

2019 Regular Session

SENATE BILL NO. 153

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

GAMING. Provides relative to sports wagering. (See Act)

AN ACT

To amend and reenact R.S. 13:4721, R.S. 14:90(C) and 90.3(F), R.S. 27:3(24), 15(B)(1), 29(F), (H), and (I), 29.2(D), 29.3(A) and (D), 29.4(D), 44(10), (12), and (14), 58(5), 65(B)(11), 205(12) and (13), 239.1, 361(F), and 371(C), and to enact R.S. 18:1300.24, and R.S. 27:3(25) and (26), 15(B)(8)(c), and 29.2.1, and Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:601 through 607, relative to sports wagering; to require an election to authorize sports wagering; to provide for definitions; to provide regarding permits; to provide regarding sports wagering certificates; to provide regarding the duties and powers of the Gaming Control Board; to provide regarding rulemaking; to provide regarding prohibited wagers; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:3(24), 15(B)(1), 29(F), (H), and (I), 29.2(D), 29.3(A) and (D), 29.4(D), 44(10), (12), and (14), 58(5), 65(B)(11), 205(12) and (13), 239.1, 361(F), and 371(C) are hereby amended and reenacted and R.S. 27:3(25) and (26), 15(B)(8)(c), and

1 29.2.1, and Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, comprised of  
2 R.S. 27:601 through 607, are hereby enacted to read as follows:

3 §3. Definitions

4 For the purposes of this Title, the following terms have the following  
5 meanings, unless the context clearly indicates otherwise:

6 \* \* \*

7 (24) "Sports wagering service provider" means a person who has entered  
8 into a contract with the holder of a sports wagering certificate issued pursuant  
9 to the provisions of Chapter 10 of this Title to manage, administer, or control  
10 sports wagering for the certificate holder.

11 (25) "Sports wagering service provider permit" means the permit of a  
12 sports wagering service provider.

13 (26) "Suitable", "suitability", or "suitability requirements" means the criteria  
14 provided for in R.S. 27:28.

15 \* \* \*

16 §15. Board's authority; responsibilities

17 \* \* \*

18 B. The board shall:

19 (1) Have all regulatory authority, control, and jurisdiction, including  
20 investigation, licensing, and enforcement, and all power incidental or necessary to  
21 such regulatory authority, control, and jurisdiction over all aspects of gaming  
22 activities and operations as authorized pursuant to the provisions of the Louisiana  
23 Riverboat Economic Development and Gaming Control Act, the Louisiana  
24 Economic Development and Gaming Corporation Act, the Video Draw Poker  
25 Devices Control Law, the Sports Wagering Control Law, and the Louisiana  
26 Fantasy Sports Contests Act, except as otherwise specified in this Title. Further, the  
27 board shall have all regulatory, enforcement, and supervisory authority which exists  
28 in the state as to gaming on Indian lands as provided in the provisions of Act No. 888  
29 of the 1990 Regular Session of the Legislature and Act No. 817 of the 1993 Regular

1 Session of the Legislature.

2 \* \* \*

3 (8)

4 \* \* \*

5 **(c) Adopt, pursuant to the Administrative Procedure Act and as**  
6 **specifically provided for in R.S. 27:605, all rules necessary to implement,**  
7 **administer, and regulate sports wagering as authorized by Chapter 10 of this**  
8 **Title.**

9 \* \* \*

10 §29. Permit required; terms; disposition of fees

11 \* \* \*

12 F. The term of a permit issued pursuant to the provisions of R.S. 27:29.1,  
13 29.2, **29.2.1**, 29.3, and 86 shall be for five years.

14 \* \* \*

15 H. The division shall collect all fees assessed pursuant to the provisions of  
16 R.S. 27:29.1, 29.2, **29.2.1**, 29.3, and 29.4. The division shall deposit the fees in  
17 accordance with the provisions of R.S. 27:92.

18 I. The failure to remain current in the payment of any fee assessed pursuant  
19 to the provisions of R.S. 27:29.1, 29.2, **29.2.1**, 29.3, or 29.4 shall result in the  
20 suspension of the permit.

21 \* \* \*

22 §29.2. Gaming supplier permits

23 \* \* \*

24 D. A supplier shall furnish to the board a list of any gaming equipment and  
25 supplies offered by the supplier for sale or lease in connection with games authorized  
26 under this Title. A supplier shall keep books and records for the furnishing of gaming  
27 equipment and supplies to gaming operations separate and distinct from any other  
28 business that the supplier might operate. A supplier shall file a quarterly return with  
29 the board listing all sales and leases. A supplier shall permanently affix its name to

1 all its gaming devices, equipment, and supplies for gaming operations unless  
 2 otherwise authorized by the board. Any supplier's gaming devices, equipment, or  
 3 supplies which are used by any person in unauthorized gaming operations shall be  
 4 forfeited to the board. The holder of a license as defined in R.S. ~~27:44(14), R.S.~~  
 5 ~~27:353(5), and~~ **27:44(15) or 353(5)**, the casino gaming operator, **or a sports**  
 6 **wagering service provider as defined in R.S. 27:602(15)** may own its own gaming  
 7 devices, equipment, and supplies. Each supplier, ~~the~~ holder of a license as defined  
 8 in R.S. ~~27:44(14), R.S. 27:353(5), and~~ **27:44(15) or 353(5)**, the casino **gaming**  
 9 operator, **and each sports wagering service provider as defined in R.S.**  
 10 **27:602(15)** shall file an annual report with the board listing its inventories of gaming  
 11 devices, equipment, and supplies.

