game terminal as a representation of a prize associated with the results of a sweepstakes entry;

(c) uses a simulated game to influence or determine the result of the simulated game or the value of a prize;

(d) selects the winner of a prize from a predetermined or finite pool of entries;

(e) includes a pre-reveal feature;

(f) predetermines a prize and reveals the prize at the time a sweepstakes entry result is revealed;

(g) requires deposit of any money, coin, token, or gift certificate, or the use of a credit card, debit card, prepaid card, or any other method of payment to activate the device;

(h) requires direct payment into the machine or device or remote activation of the device;

(i) requires a purchase of a related product regardless of whether the product has legitimate value;

(j) reveals the prize incrementally, regardless of whether a prize is awarded; or

(k) includes a skill-based game.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1409 Advertising or soliciting participation in a lottery.

(1)

(a) As used in this section, "conspicuously printed" means printed in either larger or bolder type size than the adjacent and surrounding material so as to be clearly legible to an individual viewing the print.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits advertising or soliciting participation in a lottery if the actor distributes or disseminates an advertisement or other written or printed material containing an advertisement or solicitation for participation in a lottery.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is subject to a fine of $2,500.

(b) A violation of Subsection (2) is subject to a fine of $10,000 if the actor has previously been convicted of a violation of Subsection (2).

(4) This section does not apply if the advertisement or solicitation contains or includes the words "Void in Utah" conspicuously printed in the advertisement or solicitation.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1410 Obtaining a benefit from a confidence game.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

(2) An actor commits obtaining a benefit from a confidence game if the actor knowingly obtains or attempts to obtain from another individual money or property by any means, instrument, or device commonly referred to as a confidence game.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of what the actor obtains is or exceeds $5,000;

(b) a third degree felony if the value of what the actor obtains is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value of what the actor obtains is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value of what the actor obtains is less than $500.
(4) An indictment, information, or complaint under this section shall be deemed and held to contain a sufficient description of the offense if the indictment, information, or complaint contains:
(a) the date that the actor is accused of unlawfully and knowingly obtaining money or property from another individual;
(b) the name of the individual from whom the actor is accused of obtaining money or property;
(c) a description of the money or property obtained by the actor from the individual; and
(d) a description of the confidence game the actor used to obtain the money or property from the individual.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1411 Local control -- Seizure and disposition of gambling debts or proceeds.
(1) This part does not preempt or otherwise limit a county or municipality from enacting a local ordinance related to gambling or fringe gambling.
(2) The following that are reasonably identifiable as having been used or obtained in violation of this part or a local ordinance may be seized and are subject to forfeiture proceedings in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, or Title 77, Chapter 11b, Forfeiture of Seized Property:
(a) gambling bets;
(b) gambling proceeds;
(c) gambling debts; and
(d) fringe gaming devices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1412 Cause of action.
(1) An individual who suffers an economic loss as a result of a fringe gaming device, video gaming device, or gambling device or record may bring a cause of action against a person who operates or receives revenue from the fringe gaming device, video gaming device, or gambling device or record to recover damages, costs, and attorney fees.
(2) An individual who brings suit under Subsection (1) may recover twice the amount of the economic loss described in Subsection (1).

Renumbered and Amended by Chapter 173, 2025 General Session