

## REVISE SPORTS GAMBLING LAWS

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** All gambling is prohibited unless provided by act of the Legislature or through referendum. This is provided for in Art. III, sec. 9, of the Montana Constitution and 23-5-151, MCA. Additionally, the Attorney General has issued several opinions stating that gambling must be specifically authorized to be legal. Montana generally allows for sports gambling in Title 23, chapter 5, part 5; Fantasy Sports Leagues in Title 23, chapter 5, part 8; Calcutta pools in Title 23, chapter 5, part 2; and parimutuel betting with the Board of Horseracing in Title 23, chapter 4, part 3.

**Legislative Services Division Materials:** Memo to Economic Affairs Interim Committee Re: Fantasy Sports Gambling: <https://leg.mt.gov/content/Publications/Legal-opinions/committee-info/0620188171JWCA.pdf>.

**Other Materials:** Montana Attorney General opinion relating to historical horseracing: <https://media.dojmt.gov/wp-content/uploads/57-Op.-Atty-Gen.-No.-2-2017.pdf>.

### Introduced Legislation

#### 2021

[HB 193](#) – Chapter Number Assigned. AN ACT REMOVING LIMITATIONS RELATING TO SPORTS POOLS AND SPORTS TABS; REMOVING DOLLAR LIMITATIONS ON THE AMOUNTS OF SPORTS TABS SOLD AND WINNINGS; AND AMENDING SECTION 23-5-503, MCA.

[HB 232](#) – Chapter Number Assigned. AN ACT PROVIDING CONFIDENTIALITY OF PERSONAL INFORMATION FOR STATE LOTTERY GAMES AND SPORTS GAMBLING; AND PROVIDING EXCEPTIONS FOR COURT ORDERS.

[SB 189](#) – Died in Standing Committee. : “AN ACT GENERALLY REVISING LAWS RELATED TO HORSERACING MACHINES; INCORPORATING HISTORICAL HORSERACING MACHINES INTO THE VIDEO GAMING MACHINE CONTROL LAW; ALLOWING PARIMUTUEL GAMBLING THROUGH HISTORICAL HORSERACING MACHINES; PROVIDING FOR ALLOCATION OF FEES AND TAXES; PROVIDING FOR TAXES TO GO TO THE BOARD OF HORSERACING FOR THE PROMOTION OF LIVE HORSERACING; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 23-4-105, 23- 5-110, 23-5-112, 23-5-602, 23-5-603, 23-5-607, 23-5-608, 23-5-610, AND 23-5-621, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.”

[SB 378](#) – Chapter Number Assigned. AN ACT LEGALIZING MULTIPLE COMPETITOR SPORTS POOLS; INCLUDING MULTIPLE COMPETITOR IN THE DEFINITION OF SPORTS POOL; PROVIDING FOR A FEE; PROVIDING A DEFINITION; AMENDING SECTIONS 23-5-501 AND 23-5-512, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE

## 2019

[HB475](#) – Died in Process. "AN ACT ALLOWING FOR MONTANA PARIMUTUEL SPORTS WAGERING THROUGH THE BOARD OF HORSERACING; PROVIDING DEFINITIONS AND CLARIFYING PARIMUTUEL FANTASY SPORTS; PROVIDING AUTHORITY FOR THE BOARD TO CONDUCT SPORTS WAGERING THROUGH PARIMUTUEL FACILITIES AND PARIMUTUEL NETWORKS; AND AMENDING SECTIONS 23-4-101, 23-4-104, 23-4-201, 23-4-202, 23-4-301, 23-4-302, 23-4-304, 23-5-112, 23-5-801, 23-5-802, 23-5-805, AND 23-5-806, MCA."

[HB 725](#) – Chapter Number Assigned. AN ACT GENERALLY REVISING LOTTERY LAWS TO AUTHORIZE SPORTS WAGERING; PROVIDING DEFINITIONS; PROVIDING FOR SPORTS WAGERING; PROVIDING PENALTIES; INCLUDING SPORTS WAGERING WITHIN THE STATE LOTTERY COMMISSION; REVISING POWERS AND DUTIES OF THE COMMISSION RELATING TO SPORTS WAGERING; PROVIDING FOR LICENSING OF SPORTS WAGERING; PROVIDING FOR DISCLOSURE FOR SPORTS WAGERING; PROVIDING FOR SALES OF SPORTS WAGERING; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 23-5-112, 23-7-101, 23-7-102, 23-7-103, 23-7-110, 23-7-201, 23-7-202, 23-7-210, 23-7-211, 23-7-212, 23-7-301, 23-7-302, 23-7-305, 23-7-306, 23-7-307, 23-7-310, 23-7-311, 23-7-312, 23-7-401, 23-7-402, 23-7-411, AND 39-51-3206, MCA; REPEALING SECTION 23-5-806, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 25](#) – Chapter Number Assigned. AN ACT GENERALLY REVISING GAMBLING LAWS; ALLOWING HEADS OR TAILS GAMES BY NONPROFIT ORGANIZATIONS; ALLOWING ANTIQUE GAMBLING DEVICES; REVISING LAWS RELATING TO SPORTS POOLS OR SPORTS TAB GAMES; REQUIRING SPORTS POOLS AND SPORTS TAB GAMES TO BE CONDUCTED ONLY BY LICENSED ENTITIES; AND AMENDING SECTIONS 23-5-112, 23-5-152, 23-5-153, 23-5-405, 23-5-502, AND 23-5-503, MCA.