12 \* \* \*

13 **§29.2.1. Sports wagering service provider permits**

14 **A.(1) The board shall issue a sports wagering service provider permit to**  
 15 **any suitable person who desires to contract to manage, administer, and control**  
 16 **sports wagers for a holder of a license as defined in R.S. 27:44(15) or 353(5) or**  
 17 **the casino gaming operator.**

18 **(2) A person shall not contract to manage, administer, or control sports**  
 19 **wagers unless the person possesses a sports wagering service provider permit.**

20 **B. A sports wagering service provider shall keep books and records for**  
 21 **the management, administering, and controlling of sports wagering authorized**  
 22 **under this Title and for services for which it is contracted by a licensee or**  
 23 **operator. The keeping of books and records shall be separate and distinct from**  
 24 **any other business the sports wagering service provider might operate. A sports**  
 25 **wagering service provider shall file a quarterly return with the board listing all**  
 26 **of its contracts and services related to sports wagering authorized under this**  
 27 **Title.**

28 \* \* \*

29 §29.3. Non-gaming supplier permit



1 gaming operator, or a sports wagering service provider as defined in R.S. 27:602  
 2 shall ensure that all persons required to be licensed or permitted, or persons  
 3 performing regulated tasks who are supplied by contractual agreement or otherwise,  
 4 are properly licensed or permitted pursuant to this Title.

\* \* \*

6 §29.4. Key and non-key gaming employee permit

\* \* \*

8 D. The holder of a key or non-key gaming employee permit issued under this  
 9 Title shall be authorized to work in the capacity for which permitted for the holder  
 10 of a license as defined in R.S. ~~27:44(14), R.S. 27:353(5) or~~ 27:44(15) or 353(5), the  
 11 casino gaming operator, or a sports wagering service provider as defined in R.S.  
 12 27:602(15).

\* \* \*

14 §44. Definitions

15 When used in this Chapter, the following terms shall mean:

\* \* \*

17 (10)~~(a)~~ "Game" means any banking or percentage game which is played with  
 18 cards, dice, or any electronic, electrical, or mechanical device or machine for money,  
 19 property, or any thing of value. "Game" does not include a lottery, bingo, pull tabs,  
 20 raffles, electronic video bingo, cable television bingo, dog race wagering, or any  
 21 wagering on any type of sports event, including but not limited to football,  
 22 basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest  
 23 or event. ~~Game~~ "**Game**" shall also include racehorse wagering.

24 (b) Notwithstanding any provision of Subparagraph (a) of this  
 25 Paragraph to the contrary, "game" shall include sports wagering as authorized  
 26 in Chapter 10 of this Title with a licensee to whom the board has issued a sports  
 27 wagering certificate as defined in R.S. 27:602.

\* \* \*

29 (12)~~(a)~~ "Gaming device" or "gaming equipment" means any equipment or

1 mechanical, electro-mechanical, or electronic contrivance, component, or machine,  
2 including a slot machine, used directly or indirectly in connection with gaming or  
3 any game, which affects the result of a wager by determining wins or losses.

4 **(b) For a licensee to whom the board has issued a sports wagering**  
5 **certificate as defined in R.S. 27:602, "gaming device" or "gaming equipment"**  
6 **shall also include any equipment or mechanical, electro-mechanical, or**  
7 **electronic contrivance, component, or machine used directly or indirectly in**  
8 **connection with sports wagering.**

9 \* \* \*

10 (14)(a) "Gaming position" means a gaming device seat or a space at a table  
11 game. Each gaming device seat shall be counted as one position and each space at  
12 a table game shall be counted as one position, subject to the rules and regulations of  
13 the board. The board shall specifically provide by rule for the counting of gaming  
14 positions for devices and games where seats and spaces are not readily countable.

15 **(b) For a licensee to whom the board has issued a sports wagering**  
16 **certificate as defined in R.S. 27:602, "gaming position" shall also include a self-**  
17 **service wagering machine or self-service kiosk or a wagering window space**  
18 **where a sports wager is accepted and each space, machine, or kiosk where a**  
19 **sports wager is accepted shall be counted as one position, subject to the rules**  
20 **and regulations of the board.**

21 \* \* \*

22 §58. Division responsibilities

23 The division shall:

24 \* \* \*

25 (5) Require all licensees to utilize a cashless wagering system, except for  
26 racehorse wagering, **sports wagering**, and the play of slot machines, whereby all  
27 players' money is converted to tokens, electronic cards, or chips used only for  
28 wagering in the gaming establishment.

29 \* \* \*

1 §65. Licenses to conduct gaming activities upon riverboats; limitations

2 \* \* \*

3 B. Gaming shall be conducted aboard riverboats, subject to the following  
4 requirements:

5 \* \* \*

6 (11) Except for racehorse wagering, **sports wagering**, and the play of slot  
7 machines, gaming wagers may be made only with tokens, chips, vouchers, coupons,  
8 or electronic cards issued by the licensee. Such tokens, chips, vouchers, coupons, or  
9 electronic cards may be used while aboard the riverboat only for the purpose of  
10 making wagers on gaming games. Electronic cards may be used which are affixed  
11 with a magnetic storage media, a "smart card" or those containing an integrated  
12 circuit chip, but excluding credit cards issued by any other entity or institution or  
13 cards which automatically withdraw funds from a credit, savings, or checking  
14 account held at a depository institution as defined by Section 3 of the Federal  
15 Deposit Insurance Act, which includes any credit union.

