

# HB152 ENGROSSED



1 HB152  
2 Z66ZRKR-2  
3 By Representatives Blackshear, Whitt  
4 RFD: Economic Development and Tourism  
5 First Read: 08-Feb-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to gaming activities; to establish the Alabama Gaming Control Act; to add Chapter 30 to Title 41, Code of Alabama 1975, to implement the constitutional amendment proposed in House Bill \_\_\_ of the 2024 Regular Session, to provide legislative intent; to provide definitions; to establish and provide for the powers, membership, and duties of the Alabama Gaming Commission; to provide for the personnel of the commission; to create an enforcement division within the commission and provide for the duties thereof; to provide for representation of the commission by the Attorney General; to provide for the licensure and regulation of casino-style gaming activities; to provide for the licensure and regulation of sports wagering activities; to provide for the regulation and permitting of certain charitable gaming activities; to provide certain license fees and the distribution of the fees; to establish the Gaming Trust Fund and provide for the distribution of funds therein; to provide for the assessment of civil penalties imposed by the commission; to provide for criminal penalties for certain violations; to provide for a hearing and appeals process; to provide the commission with rulemaking authority; to provide for certain reporting



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29 requirements by the commission; to levy a state tax on certain  
30 casino-style gaming and sports wagering revenues; to provide  
31 various anticorruption prohibitions and a criminal penalty for  
32 a violation; to create a state lottery to be administered by  
33 the Alabama Lottery Corporation and to provide for the  
34 creation and operation of the corporation; to provide for the  
35 governance of the corporation by a board of directors and  
36 provide for the appointment and duties of the board; to  
37 provide for the appointment of a president of the corporation  
38 and provide for the powers and duties thereof; to establish  
39 the Lottery Proceeds Fund in the State Treasury for the  
40 purpose of receiving all monies and other revenues collected  
41 by the corporation; to establish the Lottery for Education  
42 Fund and provide for the distribution of funds therein through  
43 an independent supplemental appropriation bill; to provide the  
44 Court of Civil Appeals with original jurisdiction to hear  
45 various appeals of actions of the commission;, to amend  
46 Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23,  
47 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28,  
48 13A-12-30, Code of Alabama 1975, and Section 13A-11-9, Code of  
49 Alabama 1975, as last amended by Act 2023-245, 2023 Regular  
50 Session, to update and increase certain criminal penalties for  
51 various unlawful gaming activities; to add Sections 13A-12-32  
52 through 13A-12-39 to the Code of Alabama 1975, to prescribe  
53 certain activity relating to gaming as unlawful and to provide  
54 for criminal penalties for violations; to amend Sections  
55 8-1-150 and 8-1-151, Code of Alabama 1975, to authorize  
56 certain contracts based on lawful gaming activity; to amend



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57 Section 38-4-14, Code of Alabama 1975, to prohibit the use of  
58 public welfare monies to participate in gaming activity; to  
59 add Section 17-5-15.2 to the Code of Alabama 1975, to provide  
60 restrictions on campaign finance contributions relating to  
61 gaming activity; to repeal Section 11-47-111, Code of Alabama  
62 1975, relating to prohibition of gambling houses; to repeal  
63 Section 13A-12-29, Code of Alabama 1975, relating to lotteries  
64 drawn outside the state; to repeal Divisions 2, 3, and 4 of  
65 Article 2 of Chapter 12 of Title 13A, Code of Alabama 1975,  
66 relating to suppression of gambling places, transportation of  
67 lottery paraphernalia, and the federal waging occupational tax  
68 stamp; to provide for the repeal of the act under certain  
69 specified conditions; and in connection therewith would have  
70 as its purpose or effect the requirement of a new or increased  
71 expenditure of local funds within the meaning of Section  
72 111.05 of the Constitution of Alabama of 2022.

73 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

74 Section 1. Chapter 30 is added to Title 41, Code of  
75 Alabama 1975, to read as follows:

76 Chapter 30. Alabama Gaming Control Act.

77 Article 1. General Provisions.

78 §41-30-1. Short title.

79 This chapter shall be known and may be cited as the  
80 Alabama Gaming Control Act.

81 §41-30-2. Definitions.

82 For the purposes of this chapter, the following words  
83 have the following meanings:

84 (1) CASINO-STYLE GAME. Any commercial or house banked



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85 game that is played with cards, dice, equipment, or any other  
86 mechanical or electronic device or machine, and that is played  
87 for money, property, checks, credit, or any other  
88 representative of value.

89 a. The term includes, but is not limited to, any of the  
90 following:

91 1. Table games, including, but not limited to,  
92 blackjack, baccarat, roulette, craps, twenty-one, poker, Texas  
93 hold'em, cassino, five-card draw, three-card draw, chemin de  
94 fer (shimmy), pai gow poker, yablon (red dog), let it ride  
95 poker, caribbean stud, casino war, videopoker, or any  
96 variation thereof.

97 2. Gaming machines, including, but not limited to, any  
98 slot machines as defined in 15 U.S.C. § 1171(a)(1), pachinko,  
99 video lottery terminals, and video poker.

100 3. Pari-mutuel wagering, whether electronic, simulcast,  
101 or otherwise.

102 4. Any other house banked game or game of chance in  
103 which the house takes a fee, as determined by the commission  
104 by rule.

105 b. The term does not include any non-commercial social  
106 game or charitable game operating in accordance with this  
107 chapter. The term does not include bingo, electronic bingo, or  
108 any games similar to bingo, including pull-tabs, lotto, punch  
109 boards, tip jars, or instant bingo, whether or not played with  
110 an electronic, computer, or other technological aid. The term  
111 does not include any other form of gaming activity.

112 (2) CASINO-STYLE GAMING ACTIVITY. To operate, carry on,



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113 conduct, maintain, or expose for play one or more casino-style  
114 games.

115 (3) CHARITABLE FUNDRAISER PERMIT. A permit issued by  
116 the commission to a charitable organization to conduct a  
117 charitable game in accordance with this chapter.

118 (4) CHARITABLE GAME. A traditional raffle or  
119 traditional bingo that is operated by a charitable  
120 organization in accordance with this chapter and pursuant to a  
121 permit issued by the commission. The term does not include any  
122 casino-style game or sports wagering.

