

1 HOUSE BILL NO. 434
2 INTRODUCED BY E. BUTTREY, J. DOOLING, J. SMALL, S. FITZPATRICK, J. KASSMIER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO SPORTS WAGERING;
5 REQUIRING SPORTS WAGERING FACILITIES TO HAVE AN APPROPRIATE ALCOHOLIC BEVERAGE
6 LICENSE; ~~PROHIBITING~~ ALLOWING CERTAIN LOTTERY PURCHASES THROUGH THIRD PARTIES;
7 PROVIDING A GRANDFATHER CLAUSE; REVISING A DEFINITION; AMENDING SECTIONS 23-7-103 AND
8 23-7-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 23-7-103, MCA, is amended to read:

13 **"23-7-103. Definitions.** As used in this chapter, the following definitions apply:

14 (1) "Commission" means the state lottery and sports wagering commission created by 23-7-201.

15 (2) "Director" means the director appointed by the governor under 23-7-210 to administer and
16 manage the state lottery.

17 (3) (a) "Lottery game" means any procedure, including any online or other procedure using a
18 machine or electronic device, by which one or more prizes are distributed among persons who have paid for a
19 chance to win a prize and includes but is not limited to weekly (or other, longer time period) winner games,
20 instant winner games, daily numbers games, sports pool games, and sports wagering.

21 (b) The term does not mean games prohibited by Title 23, chapter 5, part 1; Calcutta pools
22 governed by Title 23, chapter 5, part 2; card games regulated by Title 23, chapter 5, part 3; raffles and bingo
23 games governed by Title 23, chapter 5, part 4; and sports pools governed by Title 23, chapter 5, part 5.

24 (4) "Lottery license" means a license issued by the state lottery that authorizes a sales agent to
25 sell lottery tickets at a fixed place of business.

26 (5) "Prizes" means any winning tickets, chances, wagers, or bets validated by the state lottery
27 central gaming system and sold by any sales agent.

Amendment - 1st Reading-white - Requested by: Kerri Seekins-Crowe - (H) Business and Labor

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

HB0434.001.002

1 operation of sports wagering through sports wagering equipment, including sports wagering conducted through
2 mobile application or other digital platforms that is initiated and received or otherwise made exclusively within
3 the physical confines using location-based services of the single approved sports wagering facility.

4 (12) "State lottery" means the Montana state lottery and sports wagering agency created and
5 operated pursuant to this chapter.

6 (13) (a) "Wager" or "bet" means the staking or risking by a person of something of value upon an
7 agreement or understanding that the person or another person will receive something of value in the event of a
8 certain outcome.

9 (b) The terms "wager" or "bet" do not include:

10 (i) any activity governed by the securities laws of the United States or the Securities Act of
11 Montana in Title 30, chapter 10;

12 (ii) a contract of indemnity or guarantee, including a contract for insurance; or

13 (iii) participation in any game or contest in which the participants do not stake or risk anything of
14 value other than personal efforts of the participants in playing the game or contest or obtaining access to the
15 internet, or points or credits that the sponsor of the game or contest provides to participants free of charge and
16 that can be used or redeemed only for participation in games or contests offered by the sponsor."

17

18 **Section 2.** Section 23-7-302, MCA, is amended to read:

19 **"23-7-302. Sales restrictions.** (1) The price of each lottery game ticket, chance, wager, or bet must
20 be clearly stated on the ticket, chance, wager, or bet. The price of a lottery game chance vended by a machine
21 or electronic device must be clearly stated on the machine or device.

22 (2) Tickets, chances, wagers, or bets may not be sold to or purchased by persons under 18 years
23 of age.

24 (3) Tickets, chances, wagers, or bets may not be purchased on credit. Tickets, chances, wagers,
25 or bets may be purchased only with cash, check, or debit card and may not be purchased on credit. The use of
26 a debit card is limited to the daily withdrawal amount of the issuing debit card lending institution.

27 (4) Tickets, chances, wagers, or bets may not be sold to or purchased by commissioners, the

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1 director, the director's staff, gaming suppliers doing business with the state lottery, suppliers' officers and
2 employees, employees of any firm auditing or investigating the state lottery, governmental employees auditing
3 or investigating the state lottery, or members of their households.

4 ~~(5) The purchase or delivery of tickets, chances, wagers, or bets for a fee may not be facilitated~~
5 ~~through a courier, service, or third party~~ The delivery or fulfillment of orders for tickets or chances available
6 ~~through a duly licensed Montana lottery retailer may be facilitated through a courier, service, or third party.~~

7 ~~(5)(6)~~ The names of elected officials may not appear on any ticket, chance, wager, or bet."

8

9 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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11 NEW SECTION. Section 4. Applicability -- grandfather clause. [Section 1] does not apply to
12 approved sports wagering facilities for a sports wagering facility licensed before [the effective date of this act].

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