16 \* \* \*

17 §205. Definitions

18 When used in this Chapter, the following terms have these meanings:

19 \* \* \*

20 (12)(a) "Game" means any banking or percentage game located exclusively  
21 within an official gaming establishment which is played with cards, dice, or any  
22 electronic, electrical, or mechanical device or machine for money, property, or any  
23 thing of value. ~~Game~~ **"Game"** does not include lottery, bingo, charitable games,  
24 raffles, electronic video bingo, pull tabs, cable television bingo, wagering on dog or  
25 horse races, sports betting, or wagering on any type of sports event, inclusive but not  
26 limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai,  
27 or other sports contest or event.

28 **(b) Notwithstanding any provision of Subparagraph (a) of this**  
29 **Paragraph to the contrary, "game" shall include sports wagering as authorized**

1 **in Chapter 10 of this Title if the board has issued the casino gaming operator**  
2 **a sports wagering certificate.**

3 (13)(a) "Gaming device" means any equipment or mechanical,  
4 electromechanical, or electronic contrivance, component, or machine used directly  
5 or indirectly in connection with gaming or any game which affects the result of a  
6 wager by determining win or loss. The term includes a system for processing  
7 information which can alter the normal criteria of random selection, which affects  
8 the operation of any game, or which determines the outcome of a game. The term  
9 does not include a system or device which affects a game solely by stopping its  
10 operation so that the outcome remains undetermined.

11 **(b) If the casino gaming operator has been issued a sports wagering**  
12 **certificate by the board to conduct sports wagering in accordance with Chapter**  
13 **10 of this Title, "gaming device" or "gaming equipment" shall also include any**  
14 **equipment or mechanical, electro-mechanical, or electronic contrivance,**  
15 **component, or machine used directly or indirectly in connection with sports**  
16 **wagering.**

17 \* \* \*

18 §239.1. Wagering at the official gaming establishment

19 **Wagering A. Except as provided in Subsection B of this Section, wagering**  
20 at the official gaming establishment may be made with tokens, chips, vouchers,  
21 coupons, or electronic cards issued by the casino gaming operator or an approved  
22 casino manager acting on behalf of the casino gaming operator. Electronic cards may  
23 be used which are affixed with a magnetic storage media, a "smart card" or those  
24 containing an integrated circuit chip, but excluding credit cards issued by any other  
25 entity or institution or cards which automatically withdraw funds from a credit,  
26 savings, or checking account held at a depository institution as defined by Section  
27 3 of the Federal Deposit Insurance Act, which includes any credit union.

28 **B. Notwithstanding any provision of Subsection A of this Section to the**  
29 **contrary, if the casino gaming operator is issued a sports wagering certificate**

1 by the board to conduct sports wagering in accordance with Chapter 10 of this  
2 Title, sports wagers at the official gaming establishment shall be made in cash  
3 or through a patron's verified wagering account.

4 \* \* \*

5 §361. Conduct of slot machine gaming; temporary conduct

6 \* \* \*

7 F.(1) Wagering at an eligible live racing facility may be made with tokens,  
8 chips, vouchers, coupons, or electronic cards issued by the licensed eligible facility  
9 or an approved facility manager acting on behalf of the facility. Electronic cards may  
10 be used which are affixed with a magnetic storage media, a "smart card" or those  
11 containing an integrated circuit chip, but excluding credit cards issued by any other  
12 entity or institution or cards which automatically withdraw funds from a credit,  
13 savings, or checking account held at a depository institution as defined by Section  
14 3 of the Federal Deposit Insurance Act, which includes any credit union.

15 (2) Notwithstanding any provision of Subsection A of this Section to the  
16 contrary, if the holder of a license as defined in R.S. 27:353(5) is issued a sports  
17 wagering certificate by the board to conduct sports wagering in accordance with  
18 Chapter 10 of this Title, sports wagers at the eligible facility may be made in  
19 cash or through a patron's verified wagering account.

20 \* \* \*

21 §371. Prohibition on operation of video draw poker devices; prohibition on any  
22 other type of game

23 \* \* \*

24 C. ~~Nothing~~ Except in the game of sports wagering in a designated slot  
25 machine gaming area where the holder of a license defined in R.S. 27:353(5)  
26 possesses a valid sports wagering certificate issued by the board, nothing in this  
27 Chapter shall be construed to permit the operation or play of any type of game the  
28 play of which requires the participation of an employee of the licensee.

29 \* \* \*

1                    CHAPTER 10. SPORTS WAGERING CONTROL ACT

2                    §601. Title

3                    This Chapter shall be cited and referred to as "The Louisiana Sports  
4                    Wagering Control Act".

5                    §602. Definitions

6                    Unless the context clearly indicates otherwise, when used in this Chapter,  
7                    the following terms shall mean:

8                    (1) "Applicant" means a person who has submitted an application to the  
9                    board seeking a certificate or permit, or the renewal thereof.

10                   (2) "Application" means the forms and schedules prescribed by the  
11                   board upon which an applicant seeks a certificate or permit or the renewal  
12                   thereof. Application also includes information, disclosure statements, and  
13                   financial statements submitted by an applicant as part of an application.

14                   (3) "Board" has the same meaning as that term has in R.S. 27:3.