123 (5) CHARITABLE ORGANIZATION. An organization to which  
124 all of the following apply:

125 a. The organization is either of the following:

126 1. Organized and operated exclusively for exempt  
127 purposes set forth under 26 U.S.C. § 501(c)(3), including  
128 charitable, religious, veterans, educational, scientific,  
129 literary, public safety, and the prevention of cruelty to  
130 children or animals.

131 2. An elementary or secondary school or nonprofit  
132 elementary or secondary school-sponsored club or organization,  
133 or any nonprofit elementary or secondary school-affiliated  
134 group, including a parent-teacher organization or booster  
135 club, whose membership may be composed of individuals other  
136 than students.

137 3. A domestic fraternal society, order, or association  
138 under 26 U.S.C. § 501(c)(10) that devotes its net earnings  
139 exclusively to religious, charitable, scientific, literary,  
140 educational, or fraternal purposes.



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141           b. None of the organization's net proceeds or earnings  
142 inure to any private shareholder or person.

143           c. The organization does not attempt to influence  
144 legislation as a substantial part of its activities and does  
145 not participate in any campaign activity for or against  
146 political candidates.

147           (6) COMMISSION. The Alabama Gaming Commission  
148 established by this chapter.

149           (7) ENFORCEMENT DIVISION. The Gaming Enforcement  
150 Division established by this chapter.

151           (8) EXECUTIVE DIRECTOR. The Executive Director of the  
152 Alabama Gaming Commission.

153           (9) GAMING ACTIVITY. Any casino-style game, lottery  
154 game, or sports wagering activity.

155           (10) GAMING EMPLOYEE. Any employee, contractor, or  
156 other representative of a gaming establishment or sports  
157 wagering platform whose job pertains to the operation,  
158 control, or outcome of any casino-style gaming activity or  
159 sports wagering, or the access, transport, or review of any  
160 gaming revenues.

161           a. The term includes all of the following:

162           1. Accounting or internal auditing personnel who are  
163 directly involved in any recordkeeping or the examination of  
164 records associated with revenue from gaming activities.

165           2. Cage and counting room personnel.

166           3. Slot personnel.

167           4. Table games personnel.

168           5. Keno personnel.



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- 169           6. Sports wagering platform personnel.
- 170           7. Pari-mutuel wagering personnel.
- 171           8. Individuals whose duties are directly involved with  
172 the manufacture, repair, sale, or distribution of gaming  
173 equipment.
- 174           9. Individuals who perform, or who supervise the  
175 performance of, the function of receiving and transmitting  
176 sports wagers.
- 177           10. Information technology personnel who have  
178 operational or supervisory control over information technology  
179 systems associated with any of the matters related to gaming  
180 activities or sports wagering.
- 181           11. Hosts or other individuals empowered to extend  
182 credit or complimentary services related to gaming activities.
- 183           12. Gaming machine mechanics.
- 184           13. Odds makers and line setters.
- 185           14. Gaming establishment security personnel.
- 186           15. Gaming establishment shift or pit bosses.
- 187           16. Shills.
- 188           17. Supervisors or managers of any individual described  
189 in this subdivision.
- 190           18. Any other individual as determined by the  
191 commission by rule.
- 192           b. The term does not include any gaming establishment  
193 employee, contractor, or other individual whose duties do not  
194 involve gaming activities; any individual engaged exclusively  
195 in preparing or serving food or beverages; or any individual  
196 involved solely in the resort or hotel functions of a licensed





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197 gaming establishment.

198 (11) GAMING EQUIPMENT. Any mechanical,  
199 electromechanical, or electronic contrivance, component, or  
200 machine used in connection with any casino-style game. The  
201 term includes, but is not limited to, a system for processing  
202 information that can alter the normal criteria of a random  
203 selection, that affects the operation of any game, or that  
204 determines the outcome of a game. The term does not include a  
205 system or device that affects a game solely by stopping its  
206 operation so that the outcome remains undetermined.

207 (12) GAMING ESTABLISHMENT. A physical location for  
208 which the commission has issued a license to authorize  
209 casino-style gaming activity to be conducted therein.

210 (13) GAMING ESTABLISHMENT LICENSE. A license issued by  
211 the commission to operate, carry on, conduct, maintain, or  
212 expose for play one or more casino-style games.

213 (14) GAMING ESTABLISHMENT LICENSEE. The holder of a  
214 gaming establishment license.

215 (15) GAMING-RELATED ACTIVITY. Any conduct, whether or  
216 not approved by the commission, to which any of the following  
217 apply:

218 a. Is ancillary to the operation of a gaming  
219 establishment.

220 b. Is subject to regulation by the commission.

221 c. Occurs on the premises of a gaming establishment.

222 (16) GAMING SERVICES. Goods or services offered to a  
223 gaming establishment licensee by a contractor, employee, or  
224 third party which directly relate to the gaming establishment



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225 or casino-style gaming activity, including, but not limited  
226 to, gaming equipment manufacturers, suppliers, and repairers;  
227 gaming management services; gaming employees; security  
228 services; and similar services ancillary to the operation of  
229 casino-style gaming activities at a licensed gaming  
230 establishment. The term does not include non-gaming auxiliary  
231 services, including, but not limited to, restaurants, bars,  
232 clubs, and other food and beverage services; spas; retail  
233 establishments; entertainment services; hotel, concierge, and  
234 valet services; laundry services; and landscaping and other  
235 non-gaming property management services.

236 (17) GAMING SERVICES CONTRACT. A contract between a  
237 gaming establishment licensee and a gaming services provider.

238 (18) GAMING SERVICES PROVIDER. A person licensed to  
239 provide gaming services to or on behalf of a gaming  
240 establishment licensee.

241 (19) HOUSE BANKED GAME. Any game of chance that is  
242 played with the house as a participant in the game; where the  
243 house takes on players, collects from losers, and pays  
244 winners; and where the house can win. The term also includes  
245 any game in which the house collects a percentage of what is  
246 at risk or collects a fee as a condition for participation.

247 (20) IN-PERSON SPORTS WAGERING LICENSE. A license  
248 issued by the commission to conduct sports wagering, subject  
249 to the policies and procedures of the commission and this  
250 chapter, through in-person on-premises play at the licensed  
251 gaming establishment.

