

2026 Regular Session

HOUSE BILL NO. 883

BY REPRESENTATIVE SCHLEGEL

1 AN ACT

2 To amend and reenact R.S. 14:90.3(B), (C)(introductory paragraph), (1), (9), and (10), and
3 (D) through (K) and to enact R.S. 14:90.3(C)(11) and (12) and (L) through (R) and
4 R.S. 27:19.1 and 19.2, relative to restrictions against illegal online gambling; to
5 provide for penalties for violations thereof; to provide for enforcement; to provide
6 for remedies; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:90.3(B), (C)(introductory paragraph), (1), (9), and (10), and (D)
9 through (K) are hereby amended and reenacted and R.S. 14:90.3(C)(11) and (12) and (L)
10 through (R) are hereby enacted to read as follows:

11 §90.3. Gambling by computer

12 * * *

13 B. Gambling by computer is the intentional conducting, or directly assisting
14 in the conducting as a business of any game, contest, lottery, or contrivance whereby
15 a person risks the loss of anything of value in order to realize a profit when accessing
16 the Internet, World Wide Web, or any part thereof by way of any computer,
17 computer system, computer network, computer software, or any server. Any game,
18 contest, or promotion that is available on the internet or accessible on a mobile
19 phone, computer terminal, or similar access device that utilizes a dual-currency
20 system of payment allowing the player to exchange the currency for any prize or
21 award, cash, or cash equivalents, or any chance to win any prize or award, cash, or
22 cash equivalents, and simulates any form of gambling constitutes gambling by
23 computer.

1 C. For purposes of this Section, the following definitions apply:

2 (1) "Client" means anyone physically located within this state using a
3 computer to access a computer server to make gambling by computer wagers.

4 * * *

5 (9) "Merchant payment processor" means an entity that establishes a
6 contractual relationship with a person engaged in the business of gambling by
7 computer for the purpose of processing payment transactions on behalf of such
8 person. A "merchant payment processor" does not include any federally insured
9 financial institution, its subsidiaries or affiliates, or any payment card network.

10 (10) "Platform provider" means any person storing or hosting content, files,
11 data, and other information on a web server to make the content, files, data, or other
12 information accessible on a website via a computer, mobile device, tablet, or other
13 interactive device. A "platform provider" does not include any federally insured
14 financial institution, its subsidiaries or affiliates, or any payment card network.

15 (11) "Server" means a computer that listens for and services a client.

16 (12) "World Wide Web" means a server providing connections to mega lists
17 of information on the Internet; it is made up of millions of individual web sites
18 linked together.

19 D. ~~Whoever~~ Any client, as defined by this Section, who commits the crime
20 of gambling by computer shall be fined not more than five hundred dollars, or
21 imprisoned for not more than six months, or both.

22 E. Whoever engages in gambling by computer, including anyone who
23 designs, develops, manages, supervises, maintains, provides, or produces any
24 computer services, computer system, computer network, computer software, or any
25 server providing a Home Page, Web Site, or any other product accessing the Internet,
26 World Wide Web, or any part thereof offering to any client for the primary purpose
27 of the conducting as a business of any game, contest, lottery, or contrivance whereby
28 a person risks the loss of anything of value in order to realize a profit shall be fined
29 not more than ~~twenty~~ one hundred thousand dollars, or imprisoned with or without
30 hard labor, for not more than five years, or both.

1 F. Any applicant, licensed entity, platform provider, geolocation provider,
2 gaming content supplier, promoter, endorser, media affiliate, or any other person
3 who knowingly supports or facilitates the operation, conduct, or promotion of
4 gambling by computer within this state shall be fined not more than twenty thousand
5 dollars, or imprisoned with or without hard labor for not more than five years, or
6 both. The financial penalties set forth in this Subsection shall be doubled when the
7 knowing support or facilitation of the operation or conduct of gambling by computer
8 involves an individual under twenty-one years of age.

9 G.(1) No merchant payment processor shall knowingly accept or process any
10 financial transaction in connection with the participation of a person physically
11 located in this state who is gambling by computer. A merchant payment processor
12 shall be deemed to have constructive knowledge that all persons and website URLs
13 identified by the attorney general pursuant to R.S. 27:19.1 are engaged in gambling
14 by computer.

15 (2) A merchant payment processor may, on its own initiative, block, prohibit,
16 prevent, or otherwise refuse to honor any financial transaction that it reasonably
17 believes is or will be a restricted transaction described in Paragraph (1) of this
18 Subsection. A merchant payment processor shall not be liable in tort to any person
19 for such preventative measures.

20 (3) A merchant payment processor who does not comply with a cease and
21 desist notice pursuant to R.S. 27:19.1 shall be subject to the penalties in Subsection
22 F of this Section.