15                   (4) "Division" has the same meaning as that term has in R.S. 27:3.

16                   (5) "Game" means a wager on a sports event or sporting event approved  
17                   by the board.

18                   (6) "Gaming activities" or "gaming operations" means the use,  
19                   operation, or conducting of any sports wagering at a riverboat, eligible facility,  
20                   or official gaming establishment including all activities related to and integral  
21                   to the operation and profitability of the licensee or casino gaming operator,  
22                   including accounting procedures and internal controls.

23                   (7) "Gaming device" or "gaming equipment" means any equipment or  
24                   mechanical, electro-mechanical, or electronic contrivance, component, or  
25                   machine, used directly or indirectly in connection with a sports wagering  
26                   system.

27                   (8) "Gaming position" means a sports wagering self-service machine or  
28                   self-service kiosk or a wagering window space where a sports wager is accepted.

29                   Each self-service machine or self-service kiosk shall be counted as one position

1 and each wagering window space where a sports wager is accepted shall be  
2 counted as one position, subject to the rules and regulations of the board.

3 (9) "Net sports wagering proceeds" means the total of all cash and  
4 property, including checks whether collected or not, received by the sports  
5 wagering certificate holder from sports wagering operations, less the total of all  
6 cash paid out as winnings to patrons.

7 (10) "Permit" has the same meaning as that term has in R.S. 27:3.

8 (11) "Permittee" has the same meaning as that term has in R.S. 27:3.

9 (12) "Person" has the same meaning as that term has in R.S. 27:3.

10 (13)(a) "Sports event" or "sporting event" means any professional sport  
11 or athletic event, any Olympic or international sports competition event, any  
12 collegiate sport or athletic event, or any portions thereof, including but not  
13 limited to the individual performance statistics of athletes in a sports event or  
14 combination of sports events. "Sports event" or "sporting event" shall not  
15 include a prohibited event or fantasy sports activity.

16 (b) "Professional sport or athletic event" as used in Subparagraph (a) of  
17 this Paragraph means an event at which two or more persons participate in a  
18 sport or athletic event and receive compensation in excess of actual expenses for  
19 their participation in such event.

20 (c) A prohibited event shall include all high school sports events,  
21 electronic sports, and competitive video games.

22 (14)(a) "Sports wagering" means the business of accepting wagers on a  
23 sports event approved by the board, provided all of the following conditions are  
24 met:

25 (i) The outcome of the sports event can be verified.

26 (ii) The outcome of the sports event can be generated by a reliable and  
27 independent process.

28 (iii) The outcome of the sports event is not affected by any wager placed.

29 (iv) The sports event is conducted in conformity with applicable laws,

1 rules, and regulations, including the rules governing the sports event.

2 (b) The term "sports wagering" may also include proposition wagers on  
3 novelty occurrences or nonoccurrences, or individual players over a broad  
4 spectrum of possibilities within a sports event that are not dependent on the  
5 final outcome of the sports event as approved by the board.

6 (15) "Sports wagering certificate" means a certificate issued by the  
7 board to the holder of a license as defined in R.S. 27:44 or 353 or the casino  
8 gaming operator that authorizes the conducting of sports wagering by the  
9 licensee or operator at its licensed facility located in a parish that approved  
10 sports wagering at an election called for that purpose.

11 (16) "Sports wagering service provider" has the same meaning as that  
12 term has in R.S. 27:3.

13 (17) "Sports wagering system" means the methodology and equipment  
14 approved by the board for accepting and recording sports wagers.

15 (18) "Suitable", "suitability", or "suitability requirements" have the  
16 same meaning as those terms have in R.S. 27:3.

17 §603. Sports wagering gaming activities

18 A. Gaming activities relative to sports wagering may be conducted by  
19 persons in specified locations provided all of the following requirements are  
20 met:

21 (1) A majority of the qualified electors in the parish voting at a  
22 proposition election called for that purpose in accordance with R.S. 18:1300.24  
23 where the sports wagering is taking place voted in favor of permitting sports  
24 wagering.

25 (2) The holder of a license defined in R.S. 27:44 or 353 or the casino  
26 gaming operator has been awarded a sports wagering certificate by the board  
27 to conduct sports wagering within the designated gaming area, designated slot  
28 machine gaming area, or the official gaming establishment.

29 (3) The sports wagering is taking place within the designated gaming

1 area, designated slot machine gaming area, or the official gaming establishment  
2 of the holder of a license as defined in R.S. 27:44 or 353 or the casino gaming  
3 operator, as appropriate.

4 (4) The gaming activities relative to sports wagering are being conducted  
5 in accordance with this Chapter and all rules, regulations, and requirements of  
6 the board.

7 B. (1) A sports wagering certificate holder may accept wagers on an  
8 approved sports event at a wagering window or through self-service wagering  
9 machines or self-service kiosks.

10 (2) Each machine, kiosk, or window shall be counted as a single gaming  
11 position.

12 §604. Sports wagering certificate; requirements

13 A. The securing of a sports wagering certificate required under the  
14 provisions of this Chapter shall be a prerequisite for conducting, operating, or  
15 performing any activity regulated pursuant to this Chapter.