252 (21) LOTTERY or LOTTERY GAME. A draw-based game of



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253 chance that generally involves the drawing of numbers at  
254 random for a prize. The term includes any game deemed a  
255 lottery by rule of the commission. The term may include, but  
256 is not limited to, a state lottery, instant lottery game, a  
257 multi-jurisdiction lottery, or other draw-based lottery that  
258 is approved and conducted through the Alabama Lottery  
259 Corporation. The term does not include video lottery  
260 terminals. The term does not include bingo, electronic bingo,  
261 or any game similar to bingo, including pull-tabs, lotto,  
262 punch boards, tip jars, or instant bingo, whether or not  
263 played with an electronic, computer, or other technological  
264 aid. The term does not include any other form of gaming  
265 activity.

266 (22) LOTTERY RETAILER. As defined under Section  
267 41-30-401.

268 (23) LOTTERY TICKET. Any tangible evidence of proof of  
269 participation in, or a right, privilege, or possibility of  
270 becoming a winner in, a lottery game.

271 (24) ONLINE SPORTS WAGERING LICENSE. A license to  
272 operate, carry on, conduct, maintain, or expose for play  
273 sports wagering through an online sports wagering platform.

274 (25) ONLINE SPORTS WAGERING PLATFORM. A person that,  
275 for commercial gain, offers sports wagering over the Internet,  
276 including on websites or mobile devices, or both.

277 (26) NET GAMING REVENUE. The total amount of money or  
278 value in any form received as a result of any gaming activity,  
279 whether or not approved by the commission, excluding free bets  
280 and promotional credits, less federal excise taxes, voided



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281 wagers, and the total money or value in any form paid as  
282 prizes or winnings, including the cash equivalent of any  
283 merchandise or thing of value awarded as a prize.

284 (27) PARI-MUTUEL WAGERING. A type of wagering in which  
285 bets of a particular type are placed together in a pool  
286 conducted by a person and in which the person takes a fee  
287 prior to distributing the pool among all winning bets.

288 (28) PERSON. An individual, corporation, partnership,  
289 association, or other legal or commercial entity. The term  
290 includes any federally recognized Indian tribe.

291 (29) POARCH BAND OF CREEK INDIANS or PCI. The federally  
292 recognized Indian tribe within the State of Alabama known as  
293 the Poarch Band of Creek Indians. The term includes a wholly  
294 owned subsidiary of the tribe.

295 (30) PRINCIPAL OWNER OR INVESTOR. Any person who has or  
296 controls, whether directly or indirectly, 10 percent or more  
297 ownership, income, or profit interest in an applicant for  
298 licensure under this chapter or a gaming establishment  
299 licensee.

300 (31) SPORTING EVENT. Any sport, athletic contest, game,  
301 match, race, motor race, electronic sports event, competitive  
302 video game event, or similar competitive event, whether  
303 amateur, interscholastic, collegiate, or professional,  
304 involving two or more competitors, in which the winner is  
305 determined by score or placement. The term does not include  
306 any public or private K-12 school or other amateur youth  
307 sports or athletic event.

308 (32) SPORTS WAGERING. The acceptance of wagers that



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309 have a basis in a sporting event that has not yet occurred or  
310 is already underway, including the outcome of the sporting  
311 event or the individual performance statistics of one or more  
312 athletes in a sporting event, or a combination thereof by any  
313 system or method of wagering. The term includes, but is not  
314 limited to, any of the following that have a basis in a  
315 sporting event: Single-game bets, teaser bets, parlays,  
316 over-under, moneyline, pools, exchange wagering, in-game  
317 wagering, in-play bets, proposition bets, and straight bets.  
318 The term does not include wagers on fantasy sports contests  
319 authorized under general law. The term does not include bingo,  
320 electronic bingo, or any games similar to bingo, including  
321 pull-tabs, lotto, punch boards, tip jars, or instant bingo,  
322 whether or not played with an electronic, computer, or other  
323 technological aid. The term does not include any other form of  
324 gaming activity.

325 (33) TRADITIONAL BINGO. A game in which players provide  
326 something of value to receive a prize according to the rules  
327 of the game commonly known as bingo, which includes each of  
328 the following elements:

329 a. The game requires human interaction and skill,  
330 including attentiveness and discernment and physical, visual,  
331 auditory, and verbal interaction by and between those persons  
332 who are playing and a person, commonly known as the  
333 "announcer" or "caller," who is responsible for calling out  
334 the randomly drawn designations and allowing time between each  
335 call for the players to check their cards and to physically  
336 mark them accordingly.



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337           b. The game requires the player to use actual physical  
338 cards made of cardboard, paper, or some functionally similar  
339 material that is flat and is preprinted with the grid and the  
340 designations referenced above.

341           (34) TRADITIONAL RAFFLE. A means of raising money by  
342 selling numbered paper tickets where one or more numbered  
343 paper tickets are subsequently drawn at random and the holder  
344 or holders of a matching ticket wins a prize. The term does  
345 not include bingo, electronic bingo, or any game similar to  
346 bingo, including pull-tabs, lotto, punch boards, tip jars, or  
347 instant bingo, whether or not played with an electronic,  
348 computer, or other technological aid. The term does not  
349 include any other form of gaming activity.

350           §41-30-3. Compliance with federal laws.

351           The State of Alabama, in accordance with 15 U.S.C. §  
352 1172, hereby declares that any and all lottery and gaming  
353 activity equipment, and the materials, paraphernalia, and  
354 supplies thereof, may be transported in interstate commerce  
355 into or out of the state, including Poarch Band of Creek  
356 Indians trust land, without violating that section, or any  
357 other applicable federal law, if the equipment, materials,  
358 paraphernalia, and supplies are used, to be used, or have been  
359 used in the conduct of gaming activities at licensed gaming  
360 establishments or on Poarch Band of Creek Indians trust land.

361           §41-30-4. Disclaimer.

362           Nothing in this chapter shall be deemed to apply to,  
363 authorize state or commission regulation or taxation of, or  
364 require state or commission approval of, gaming activities or



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365 sports wagering conducted on land held in trust by the United  
366 States for the Poarch Band of Creek Indians, except to the  
367 extent that the provision is expressly incorporated into a  
368 tribal-state gaming compact entered into by the State of  
369 Alabama and the Poarch Band of Creek Indians.

370 §41-30-5. No property rights awarded.