[SB 330](#) – Vetoed by Governor – Veto Override Failed in Legislature. AN ACT GENERALLY REVISING GAMBLING LAWS; CREATING THE MONTANA SPORTS BETTING ACT; PROVIDING AUTHORITY FOR CERTAIN ENTITIES TO CONDUCT SPORTS BETTING; PROVIDING FOR LICENSING OF SPORTS BETTING; PROVIDING DEFINITIONS; PROVIDING FOR A SPORTSBOOK OPERATOR LICENSE AND REQUIREMENTS; PROVIDING FOR A PLATFORM OPERATOR LICENSE AND REQUIREMENTS; PROVIDING REQUIREMENTS FOR SPORTS BETTING ASSOCIATED GAMBLING BUSINESSES; PROVIDING FOR SPORTSBOOK DUTIES AND OBLIGATIONS; PROVIDING ENFORCEMENT OVERSIGHT AND DUTIES FOR THE

DEPARTMENT OF JUSTICE; PROVIDING RULEMAKING AUTHORITY; PROVIDING FOR DISPUTE RESOLUTION; PROVIDING TAXES AND FEES; PROVIDING FOR THE SPORTS BETTING FUND AND DISTRIBUTION; PROVIDING PENALTIES; AMENDING SECTIONS 23-5-110, 23-5-111, 23-5-112, 23-5-113, 23-5-114, 23-5-115, 23-5-116, 23-5-118, 23-5-119, 23-5-123, 23-5-128, 23-5-129, 23-5-130, 23-5-136, 23-5-138, 23-5-161, 23-5-162, 23-5-172, 23-5-177, AND 23-5-178, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE

## 2017

[HJ 21](#) -- Died in Process. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF FANTASY SPORTS, INCLUDING ONLINE FANTASY SPORTS AND GAMBLING; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 66TH LEGISLATURE.

[HB 564](#) -- Chapter Number Assigned. AN ACT REVISING SPORTS POOLS TO ALLOW A RANGE OF BUY-IN OPTIONS; AMENDING SECTION 23-5-503, MCA; AND PROVIDING AN EFFECTIVE DATE.

[SB 128](#) -- Chapter Number Assigned. AN ACT REVISING LAWS PERTAINING TO PARIMUTUEL NETWORK FUND DISTRIBUTION; INCREASING THE PARIMUTUEL TAKEOUT AMOUNT TO NOT MORE THAN 30%; ALLOWING THE BREAKAGE AND THE VALUE OF UNDERPAYMENTS RESULTING FROM UNCLAIMED WINNING TICKETS TO BE DISTRIBUTED BY THE BOARD OF HORSERACING FOR LIVE RACES AND OTHER APPROPRIATE PURPOSES; AMENDING SECTIONS 23-4-105, 23-4-302, AND 23-4-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

## 2015

[HB 181](#) -- Missed Deadline for General Bill Transmittal. AN ACT REVISING THE LAWS FOR FANTASY SPORTS LEAGUES; ALLOWING MONTANA RESIDENTS TO PARTICIPATE IN CERTAIN ONLINE FANTASY SPORTS LEAGUES; AMENDING SECTIONS 23-5-112, 23-5-801, 23-5-802, AND 23-5-805, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

## 2013

[HB 199](#) -- Chapter Number Assigned. AN ACT INCREASING THE MAXIMUM WAGER AND PAYOUT IN A SPORTS TAB GAME AND A SPORTS POOL; AND AMENDING SECTION 23-5-503, MCA.

[SB 215](#) -- Chapter Number Assigned. AN ACT TRANSFERRING THE ADMINISTRATIVE ATTACHMENT OF THE BOARD OF HORSERACING FROM THE DEPARTMENT OF LIVESTOCK TO THE DEPARTMENT OF COMMERCE; AMENDING SECTION 23-4-101, MCA; AND PROVIDING AN EFFECTIVE DATE.

## 2011

N/A

## 2009

[HB 503](#) -- Died in Standing Committee. AN ACT PROVIDING THAT IT IS LAWFUL TO WAGER ON A PARIMUTUEL FANTASY SPORTS LEAGUE CONDUCTED BY A PARIMUTUEL FACILITY; CLARIFYING

THAT A PARIMUTUEL NETWORK MUST BE A PRIVATE SECTOR ENTITY; PROVIDING THAT ALL LICENSING AND REGULATION OF PARIMUTUEL FANTASY SPORTS LEAGUES BE BY THE DEPARTMENT OF JUSTICE; PROVIDING THAT A PORTION OF THE PAYOUT FROM WAGERING ON PARIMUTUEL FANTASY SPORTS LEAGUES BE DEPOSITED IN THE HEALTH AND MEDICAID INITIATIVES ACCOUNT; AND AMENDING SECTIONS 23-4-101, 23-4-104, 23-4-201, 23-4-202, 23-4-301, 23-4-302, 23-4-304, 23-5-112, 23-5-801, 23-5-802, 23-5-805, 23-5-806, AND 53-6-1201, MCA.

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