16 B. Beginning January 1, 2020, in any parish in which sports wagering  
17 has been approved by the voters, a holder of a license as defined in R.S. 27:44  
18 or 353 or the casino gaming operator desiring to obtain a sports wagering  
19 certificate for its riverboat, eligible facility, or official gaming establishment  
20 located in the parish shall make application to the board on a form and in a  
21 manner prescribed by the board. The application forms shall be provided by the  
22 board and shall contain such information as required by this Chapter and by  
23 rules and regulations promulgated by the board. No application shall be  
24 accepted unless the board determines that all relevant requirements of this  
25 Chapter have been met.

26 C. No certificate to conduct sports wagering shall be issued unless the  
27 board finds:

28 (1) That the applicant is capable of conducting sports wagering, which  
29 means that the applicant can demonstrate the capability through training,

1 education, business experience, or a combination thereof, to operate sports  
2 wagering.

3 (2) That the applicant's submission of a detailed plan of design of the  
4 gaming area for sports wagering and the number of gaming positions that it  
5 intends to dedicate to sports wagering, are acceptable.

6 D. Only after the application is approved by the board and the board has  
7 received payment of applicable fees and issued the sports wagering certificate  
8 to the licensee or operator may the licensee or casino gaming operator conduct  
9 sports wagering.

10 E. A sports wagering certificate shall not be transferrable; however, the  
11 holder may contract with a sports wagering service provider to manage,  
12 administer, or control sports wagers provided the sports wagering service  
13 provider has been issued a permit as provided in R.S. 27:29.2.1.

14 F. The term of a sports wagering certificate shall be concurrent with the  
15 term of the applicant's license and eligible for renewal consistent with the  
16 applicant's license or contract.

17 §605. Gaming Control Board; duties and powers

18 A. The board shall adopt, pursuant to the Administrative Procedure Act,  
19 all rules necessary to implement, administer, and regulate sports wagering as  
20 authorized by this Chapter. At a minimum, the rules shall include the  
21 following:

22 (1) Standards and procedures to govern the conduct of sports wagering  
23 including but not limited to standards and procedures for the approval of a  
24 sports event for wagering under the provisions of this Chapter and the approval  
25 of the system of wagering, including the manner in which wagers are received;  
26 payouts are remitted; point spreads, lines, and odds are determined; and  
27 disputes are resolved.

28 (2) The method for calculating gross sports wagering revenue and  
29 standards for the daily counting and recording of cash and cash equivalents

1 received in the conduct of sports wagering, including ensuring that internal  
2 controls are followed, financial books and records are maintained, and audits  
3 are conducted.

4 (3) The amount of cash reserves to be maintained to cover winnings by  
5 the sports wagering certificate holder and sports wagering service provider  
6 permittee.

7 (4) Maximum wagers which may be accepted by the sports wagering  
8 certificate holder or sports wagering service provider permittee from any one  
9 patron on any one sports event.

10 (5) Notice requirements pertaining to minimum and maximum wagers  
11 on sports wagering.

12 (6) Compulsive and problem gambling standards pertaining to sports  
13 wagering consistent with this Title.

14 (7) Standards prohibiting persons under twenty-one years of age from  
15 participating in sports wagering.

16 (8) Requirements that each sports wagering certificate holder and sports  
17 wagering service provider permittee shall:

18 (a) Provide written information to sports wagering patrons about sports  
19 wagering rules, payouts or winning wagers, and other information as the board  
20 may require.

21 (b) Provide specifications approved by the board to integrate and update  
22 the casino's or eligible facility's surveillance system to cover all areas where  
23 sports wagering is conducted. The specifications shall include provisions  
24 providing the board and other persons authorized by the board with onsite  
25 access to the surveillance system or its signal.

26 (c) Designate one or more locations within the designated gaming area,  
27 designated slot machine gaming area, or official gaming establishment to  
28 conduct sports wagering.

29 (d) Ensure that visibility of each sports wagering area in the casino or

1 eligible facility is not obstructed in any way that could interfere with the ability  
2 of the sports wagering certificate holder and the board and other persons  
3 authorized under this Title or by the board to oversee the surveillance of the  
4 conduct of sports wagering.

5 (e) Integrate the casino's or eligible facility's count room to ensure  
6 maximum security of the counting and storage of cash and cash equivalents.

7 (f) Equip each designated gaming area, designated slot machine gaming  
8 area, or official gaming establishment within the casino or eligible facility with  
9 a sign indicating the permissible sports wagering minimum and maximum  
10 wagers.

11 (g) Ensure that no person under twenty-one years of age participates in  
12 sports wagering.

13 B. Provided the board has initiated rulemaking pursuant to the  
14 provisions of R.S. 49:953(A), the board may adopt initial administrative rules  
15 as required by this Section pursuant to the provisions of R.S. 49:953(B) without  
16 a finding that an imminent peril to the public health, safety, or welfare exists.

17 §606. Limitations

18 A. No persons under the age of twenty-one shall be allowed to place a  
19 sports wager, nor shall a sports wagering certificate holder or sports wagering  
20 service provider permit holder knowingly accept a wager from a person under  
21 twenty-one years of age.

22 B. No person shall place a wager nor shall a sports wagering certificate  
23 holder or sports wagering service provider permit holder knowingly accept a  
24 wager from any person who may control the outcome of the sports event on  
25 which the wager is attempting to be placed.