371 Any license or permit awarded under this chapter to  
372 conduct any form of gaming activity shall be deemed the  
373 granting of the privilege to conduct the activity. Nothing in  
374 this chapter shall be construed as awarding to any person any  
375 property right or interest.

376 Article 2. Alabama Gaming Commission.

377 §41-30-50. Alabama Gaming Commission created.

378 The Alabama Gaming Commission is created in the  
379 executive branch as a state agency to license and regulate the  
380 conduct of all lawful sports wagering, charitable gaming  
381 activities, lotteries, and casino-style gaming activities  
382 conducted within this state, as authorized by the Constitution  
383 of Alabama of 2022, and this chapter, and to effectively  
384 eradicate any unlawful gaming activity and unlawful  
385 gaming-related activity in this state. The commission shall be  
386 located in Montgomery County.

387 §41-30-51. Commission membership.

388 (a) The membership of the commission shall include all  
389 of the following:

390 (1) Four members of the public, appointed by the  
391 Governor.

392 (2) One member of the public, appointed by the Speaker



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393 of the House of Representatives.

394 (3) One member of the public, appointed by the  
395 President Pro Tempore of the Senate.

396 (4) One member of the public, appointed by the  
397 Lieutenant Governor.

398 (5) One member of the public, appointed by the  
399 President Pro Tempore of the Senate from a list of two  
400 nominees submitted by the Minority Leader of the Senate.

401 (6) One member of the public, appointed by the Speaker  
402 of the House of Representatives from a list of two nominees  
403 submitted by the Minority Leader of the House of  
404 Representatives.

405 (b)(1) Initial appointments of the commission shall be  
406 made no later than July 1, 2024. The initial appointees shall  
407 serve immediately upon appointment and shall continue to serve  
408 until confirmed or rejected by the Senate at the first regular  
409 or special session of the Legislature held after the initial  
410 appointments.

411 (2) The initial appointees shall hold an organizational  
412 meeting of the commission not later than October 1, 2024. At  
413 the organizational meeting, the membership of the commission  
414 shall select a chair and a vice chair, who shall serve in that  
415 position for two years. Members of the commission shall draw  
416 lots to determine which three appointees shall serve for an  
417 initial two-year term; which three appointees shall serve for  
418 an initial three-year term; and which three appointees shall  
419 serve for an initial four-year term.

420 (c) After the expiration of the initial terms, members





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421 appointed to the commission shall serve for four-year terms  
422 and shall be confirmed with the advice and consent of the  
423 Senate at the first regular or special session of the  
424 Legislature held after the appointment. Members may serve two  
425 complete terms and any portion of an initial term of less than  
426 four years or any portion of an unexpired term to which  
427 appointed.

428 (d) All appointing authorities shall coordinate their  
429 appointments to assure the commission membership is inclusive  
430 and reflects the racial, gender, geographic, urban, rural, and  
431 economic diversity of the state.

432 (e) Each member of the commission shall satisfy all of  
433 the following qualifications:

434 (1) Shall be a citizen of the United States and a  
435 resident of the State of Alabama for at least five years  
436 immediately preceding appointment.

437 (2) Shall be 30 or more years of age.

438 (3) Shall have no conviction for any federal or state  
439 felony offense or any misdemeanor property offense, offense  
440 involving fraud, or offense involving moral turpitude as  
441 provided under Section 17-3-30.1.

442 (4) May not be the executive director of the commission  
443 or an employee of the commission.

444 (5) May not be an officer of a political party or the  
445 occupant of an official position in a political party.

446 (6) May not be a public official, as defined under  
447 Section 36-25-1.

448 (7) May not be actively engaged in the business of a



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449 gaming establishment or in the operation of casino-style  
450 gaming activities, lottery games, or sports wagering.

451 (8) May not be a supplier of devices or equipment used  
452 in gaming activities.

453 (9) May not have a financial interest in any of the  
454 following:

455 a. A gaming establishment licensee.

456 b. An online sports wagering platform.

457 c. A lottery retailer or vendor.

458 d. A gaming services provider.

459 e. A contractor doing business or proposing to do  
460 business with the commission, the Alabama Lottery Corporation,  
461 or any of the entities described in paragraphs a. through d.

462 (f) Any vacancy occurring on the commission shall be  
463 filled for the unexpired term by the respective appointing  
464 authority. The appointee shall serve immediately upon  
465 appointment and shall continue to serve until confirmed or  
466 rejected by the Senate at the first regular or special session  
467 of the Legislature held after the appointment.

468 (g) Each member of the commission shall serve for the  
469 duration of the member's term and until either the member's  
470 successor is appointed and confirmed by the Senate or, if no  
471 successor is appointed, for a period of not more than 18  
472 months following the expiration of the member's term.

473 (h) Members of the commission shall be subject to the  
474 state ethics code under Chapter 25 of Title 36.

475 (i) Any member of the commission may be removed for  
476 cause by his or her respective appointing authority.



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477 §41-30-52. Commission meetings.

478 (a) The commission shall meet at least quarterly and at  
479 other times as called by the chair or a majority of the  
480 commission members.

481 (b) Meetings of the commission shall be subject to the  
482 Alabama Open Meetings Act; provided, that members of the  
483 commission may participate in a meeting of the commission in  
484 person, by means of telephone conference, video conference, or  
485 other similar communications equipment so that all individuals  
486 participating in the meeting may hear each other at the same  
487 time. Participation by such means shall constitute presence in  
488 person at a meeting for all purposes, including for purposes  
489 of establishing a quorum, and the affirmative vote of a  
490 majority of the members necessary for any action of the  
491 commission.

492 (d) (1) A majority of members shall constitute a quorum  
493 for the transaction of any business and for the exercise of  
494 any power or function of the commission.

495 (2) Action may be taken on motions and resolutions  
496 adopted by the commission at any meeting of the commission by  
497 an affirmative vote of a majority of present and voting  
498 commission members, a quorum being present.

499 (e) No vacancy in the membership of the commission  
500 shall impair the right of the members to exercise all the  
501 powers and perform all the duties of the commission.

502 §41-30-53. Compensation of members.

503 Each member of the commission shall receive annual  
504 compensation equal to one-half of that of a member of the



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505 Legislature and the same per diem and travel allowances  
506 provided for state employees.