23 H.(1) No platform provider shall receive or transmit through its service any
24 exchange of information that it reasonably believes is or will be sent in connection
25 with the participation of a person in gambling by computer. A platform provider
26 shall be deemed to have constructive knowledge that all persons and website URLs
27 identified by the attorney general pursuant to R.S. 27:19.1 are engaged in gambling
28 by computer.

29 (2) A platform provider may, on its own initiative, block the receipt or
30 transmission through its service of any exchange of information that it reasonably

1 believes is or will be sent in violation of Paragraph (1) of this Subsection. A
2 platform provider shall not be liable in tort to any person for such preventative
3 measures. The provisions of this Paragraph apply only to information regarding
4 illegal conduct of gambling by computer.

5 (3) A platform provider who does not comply with a cease and desist notice
6 pursuant to R.S. 27:19.1 shall be subject to the penalties in Subsection F of this
7 Section.

8 (4) A platform provider shall be deemed to have constructive knowledge that
9 all persons and website URLs identified by the attorney general pursuant to R.S.
10 27:19.1 are engaged in gambling by computer. A platform provider who accepts and
11 offers an advertisement for a person or website URL identified by the attorney
12 general pursuant to R.S. 27:19.1 shall constitute prima facie evidence of support of
13 gambling by computer.

14 I. Each gambling by computer wager offered or accepted by a person
15 constitutes a separate violation for purposes of this Section. Each individual
16 promotion of illegal online gambling in this state constitutes a separate violation.

17 J. Without limiting the penalties provided in this Section, the court shall
18 order forfeiture of any profits, gains, gross receipts, or other benefits earned by the
19 person in connection with violations of this Section.

20 F. K. The conducting or assisting in the conducting of gaming activities or
21 operations upon a riverboat, at the official gaming establishment, by operating an
22 electronic video draw poker device, by a charitable gaming licensee, or at a pari-
23 mutuel wagering facility, conducting slot machine gaming at an eligible horse racing
24 facility, or the operation of a state lottery which is licensed for operation and
25 regulated under the provisions of Chapters 4 and 11 of Title 4, Chapters 4, 5, 6, and
26 7 of Title 27, or Subtitle XI of Title 47 of the Louisiana Revised Statutes of 1950,
27 shall not be considered gambling by computer for the purposes of this Section, ~~so~~ as
28 long as the wagering is done on the premises of the licensed establishment.

29 ~~G. L.~~ The conducting or assisting in the conducting of pari-mutuel wagering
30 at licensed racing facilities under the provisions of Chapter 4 of Title 4 of the

1 Louisiana Revised Statutes of 1950, shall not be considered gambling by computer
2 for the purposes of this Section ~~so~~ as long as the wagering is done on the premises
3 of the licensed establishment.

4 ~~H.~~ M. Nothing in this Section shall prohibit, limit, or otherwise restrict the
5 purchase, sale, exchange, or other transaction related to stocks, bonds, futures,
6 options, commodities, or other similar instruments or transactions occurring on a
7 stock or commodities exchange, brokerage house, or similar entity.

8 ~~F.~~ N. The providing of Internet or other on-line access, transmission, routing,
9 storage, or other communication related services, or Web Site design, development,
10 storage, maintenance, billing, advertising, hypertext linking, transaction processing,
11 or other site related services, by telephone companies, Internet Service Providers,
12 software developers, licensors, or other such parties providing such services to
13 customers in the normal course of their business, shall not be considered gambling
14 by computer even though the activities of such customers using such services to
15 conduct a prohibited game, contest, lottery, or contrivance may constitute gambling
16 by computer for the purposes of this Section. The provisions of this Subsection shall
17 not exempt from criminal prosecution any telephone company, Internet Service
18 Provider, software developer, licensor, or other such party if its primary purpose in
19 providing such service is to conduct gambling as a business.

20 ~~F.~~ O. Except as provided in R.S. 27:305, participation in any fantasy sports
21 contest as defined by R.S. 27:302 shall not be considered gambling by computer for
22 the purposes of this Section.

23 ~~K.~~ P. Sports wagering shall not be considered gambling by computer for
24 purposes of this Section ~~so~~ as long as the wagering is conducted in compliance with
25 Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950 or Chapter 10 of
26 Subtitle XI of Title 47 of the Louisiana Revised Statutes of 1950.

27 Q. Nothing in this Section shall be construed to impose liability upon a
28 platform provider solely for the hosting, publication, transmission, or display of
29 information provided by a third party to the extent such liability is preempted by 47
30 U.S.C. 230.

1 C. The manner of service of a cease and desist notice issued in accordance
2 with this Section shall be made in compliance with Chapters 2 and 3 of Title II, Book
3 II of the Code of Civil Procedure.