26 §607. Electronic sports wagering

27 A sports wagering certificate holder or sports wagering service provider  
28 permittee may accept wagers made electronically using a mobile or other digital  
29 platform. Electronic wagering shall be subject to the following requirements:

1                    **(1) Prior to the acceptance of any electronic wager, a patron shall have**  
 2                    **established a wagering account through the holder or permittee and an initial**  
 3                    **verification of the account must be completed by the holder or permittee.**

4                    **(2) Electronic sports wagers shall be placed only in the gaming area of**  
 5                    **the riverboat, eligible facility, or official gaming establishment as determined**  
 6                    **by the board.**

7                    **(3) The holder or permittee maintains geo-fencing or geo-location**  
 8                    **services and bears all costs and responsibilities associated therewith as required**  
 9                    **by the board.**

10                   Section 2. R.S. 13:4721 is hereby amended and reenacted to read as follows:

11                   §4721. Gambling houses; definition; declared public nuisances

12                   **A.** For the purposes of this ~~Sub-part~~, **Subpart**, or for the purposes of any  
 13                   action or prosecution hereunder, a gambling house is **either**:

14                   (1) any **Any** place ~~whatever~~ **whatsoever** where any game of chance of any  
 15                   kind or character is played for money, for wagers, or for tokens, and where the  
 16                   conduct of such place operates, directly or indirectly, to the profit of one or more  
 17                   individuals and not exclusively to the direct profit of the actual participants in such  
 18                   game; ~~and~~.

19                   (2) any **Any** place whatsoever where races, athletic contests, ~~and~~ sports, and  
 20                   games are not actually held and where opportunity is afforded for wagering upon  
 21                   races, athletic contests, sports, and games of chance.

22                   **B.** All gambling houses as herein defined are declared to be public nuisances,  
 23                   and the ~~owner~~ **owners** thereof, and the ~~agent~~ **agents** for such ~~owner~~, **owners**, or the  
 24                   ~~lessee, sublessee~~ **lessees, sublessees**, or other occupants thereof are declared to be  
 25                   guilty of maintaining a public nuisance.

26                   **C. The provisions of this Subpart shall not apply to any place where**  
 27                   **sports wagering activities are being conducted by a sports wagering certificate**  
 28                   **holder in accordance with Chapter 10 of Title 27.**

29                   Section 3. R.S. 14:90(C) and 90.3(F) are hereby amended and reenacted to read as

1 follows:

2 §90. Gambling

3 \* \* \*

4 C. The conducting or assisting in the conducting of gaming activities or  
5 operations, **including sports wagering**, upon a riverboat, at the official gaming  
6 establishment, by operating an electronic video draw poker device, by a charitable  
7 gaming licensee, or at a pari-mutuel wagering facility, conducting slot machine  
8 gaming at an eligible horse racing facility, or the operation of a state lottery which  
9 is licensed for operation and regulated under the provisions of Chapters 4 and 11 of  
10 Title 4, Chapters 4, 5, 7, ~~and 8,~~ **and 10** of Title 27, or Subtitle XI of Title 47 of the  
11 Louisiana Revised Statutes of 1950, is not gambling for the purposes of this Section,  
12 so long as the wagering is conducted on the premises of the licensed establishment.

13 \* \* \*

14 §90.3. Gambling by computer

15 \* \* \*

16 F. The conducting or assisting in the conducting of gaming activities or  
17 operations, **including sports wagering**, upon a riverboat, at the official gaming  
18 establishment, by operating an electronic video draw poker device, by a charitable  
19 gaming licensee, or at a pari-mutuel wagering facility, conducting slot machine  
20 gaming at an eligible horse racing facility, or the operation of a state lottery which  
21 is licensed for operation and regulated under the provisions of Chapters 4 and 11 of  
22 Title 4, Chapters 4, 5, 6, ~~and 7,~~ **and 10** of Title 27, or Subtitle XI of Title 47 of the  
23 Louisiana Revised Statutes of 1950, shall not be considered gambling by computer  
24 for the purposes of this Section, so long as the wagering is done on the premises of  
25 the licensed establishment.

26 \* \* \*

27 Section 4. R.S. 18:1300.24 is hereby enacted to read as follows:

28 **§1300.24. Sports wagering gaming election; procedure**

29 **A. At the statewide election occurring on October 12, 2019, a proposition**

1 shall appear on the ballot in every parish to determine whether sports wagering  
 2 shall be permitted in the parish in accordance with the provisions of Title 27 of  
 3 the Louisiana Revised Statutes of 1950.

4 B. The ballot for the election shall state as follows:

5 "PROPOSITION TO AUTHORIZE SPORTS WAGERING.

6 Shall sports wagering be permitted in the parish of \_\_\_\_\_ ?

7 YES ( ) NO ( )"

8 C.(1) If a majority of the qualified electors in the parish voting on the  
 9 proposition vote in favor of permitting sports wagering in the parish, then such  
 10 wagering, in accordance with the provisions of Title 27 of the Louisiana Revised  
 11 Statutes of 1950, shall be permitted.

12 (2) If a majority of the qualified electors in the parish voting on the  
 13 proposition vote against permitting sports wagering in the parish, then such  
 14 wagering shall not be permitted.

15 D. Except as otherwise provided in this Section, the election shall be  
 16 conducted as provided in Chapter 6-B of this Title including but not limited to  
 17 the provisions providing for notice to the public as provided by law.

18 Section 5. Sections 1, 2, and 3 of this Act shall take effect and become operative if  
 19 and when laws become operative and effective regarding permit and certificate fees for the  
 20 conducting of sports wagering and regarding taxes on net sports wagering proceeds.