507 §41-30-54. Identification, regulation, and taxation of  
508 current gaming activities.

509 The commission may adopt temporary continuing operation  
510 rules to implement and administer this chapter and Section  
511 65(e) of the Constitution of Alabama of 2022. These rules are  
512 exempt from the requirements of the Alabama Administrative  
513 Procedures Act and shall expire on January 1, 2027.

514 §41-30-55. Powers and duties of the commission.

515 The commission shall adopt, amend, or repeal rules in  
516 accordance with the Alabama Administrative Procedure Act and  
517 shall have all powers necessary and convenient to fulfilling  
518 its duties with respect to gaming activity, gaming-related  
519 activity, traditional raffles, and traditional bingo. These  
520 powers include:

521 (1) To issue subpoenas and compel the production of  
522 documents or items and the attendance of witnesses, to  
523 administer oaths, to require testimony under oath, and to  
524 enforce its orders.

525 (2) To appoint impartial hearing examiners who may  
526 administer oaths and receive evidence and testimony under oath  
527 and make recommendations to the commission.

528 (3) To demand access to or inspect, examine, photocopy,  
529 and audit papers, books, records, equipment, supplies, and  
530 premises necessary to carry out its duties.

531 (4) To seize and impound any equipment, supplies, or  
532 premises used in violation of laws or commission rules



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533 governing the conduct of gaming activities, subject to the  
534 procedures provided under Section 20-2-93.

535 (5) To procure goods and services as provided under the  
536 state procurement code, Article 5 of Chapter 4 of Title 41.

537 (6) To impose reasonable civil penalties on any person  
538 for violations of this chapter or violations of rules adopted  
539 by the commission.

540 (7) To provide for the issuance of licenses for the  
541 operation of casino-style gaming activities and sports  
542 wagering and to provide for the renewal, modification,  
543 extension, suspension, revocation, transfer, or forfeiture of  
544 a license.

545 (8) To regulate and supervise the conduct and operation  
546 of gaming activities.

547 (9) To adopt rules and procedures to address the  
548 failure of a licensee to timely remit taxes, fees, and fines  
549 and penalties.

550 (10) To adopt rules related to the reasonable operation  
551 and investment level for each gaming establishment.

552 (11) To adopt rules limiting access to gaming  
553 activities by minors and other susceptible individuals,  
554 including a program of voluntary self-exclusion for  
555 individuals struggling with problem gaming.

556 §41-30-56. Audits and reports.

557 (a) To ensure the financial integrity of the operation  
558 of gaming establishments in this state, the commission shall  
559 do all of the following:

560 (1) Not later than the second legislative day of each



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561 regular session, submit an annual report to the Governor and  
562 the Legislature disclosing the total gaming revenues,  
563 operating and administrative expenses of the commission, and  
564 information relating to the number of licenses issued,  
565 suspended, revoked, or transferred during the reporting  
566 period. The annual report shall additionally describe the  
567 organizational structure of the commission and summarize the  
568 functions performed by each organizational division within the  
569 commission. The annual report shall be displayed on the  
570 website of the commission.

571 (2) Adopt a system of internal audits and audits of  
572 licensees.

573 (3) Contract with a certified public accountant or firm  
574 for an annual financial audit of the commission. The certified  
575 public accountant or firm shall have no financial interest in  
576 any vendor with whom the commission is under contract or any  
577 licensee of the commission. The certified public accountant or  
578 firm shall present an audit report not later than four months  
579 after the end of the fiscal year. The certified public  
580 accountant or firm shall evaluate the internal auditing  
581 controls in effect during the audit period. The cost of this  
582 annual financial audit shall be an operating expense of the  
583 commission.

584 (b) The Department of Examiners of Public Accounts  
585 shall perform an audit or examination of the commission on an  
586 annual basis or more frequently as deemed necessary by the  
587 Chief Examiner.

588 §41-30-57. Executive director and deputy director of



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589 the commission.

590 (a) (1) The commission shall appoint an executive  
591 director who shall direct the day-to-day operations and  
592 management of the commission and shall be vested with all  
593 powers and duties as specified by the commission and by law.  
594 The executive director shall serve at the pleasure of the  
595 commission.

596 (2) The executive director shall meet all of the  
597 following qualifications:

598 a. Shall be a person of good moral character who has  
599 not engaged in conduct involving dishonesty, fraud, or  
600 misrepresentation.

601 b. May not have a conviction for any felony offense and  
602 may not have a conviction for any misdemeanor offense that  
603 reflects adversely on the individual's honesty or  
604 trustworthiness.

605 c. May not be an officer of a political party or the  
606 occupant of an official position in a political party.

607 d. May not be a public official, as defined under  
608 Section 36-25-1.

609 e. May not be actively engaged in the business of a  
610 gaming establishment or in the operation of casino-style  
611 gaming activities, lottery games, or sports wagering.

612 f. May not be a supplier of gaming equipment.

613 g. Shall possess any other qualifications adopted by  
614 the commission by rule.

615 (3) The executive director shall devote his or her full  
616 time and attention to the duties required under this chapter



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617 and may not hold any other office of profit or perform any  
618 other services for profit or any other gain.

619 (4) The executive director shall receive an annual  
620 salary as determined by the commission and approved pursuant  
621 to Section 36-6-6 as if he or she were an officer or employee  
622 appointed in the exempt service.

623 (b) (1) The executive director may appoint a deputy  
624 director who shall perform duties designated by the executive  
625 director.

626 (2) The deputy director shall receive an annual salary  
627 as determined by the executive director and approved pursuant  
628 to Section 36-6-6 as if he or she were an officer or employee  
629 appointed in the exempt service.

630 (c) For purposes of the Merit System Act, Article 1 of  
631 Chapter 26 of Title 36, the executive director and deputy  
632 director shall be employed in the exempt service.

633 (d) The executive director and any deputy director may  
634 not have a financial interest in any of the following:

635 (1) A gaming establishment licensee.

636 (2) An online sports wagering platform.

637 (3) A lottery retailer or vendor.

638 (4) A gaming services provider.

639 (5) A contractor doing business or proposing to do  
640 business with the commission, the Alabama Lottery Corporation,  
641 or any of the entities described in subdivisions (1) through  
642 (4).

643 §41-30-58. Powers and duties of the executive director.

