

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:

28 32B-3-303, as last amended by Laws of Utah 2011, Chapter 307

29 32B-5-301, as last amended by Laws of Utah 2019, Chapter 403

30 32B-9-204, as last amended by Laws of Utah 2012, Chapter 365

31 76-10-1101, as last amended by Laws of Utah 2019, Chapter 185

32 76-10-1102, as last amended by Laws of Utah 2019, Chapter 185

33 76-10-1104, as last amended by Laws of Utah 2019, Chapter 185

34 76-10-1105, as last amended by Laws of Utah 2019, Chapter 185

35 ENACTS:

35a **Ĥ→ 76-10-1101.5, Utah Code Annotated 1953 ←Ĥ**

36 76-10-1110, Utah Code Annotated 1953

37 76-10-1112, Utah Code Annotated 1953

38 76-10-1113, Utah Code Annotated 1953



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

41 Section 1. Section 32B-3-303 is amended to read:

42 **32B-3-303. Acts making a person subject to this part.**

43 (1) One or more of the following acts constitute a nuisance activity:

44 (a) a single felony conviction within the last two years of:

45 (i) a retail licensee; or

46 (ii) supervisory or managerial level staff of the retail licensee;

47 (b) a single conviction under Title 58, Chapter 37, Utah Controlled Substances Act:

48 (i) (A) of a retail licensee; or

49 (B) staff of the retail licensee;

50 (ii) within the last two years; and

51 (iii) made on the basis of an act that occurs on the licensed premises;

52 (c) three or more convictions of patrons of a retail licensee under Title 58, Chapter 37,

53 Utah Controlled Substances Act, if:

54 (i) the convictions are made on the basis of an act that occurs on the licensed premises;

55 and

459 (17) "Skill-based game" means a game, played on a machine or device, the outcome of  
 460 which is based, in whole or in part, on the skill of the player, regardless of whether a degree of  
 461 chance is involved.

462 (18) "Sweepstakes" means a game, advertising scheme, marketing scheme, or other  
 463 promotion:

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

465 (b) that qualifies the person to win a prize; and

466 (c) the result of which is based on chance.

467 (19) "Vending machine" means a device:

468 (a) that dispenses merchandise in exchange for money or any other item of value;

469 (b) that provides full and adequate return of the value deposited;

470 (c) through which the return of value is not conditioned on an element of chance or  
 471 skill; and

472 (d) (i) does not include a promotional activity; or

473 (ii) includes a promotional activity that is clearly ancillary to the primary activity of a  
 474 business.

475 ~~[(12)]~~ (20) "Video gaming device" means [any] a device that [possesses all] includes  
 476 all of the following [characteristics]:

477 (a) a video display and computer mechanism for playing a game;

478 (b) the length of play of any single game is not substantially affected by the skill,  
 479 knowledge, or dexterity of the player;

480 (c) a meter, tracking, or recording mechanism that records or tracks any money, tokens,  
 481 games, or credits accumulated or remaining;

482 (d) a play option that permits a player to spend or risk varying amounts of money,  
 483 tokens, or credits during a single game, in which the spending or risking of a greater amount of  
 484 money, tokens, or credits:

485 (i) does not significantly extend the length of play time of any single game; and

486 (ii) provides for a chance of greater return of credits, games, or money; and

487 (e) an operating mechanism that, in order to function, requires inserting money, tokens,  
 488 or other valuable consideration other than [solely] entering the user's name, birthdate, or  
 489 contact information.

489a ~~H~~→Section 5. Section 76-10-1101.5 is enacted to read:

489b 76-10-1101.5. General culpability requirement applicable.

489c **Nothing in this part preempts or makes inapplicable the provisions of Title 76, Chapter**  
 489d **2, Part 1, Culpability Generally.** ←~~H~~

490 Section ~~H~~→ [5] 6 ←~~H~~ . Section 76-10-1102 is amended to read:

491 **76-10-1102. Gambling.**

492 (1) A person is guilty of gambling if the person:

493 (a) participates in gambling or fringe gambling, including any Internet or online  
494 gambling;

495 (b) knowingly permits ~~any~~ gambling or fringe gambling to be played, conducted, or  
496 dealt upon or in any real or personal property owned, rented, or under the control of the actor,  
497 whether in whole or in part; or

498 (c) knowingly allows the use of any video gaming device that is:

499 (i) in any business establishment or public place; and

500 (ii) accessible for use by any person within the establishment or public place.

501 (2) Gambling is a class B misdemeanor, except that any person who is convicted two  
502 or more times under this section is guilty of a class A misdemeanor.

503 (3) (a) A person is guilty of a ~~class A misdemeanor~~ third degree felony who  
504 intentionally provides or offers to provide any form of Internet or online gambling to any  
505 person in this state.

506 (b) Subsection (3)(a) does not apply to an Internet service provider, a hosting company  
507 as defined in Section 76-10-1230, a provider of public telecommunications services as defined  
508 in Section 54-8b-2, or an Internet advertising service by reason of the fact that the Internet  
509 service provider, hosting company, Internet advertising service, or provider of public  
510 telecommunications services:

511 (i) transmits, routes, or provides connections for material without selecting the  
512 material; or

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

514 (4) If any federal law ~~[is enacted that]~~ authorizes Internet gambling in the states and  
515 that federal law provides that individual states may opt out of Internet gambling, this state shall  
516 opt out of Internet gambling in the manner provided by federal law and within the time frame  
517 provided by that law.

518 (5) ~~[Whether or not any]~~ Regardless of whether a federal law is enacted that authorizes  
519 Internet gambling in the states, this section acts as this state's prohibition of any gambling,  
520 including Internet gambling, in this state.