21 Section 6. Sections 4 and 5 of this Act and this Section shall become effective upon  
 22 signature by the governor or, if not signed by the governor, upon expiration of the time for  
 23 bills to become law without signature by the governor, as provided by Article III, Section  
 24 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved  
 25 by the legislature, this Act shall become effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

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## DIGEST

SB 153 Original

2019 Regular Session

Martiny

Proposed law provides for a statewide election (decided on a parish-by-parish basis) to authorize the wagering in Louisiana on sports events. Provides that if approved by the voters of a particular parish, a licensed riverboat (Riverboat) or live horse racing facility with a licensed slot machine gaming area (Track) or the land-based casino gaming operator (Land-Based Casino) located in that parish may offer sports wagering. Requires the Riverboat, Track, or Land-Based Casino to apply to the Gaming Control Board (board) for a sports wagering certificate and be approved for such before conducting sports wagering.

Present law provides for manufacturer, gaming supplier, nongaming supplier, and key and nonkey gaming employee permits for manufacturers and suppliers who seek to do business and individuals who seek employment with Riverboats, Tracks, or the Land-Based Casino. Requires the manufacturer, supplier, or employee to secure the permit from the board before performing any activity for which a permit is required.

Proposed law adds sports wagering service provider to the list of present law permittees and defines a sports wagering service provider as a person who contracts with the holder of a sports wagering certificate to manage, administer, and control sports wagers for a Riverboat, Track, or the Land-Based Casino.

RIVERBOATS

Present law defines "game". Provides, among other exclusions, that "game" does not include any wagering on any type of sports event including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. Provides "game" shall also include racehorse wagering.

Proposed law retains present law and adds that, for Riverboats to whom the board has issued a sports wagering certificate, "game" shall also include sports wagering as authorized in proposed law.

Present law defines "gaming device" or "gaming equipment" as any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine, including a slot machine, used directly or indirectly in connection with gaming or any game, which affects the result of a wager by determining wins or losses.

Proposed law retains present law and adds that, for Riverboats to whom the board has issued a sports wagering certificate, "gaming device" or "gaming equipment" shall also include any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine used directly or indirectly in connection with sports wagering.

Present law defines "gaming position" as a gaming device seat or a space at a table game. Each gaming device seat shall be counted as one position and each space at a table game shall be counted as one position, subject to the rules and regulations of the board. The board shall specifically provide by rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable.

Proposed law retains present law and adds that, for Riverboats to whom the board has issued a sports wagering certificate, "gaming position" shall also include a self-service wagering machine or self-service kiosk or wagering window space where a sports wager is accepted and each space, machine, or kiosk where a sports wager is accepted shall be counted as one position, subject to rules and regulations of the board.

Present law requires Riverboats to utilize a cashless wagering system except for racehorse wagering and the play of slot machines.

Proposed law retains present law and adds sports wagering to the exception.

#### LAND-BASED CASINO

Present law defines "game". Provides, among other exclusions, that "game" does not include wagering on any type of sports event, inclusive but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event.

Proposed law retains present law and adds that, if the Land-Based Casino has been issued a sports wagering certificate by the board, "game" shall also include sports wagering as authorized in proposed law.

Present law defines "gaming device" or "gaming equipment" as any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine used directly or indirectly in connection with gaming or any game, which affects the result of a wager by determining wins or losses.

Proposed law retains present law and adds that if the Land-Based Casino has been issued a sports wagering certificate, "gaming device" or "gaming equipment" shall also include any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine used directly or indirectly in connection with sports wagering.

Present law requires wagering at the official gaming establishment to be made with tokens, chips, vouchers, coupons, or electronic cards issued by the Land-Based Casino.

Proposed law retains present law and adds that if the Land-Based Casino is issued a sports wagering certificate, sports wagers at the official gaming establishment shall be made in cash or through a patron's verified wagering account.

#### TRACKS

Present law provides that wagering at the Track may be made with tokens, chips, vouchers, coupons, or electronic cards issued by the Track. Excludes the use of debit cards which automatically withdraw funds from a credit, savings, or checking account.

Proposed law retains present law and adds that sports wagers at an eligible facility may be made in cash or through a patron's verified wagering account.

Present law prohibits the operation or play of any type of game at the Tracks the play of which requires the participation of any employee of the licensee.

Proposed law makes an exception to present law for Tracks with a sports wagering certificate.

#### SPORTS WAGERING

Proposed law provides for the Louisiana Sports Wagering Control Act and provides for definitions. Authorizes sports wagering gaming activities to be conducted by persons in specified locations provided all of the following requirements are met:

- (1) A majority of the qualified electors voting at a proposition election called for that purpose in a parish where the sports wagering is taking place voted in favor of permitting sports wagering.
- (2) The Riverboat, Track, or Land-Based Casino has been awarded a sports wagering

certificate by the board to conduct sports wagering.

- (3) The sports wagering is taking place within the designated gaming area of the Riverboat, designated slot machine gaming area of the Track, or the official gaming establishment of the Land-Based Casino.
- (4) The gaming activities relative to sports wagering are being conducted in accordance with proposed law and all rules, regulations, and requirements of the board.

Proposed law provides that a sports wagering certificate holder may accept wagers on an approved sports event at a wagering window or through self-service wagering machines or self-service kiosks. Provides that each machine, kiosk, or window shall be counted as a single gaming position.

Proposed law provides a procedure for applying for a sports wagering certificate and requires an eligible Riverboat, Track, or Land-Based Casino to be awarded a certificate before conducting, operating, or performing any activity regulated pursuant to proposed law.