644 (a) The executive director shall direct and supervise





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645 all administrative and technical activities in accordance with  
646 this chapter and with the rules, policies, and procedures  
647 adopted by the commission.

648 (b) The powers and duties of the executive director  
649 shall include all of the following:

650 (1) Sue and be sued on behalf of the commission.

651 (2) Acquire real property in accordance with existing  
652 law and make improvements thereon on behalf of the commission.

653 (3) Make, execute, and effectuate agreements or  
654 contracts, including contracts for the purchase of goods and  
655 services, as are necessary for the conduct of the business of  
656 the commission.

657 (4) Employ and direct such personnel as deemed  
658 necessary.

659 (5) Employ by contract and compensate persons as deemed  
660 necessary for the operation and administration of the  
661 commission.

662 (6) Prepare a budget for the approval of the  
663 commission.

664 (7) Prepare an annual report on behalf of the  
665 commission as provided in Section 41-30-56.

666 (8) Perform other duties as necessary to implement and  
667 administer this chapter.

668 §41-30-59. Employees of the commission.

669 (a) (1) An employee of the commission may not have a  
670 financial interest in any of the following:

671 a. A gaming establishment licensee.

672 b. An online sports wagering platform.



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673 c. A lottery retailer or vendor.

674 d. A gaming services provider.

675 e. A contractor doing business or proposing to do  
676 business with the commission, the Alabama Lottery Corporation,  
677 or any of the entities described in paragraphs a. through d.

678 (2) An employee of the commission with decision-making  
679 authority may not participate in any decision involving a  
680 gaming establishment licensee with whom the employee has a  
681 financial interest.

682 (b) An employee of the commission who leaves the  
683 employment of the commission may not represent any vendor,  
684 gaming services provider, or gaming establishment licensee  
685 before the commission for a period of two years following  
686 termination of employment with the commission.

687 (c) An applicant for employment with the commission  
688 shall submit to the executive director, on a form sworn to by  
689 the applicant, his or her name, date of birth, Social Security  
690 number, and two complete sets of fingerprints for completion  
691 of a criminal history background check through the State  
692 Bureau of Investigation. Costs associated with conducting a  
693 criminal history background check may be paid by the  
694 commission.

695 (d) An individual who has been convicted of any federal  
696 or state felony offense or any misdemeanor property offense,  
697 offense involving fraud, or offense involving moral turpitude  
698 as provided under Section 17-3-30.1, may not be employed by  
699 the commission.

700 (e) The commission shall bond commission employees with



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701 access to commission funds in such an amount as provided by  
702 the commission and may bond other employees as deemed  
703 necessary.

704 (f) For purposes of the Merit System Act, Article 1 of  
705 Chapter 26 of Title 36, the employees of the commission shall  
706 be employed in the unclassified service and shall be entitled  
707 to insurance, retirement, and other state employees' benefits.

708 (g) Employees of the commission shall be subject to the  
709 state ethics code under Chapter 25 of Title 36.

710 §41-30-60. Employee participation prohibition.

711 (a) An employee of the commission may not engage in  
712 gaming activity at any gaming establishment except as  
713 necessary to perform their regulatory duties as an employee of  
714 the commission.

715 (b) An employee of a licensed gaming establishment may  
716 not engage in any gaming activity at any gaming establishment  
717 at which he or she is employed. This subsection does not apply  
718 to employees of a gaming establishment while operating as a  
719 dealer or while playing on behalf of the house to facilitate  
720 any gaming activity.

721 §41-30-61. Records of the commission.

722 (a) Except as provided in subsection (b) and Section  
723 41-30-105, records of the commission shall be public records  
724 for purposes of Section 36-12-40.

725 (b) The commission may determine which information and  
726 records relating to its operations are confidential and not  
727 subject to public disclosure. Confidential information, at a  
728 minimum, shall include trade secrets; security measures,



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729 systems, or procedures; security reports; employee personnel  
730 information unrelated to compensation, duties, qualifications,  
731 or responsibilities; and information obtained pursuant to  
732 investigations which is otherwise confidential. Information  
733 deemed confidential pursuant to this section shall be exempt  
734 from public disclosure.

735 §41-30-62. Minority business participation.

736 It is the intent of the Legislature that the commission  
737 encourage participation by minority businesses. Accordingly,  
738 the commission shall adopt a plan that achieves, to the  
739 greatest extent possible, a level of participation by minority  
740 businesses taking into account the total number of all gaming  
741 establishment licensees. The commission shall administer  
742 training programs and other educational activities to enable  
743 eligible minority businesses to compete for licenses on an  
744 equal basis. The commission shall monitor the results of  
745 minority business participation and shall report the results  
746 of minority business participation to the Governor and the  
747 Legislature at least on an annual basis.

748 §41-30-63. Rulemaking authority.

749 The commission may adopt rules to implement and  
750 administer this chapter, including rules to interpret the  
751 terms "casino-style game" and "sports wagering."

752 Article 3. Gaming Enforcement Division.

753 §41-30-100. Gaming Enforcement Division established.

754 The Gaming Enforcement Division within the commission  
755 is established. The enforcement division shall have  
756 independent and primary authority and jurisdiction to



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757 investigate violations of this chapter and enforce the general  
758 laws and rules of the commission. The enforcement division may  
759 take any means necessary to aid the commission in the  
760 administration and enforcement of this chapter, the gaming  
761 laws, and rules of the commission, and to effectively  
762 eradicate any unlawful gaming activity or unlawful  
763 gaming-related activity in the state.

764 §41-30-101. Director of the Gaming Enforcement  
765 Division.

766 (a) (1) The position of Gaming Enforcement Officer is  
767 created. The Gaming Enforcement Officer shall be appointed by  
768 the executive director of the commission and shall hold office  
769 at the pleasure of the executive director.

770 (2) The Gaming Enforcement Officer shall have general  
771 supervision and management of the functions and duties of the  
772 Gaming Enforcement Division, subject to approval of the  
773 executive director, including the power to change the working  
774 title of any position in the enforcement division or organize  
775 the enforcement division in a manner to efficiently administer  
776 the duties of the enforcement division.

777 (b) The Gaming Enforcement Officer shall satisfy all of  
778 the following qualifications:

779 (1) Be certified by the Alabama Peace Officers'  
780 Standards and Training Commission or become certified within  
781 one year of appointment.