4 D. A cease and desist notice served in accordance with this Section is
5 admissible in any proceeding pursuant to R.S. 14:90.3 and constitutes prima facie
6 evidence that the person has knowledge that gambling by computer or the promoting
7 or marketing of gambling by computer was occurring on the internet site of the
8 gambling by computer operator, that the platform provider was allowing the
9 exchange of information, or that the merchant payment processor was allowing the
10 exchange of currency in furtherance of gambling by computer.

11 E. A person outside of this state who owns, maintains, or operates an internet
12 website that transmits information through or with a platform provider and who
13 knows or should know that the information is broadcast within this state submits to
14 the jurisdiction of this state for enforcement pursuant to this Section.

15 F. Prior to sending a cease and desist notice, the attorney general may
16 provide reasonable notice to the board to enable the board to determine if it will join
17 in the notice.

18 G. If the attorney general has reason to believe that a person is offering,
19 operating, conducting, promoting, supporting, or acting in furtherance of gambling
20 by computer or taking any other action in violation of R.S. 14:90.3, he may bring an
21 action in the name of the state to restrain by temporary or permanent injunction the
22 conduct giving rise to such violation.

23 H. The attorney general may exercise his authority in furtherance of the
24 investigation and enforcement of this Section, including, without limitation, to issue
25 subpoenas.

26 I. The attorney general may utilize the division to conduct investigations and
27 enforce the provisions of this Section and the provisions of R.S. 14:90.3.

28 J. The attorney general may enter into agreements with the division, the
29 board, or any other federal or state law enforcement agency for the exchange and
30 release of investigatory and other information.

1 K. The attorney general and the court shall construe liberally this Title and
2 R.S. 14:90 et seq., relating to gambling and betting, to prevent prohibited activities.

3 §19.2. Attorney general; illegal online gambling; other civil remedies

4 A. In addition to any other remedy under law, upon application by the
5 attorney general, regardless of whether proceedings have been initiated pursuant to
6 this Chapter, a court may issue any relief it deems appropriate to prevent and restrain
7 activities prohibited by this Chapter. Such relief may include a temporary restraining
8 order, preliminary injunction, or injunction against any person in violation of R.S.
9 14:90.3 to prevent or restrain gambling by computer and any related transactions or
10 activities, including, without limitation, the removal of any gambling by computer
11 website, the freezing of bank or credit accounts associated with such website or such
12 gambling by computer activity, and the removal of a person's access to such websites
13 or accounts who participates in the gambling by computer activity. In an action
14 seeking injunctive relief, violation of this Chapter shall conclusively be determined
15 irreparable harm.

16 B.(1) In addition to the remedies available in Subsection A of this Section,
17 the attorney general may seek an ex parte injunction to do all the following:

18 (a) Compel a platform provider as defined in R.S. 14:90.3 to remove or
19 disable access to a website violating this Chapter, or a hypertext link to a website
20 violating this Chapter.

21 (b) Enjoin a merchant payment processor as defined in R.S. 14:90.3 from
22 processing transactions for the gambling by computer operator.

23 (c) Compel a person in violation of R.S. 14:90.3 to discontinue supporting,
24 marketing, promoting, or conducting gambling by computer in this state.

25 (2) In such case, a hearing on the ex parte injunction shall be held within
26 thirty days, and after such hearing the court may convert the injunction to a
27 preliminary injunction.

28 C. Relief granted pursuant to this Section against a platform provider that is
29 not otherwise engaged in gambling by computer shall:

1 (1) Be limited to the removal of, or disabling of access to, the website
2 violating this Chapter, or a hypertext link to a website violating this Chapter, that is
3 stored on a computer server that such platform provider controls or operates.

4 (2) Specify the website to which it applies.

5 (3) Specify the website or hypertext link to be removed or other access to be
6 disabled.

7 D. Any violation of an order entered against a platform provider or merchant
8 payment processor as defined in R.S. 14:90.3 is punishable by a fine of fifty
9 thousand dollars for a first violation and a fine of one hundred thousand dollars for
10 each subsequent violation for each day that the gambling by computer activity
11 remains accessible on the website to persons physically located in this state or for a
12 merchant payment processor, each subsequent gambling by computer transaction that
13 is processed and each act in support of gambling by computer.

14 E. Relief granted pursuant to this Section against a merchant payment
15 processor or other person that supports the operation, conduct, or promotion of
16 gambling by computer in violation of R.S. 14:90.3 that is not otherwise engaged in
17 illegal online gambling shall:

18 (1) Be limited to the suspension of processing transactions for the gambling
19 by computer operator and with persons physically located in this state, or be limited
20 to ceasing support of the operation, conduct, or promotion of gambling by computer
21 in this state.

22 (2) Specify the website to which it applies.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____