Proposed law provides that beginning January 1, 2020, in parishes in which sports wagering has been approved by the voters, a Riverboat, Track, or Land-Based Casino may apply to the board for a certificate on a form and in a manner prescribed by the board. Provides that no certificate to conduct sports wagering shall be issued unless the board finds:

- (1) That the applicant is capable of conducting sports wagering.
- (2) That the applicant's submission of a detailed plan of design of the gaming area for sports wagering and the number of gaming positions that it intends to dedicate to sports wagering are acceptable.

Proposed law provides that only after the application is approved by the board and the board has received payment of applicable fees and issued the sports wagering certificate to the licensee or operator may the licensee or casino gaming operator conduct sports wagering at its facility.

Proposed law provides that a sports wagering certificate shall not be transferrable; however, the holder may contract with a permitted sports wagering service provider to manage, administer, or control sports wagers.

Proposed law provides that the term of a sports wagering certificate shall be concurrent with the term of the applicant's license and eligible for renewal consistent with the applicant's license or contract.

Proposed law requires the board to adopt all rules necessary to implement, administer, and regulate sports wagering as authorized by proposed law. Provides that at a minimum, the rules shall include the following:

- (1) Standards and procedures to govern the conduct of sports wagering including but not limited to standards and procedures for the approval of a sports event for wagering, and the system of wagering, including the manner in which wagers are received; payouts are remitted; point spreads, lines, and odds are determined; and disputes are resolved.
- (2) The method for calculating gross sports wagering revenue and standards for the daily counting and recording of cash and cash equivalents received in the conduct of sports wagering, including ensuring that internal controls are followed, financial books and records are maintained, and audits are conducted.
- (3) The amount of cash reserves to be maintained to cover winnings by the sports

wagering certificate holder or sports wagering services provider permittee.

- (4) Maximum wagers which may be accepted by the sports wagering certificate holder or sports wagering service provider permittee, as appropriate, from any one patron on any one sports event.
- (5) Notice requirements pertaining to minimum and maximum wagers.
- (6) Compulsive and problem gambling standards pertaining to sports wagering consistent with present law and proposed law.
- (7) Standards prohibiting persons under 21 years of age from participating in sports wagering.
- (8) Requirements that each sports wagering certificate holder and each sports wagering service provider permittee shall:
  - (a) Provide written information to sports wagering patrons about sports wagering rules, payouts or winning wagers, and other information as the board may require.
  - (b) Provide specifications approved by the board to integrate and update the casino's or eligible facility's surveillance system to cover all areas where sports wagering is conducted.
  - (c) Designate one or more locations within the designated gaming area, designated slot machine gaming area, or official gaming establishment to conduct sports wagering.
  - (d) Ensure that visibility of each sports wagering area in the casino or eligible facility is not obstructed in any way that could interfere with the ability of the sports wagering certificate holder and the board and other persons authorized under present law or by the board to oversee the surveillance of the conduct of sports wagering.
  - (e) Integrate the casino's or eligible facility's count room to ensure maximum security of the counting and storage of cash and cash equivalents.
  - (f) Equip each designated gaming area or designated slot machine gaming area within the casino or eligible facility with a sign indicating the permissible sports wagering minimum and maximum wagers.
  - (g) Ensure that no person under 21 years of age participates in sports wagering.

Proposed law provides that if the board has initiated regular rulemaking, the board may adopt initial emergency administrative rules without a finding that imminent peril to the public health, safety, or welfare exists.

Proposed law prohibits:

- (1) A person under the age of 21 from placing a sports wager and a sports wagering certificate holder or sports wagering service provider permit holder from knowingly accepting a wager from a person under 21 years of age.
- (2) A person from placing a wager and a sports wagering certificate holder or sports wagering service provider permit holder from knowingly accepting a wager from any person who may control the outcome of the sports event on which the wager is attempting to be placed.

Proposed law authorizes electronic or mobile sports wagering provided:

- (1) Prior to the acceptance of any electronic wager, a patron shall have established a wagering account through the sports wagering certificate holder or sports wagering service provider permittee and an initial verification of the account is completed by the holder or permittee.
- (2) Electronic sports wagers are placed only in the gaming area of the Riverboat, Track, or Land-Based Casino as determined by the board.
- (3) The sports wagering certificate holder or sports wagering service provider permittee maintains geo-fencing or geo-location services and bears all costs and responsibilities associated therewith as required by the board.

### ELECTION

Proposed law provides for a statewide election on October 12, 2019, on a proposition to determine whether sports wagering may be permitted in the parish. Provides that if the majority of the qualified electors voting disapprove the proposition, sports wagering shall not be allowed in that parish. Provides that if the majority of qualified electors voting approve the proposition, sports wagering may be conducted in the parish in accordance with proposed law.

Provides that proposed law shall not take effect and become operative until laws become operative and effective regarding permit and certificate fees for conducting sports wagering and regarding taxes on net sport wagering proceeds.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4721, R.S. 14:90(C) and 90.3(F), R.S. 27:3(24), 15(B)(1), 29(F), (H), and (I), 29.2(D), 29.3(A) and (D), 29.4(D), 44(10), (12), and (14), 58(5), 65(B)(11), 205(12) and (13), 239.1, 361(F), and 371(C); adds R.S. 18:1300.24, R.S. 27:3(25) and (26), 15(B)(8)(c), 29.2.1, and 601-607)