782 (2) Have a bachelor's or equivalent degree from an  
783 accredited institution of higher education.

784 (3) Have a law enforcement background of at least 10



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785 years, including executive level experience with specific  
786 participation in complex investigations of financial crimes,  
787 conspiracy, racketeering, and other related crimes.

788 (c) The salary of the Gaming Enforcement Officer shall  
789 be set by the executive director. For purposes of the Merit  
790 System Act, Article 1 of Chapter 26 of Title 36, the Gaming  
791 Enforcement Officer shall be employed in the exempt service.

792 (d) For purposes of the immunity afforded in Section  
793 6-5-338, the Gaming Enforcement Officer shall be deemed a law  
794 enforcement officer.

795 (e) The Gaming Enforcement Officer shall have arrest  
796 powers.

797 (f) The Gaming Enforcement Officer may request the  
798 Attorney General or any local district attorney to issue  
799 subpoenas and compel the production of documents or items for  
800 purposes of enforcing this chapter, the gaming laws, and rules  
801 of the commission.

802 (g) The Gaming Enforcement Officer shall establish  
803 operational policy and procedures for the administration of  
804 the duties of the enforcement division.

805 §41-30-102. Personnel of the Gaming Enforcement  
806 Division.

807 (a) The Gaming Enforcement Officer shall hire all  
808 personnel necessary for the operation of the Gaming  
809 Enforcement Division, subject to approval by the executive  
810 director. Personnel shall include, but not be limited to, the  
811 following:

812 (1) Investigators.



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813 (2) Auditors and forensic accountants.  
814 (3) Compliance officers.  
815 (4) Investigative technology experts.  
816 (5) Administrative staff.  
817 (6) Any other staff necessary for the operation of the  
818 division.

819 (b) To assist the executive director in carrying out  
820 his or her duties under this chapter, the Gaming Enforcement  
821 Division may employ consultants to render professional  
822 services, including, but not limited to, reviewing gaming  
823 records and other related records or items, providing expert  
824 testimony in contested cases, assisting in audits performed by  
825 the enforcement division, and conducting technology reviews  
826 and implementation. Consultants shall be compensated for  
827 professional services at rates established by the commission.

828 (c) (1) The personnel of the Gaming Enforcement Division  
829 shall serve at the pleasure of the Gaming Enforcement Officer.

830 (2) Notwithstanding any other provision of local or  
831 general law, a retired state or local law enforcement officer  
832 may be employed by the Gaming Enforcement Division without  
833 suspension or modification of his or her state or local  
834 retirement benefits.

835 (d) The personnel employed by the enforcement division  
836 who are certified by the Alabama Peace Officers' Standards and  
837 Training Commission shall have the power of arrest.

838 (e) For purposes of the Alabama Criminal Justice  
839 Information Center and the National Crime Information Center,  
840 personnel of the Gaming Enforcement Division shall be



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841 considered an originating agency identifier for the purposes  
842 of criminal background checks and access to criminal history  
843 data.

844 (f) For purposes of the immunity afforded in Section  
845 6-5-338, personnel of the Gaming Enforcement Division who are  
846 certified by the Alabama Peace Officers' Standards and  
847 Training Commission shall be deemed law enforcement officers.

848 (g) Personnel of the Gaming Enforcement Division shall  
849 comply with all initial and continuing education requirements  
850 in Section 41-30-103.

851 §41-30-103. Continuing education requirements.

852 (a) By October 1, 2025, the Alabama Peace Officers'  
853 Standards and Training Commission, in consultation with the  
854 Executive Director of the Alabama Gaming Commission and the  
855 Gaming Enforcement Officer, shall develop the following:

856 (1) An initial training curriculum for law enforcement  
857 officers relating to enforcement of gaming laws and rules,  
858 including associated activities.

859 (2) An annual continuing education curriculum to  
860 supplement the initial training curriculum relating to  
861 investigations and enforcement of gaming laws and rules of the  
862 Alabama Gaming Commission, including associated activities.

863 (b) The Alabama Peace Officers' Standards and Training  
864 Commission shall determine the number of hours necessary for  
865 the required training and shall consult with national gaming  
866 associations and other entities for inclusion of national  
867 standards relating to gaming investigations and enforcement in  
868 the training curriculum.





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869 (c) The Gaming Enforcement Officer shall identify those  
870 individuals subject to the training requirements in this  
871 section and a schedule for completion of the required  
872 curriculum by division personnel.

873 §41-30-104. Duties and powers of the Gaming Enforcement  
874 Division.

875 (a) For the protection of the public and in accordance  
876 with the policy of this state, the Gaming Enforcement Officer,  
877 personnel of the Gaming Enforcement Division, and any  
878 individual operating under the direct authority of the Gaming  
879 Enforcement Division may do any of the following:

880 (1) Inspect and examine any gaming establishment,  
881 lottery retailer, or the premises of where gaming equipment is  
882 manufactured, sold, or distributed.

883 (2) Inspect all equipment and supplies on the premises  
884 of a gaming establishment or lottery retailer.

885 (3) Enforce compliance with this chapter, the gaming  
886 laws, and the rules of the commission.

887 (4) Enforce all laws of this state with respect to  
888 unlawful gaming activities and unlawful gaming-related  
889 activities.

890 (5) Have primary jurisdiction over any violation of  
891 this chapter or Article 2 of Chapter 12 of Title 13A that  
892 occurs on the property of a licensed gaming establishment.

893 (6) Summarily seize and remove from the premises of a  
894 gaming establishment or lottery retailer and impound any  
895 gaming equipment or other equipment or supplies for the  
896 purpose of examination and inspection.



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897 (7) Make arrests of violators of this chapter, the  
898 gaming laws and rules of the commission, and any other laws of  
899 this state.

900 (8) Demand access to and inspect, examine, photocopy,  
901 and audit all papers, books, and records of applicants for  
902 licensure, licensees, and gaming service providers on their  
903 premises or elsewhere as practicable, in the presence of the  
904 licensee or an agent relating to the proceeds generated by any  
905 activities regulated by the commission and all other matters  
906 affecting the enforcement of this chapter or commission rules.

907 (9) Make determinations and impose and enforce civil  
908 penalties for violations of gaming laws and rules of the  
909 commission.

910 (10) Conduct investigations of applicants for licensure  
911 to establish and assess suitability compliance and related  
912 issues as provided in Section 41-30-73.

913 (11) Take any other action deemed necessary and  
914 appropriate by the enforcement division in the administration  
915 of its duties under this chapter.

916 (12) Conduct criminal investigations into any  
917 unlicensed or otherwise unlawful gaming activity conducted in  
918 this state and make arrests where appropriate for violations.

919 (b) No less than on an annual basis, and upon request  
920 of the commission or the Legislative Council, the enforcement  
921 division shall provide to the commission and Legislative  
922 Council reports of all investigative and enforcement activity  
923 conducted by the division.

924 §41-30-105. Confidentiality of records.



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925 All of the following shall be privileged and  
926 confidential, unless presented as evidence at a public hearing  
927 of the commission:

928 (1) All reports of investigations by the enforcement  
929 division.

930 (2) Documents subpoenaed by the commission in  
931 furtherance of an investigation or other activity of the  
932 enforcement division.

933 (3) Reports of any investigative action by the  
934 enforcement division.

935 (4) Memoranda of the personnel of the enforcement  
936 division relating to an investigation.

937 (5) Statements of individuals interviewed by the  
938 enforcement division.

939 (6) All information, interviews, reports, statements,  
940 or memoranda of any nature furnished to the enforcement  
941 division.

942 (7) Any findings, conclusions, or recommendations  
943 resulting from proceedings of the enforcement division.

944 (8) All information containing proprietary trade secret  
945 information.

946 §41-30-106. Assistance by the Attorney General and  
947 district attorneys.

948 The Gaming Enforcement Officer may request assistance  
949 from the Attorney General, district attorneys, or other  
950 prosecuting attorneys of this state. The Attorney General,  
951 district attorneys, or other prosecuting attorneys, upon  
952 request, shall assist in any action for injunction or any



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953 prosecution based on a violation of this chapter, any gaming  
954 law, or a rule of the commission.

955 Article 4. Casino-style gaming activities.

956 §41-30-150. License required.

957 Except to the extent authorized under Section 41-30-54,  
958 casino-style gaming activities may only be operated, carried  
959 on, conducted, maintained, or exposed for play by a gaming  
960 establishment licensee or as otherwise authorized by this  
961 chapter.

962 §41-30-151. Limitations on the issuance of licenses.

963 (a) Subject to the receipt of local approval under  
964 Section 41-30-152, the commission may issue no more than seven  
965 gaming establishment licenses, including the license reserved  
966 for the Poarch Band of Creek Indians pursuant to Section 65.04  
967 of the Constitution of Alabama of 2022. Licenses may be  
968 awarded pursuant to criteria established by the commission by  
969 rule, which shall include a competitive open bidding process,  
970 to applicants who have been deemed suitable pursuant Section  
971 41-30-155. The licenses awarded shall be limited by the  
972 following conditions:

973 (1) Four of the licenses shall be reserved for issuance  
974 as follows: one in Greene County, one in the portion of the  
975 City of Birmingham that is within Jefferson County, one in  
976 Macon County, and one in Mobile County.

977 (2) One license shall be reserved for issuance in  
978 accordance with the terms of a gaming compact as provided  
979 under Section 41-30-158.

980 (3) Two licenses shall be reserved for issuance in the



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981 following counties: one in Houston County and one in Lowndes  
982 County.

983 (b) The commission shall adopt rules establishing a  
984 competitive open bidding process for the award of gaming  
985 establishment licenses as described in subsection (a). The  
986 competitive open bidding process shall require the commission  
987 to consider all of the following with regard to a suitable  
988 applicant:

989 (1) The applicant's proposed capital investment at the  
990 location, including the applicant's commitment to offer  
991 amenities such as restaurants and entertainment venues.

992 (2) The applicant's existing or past investments in the  
993 relevant local jurisdiction and the state.

994 (3) The applicant's past paid taxes to the state and  
995 the relevant local jurisdiction.

996 (4) The applicant's experience in the operation of a  
997 gaming establishment.

998 (5) The applicant's familiarity with the local market.

999 (6) The applicant's ties to, and community support  
1000 within, the State of Alabama and the jurisdiction of the  
1001 proposed gaming establishment.

1002 (7) The applicant's anticipated annual revenues.

1003 (8) The applicant's commitment to employ local citizens  
1004 and to pay them competitive wages.

1005 (9) The applicant's plans for recruiting a diverse  
1006 workforce.

1007 (10) The applicant's plans for ensuring the opportunity  
1008 for participation by minority owned businesses as contractors,



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1009 vendors, and other affiliates.

1010 (11) The maximum license fee the applicant is willing  
1011 to pay.

1012 (c) In selecting an applicant for licensure, the  
1013 commission shall endeavor to preserve and maintain the  
1014 historical minority diversity of ownership of sites listed in  
1015 subsection (a). If the commission receives a bid from a  
1016 suitable applicant meeting the minority diversity  
1017 requirements, the commission may give the applicant enhanced  
1018 consideration if the applicant's bid is no more than 10  
1019 percent less than the highest bid received.

1020 §41-30-152. Local approval of a gaming establishment.

1021 (a) The Alabama Gaming Commission may issue a gaming  
1022 establishment license in a municipality or county only if  
1023 local county or municipal approval is obtained in accordance  
1024 with this section.

1025 (b) A county or municipality may grant local approval  
1026 of a gaming establishment being located in the county or  
1027 municipality by doing either of the following:

1028 (1) Passing a resolution approving the issuance of a  
1029 gaming establishment license within the county or  
1030 municipality.

1031 (2)a. Holding a local referendum in accordance with  
1032 this subdivision. The governing body of the county or  
1033 municipality may direct the judge of probate of the county to  
1034 submit the question of whether to allow a gaming establishment  
1035 to be located in the applicable county or municipality to the  
1036 qualified electors of the county or municipality.



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1037           b. The election shall be held on the day designated by  
1038 the judge of probate of the county. The notice of the election  
1039 shall be given by the judge of probate and the election shall  
1040 be held, conducted, and the results canvassed in the same  
1041 manner as other local elections. The election shall be held in  
1042 conjunction with the next regularly scheduled state or local  
1043 election to be held in the county, unless specially called by  
1044 the judge of probate at an earlier time. A period of not less  
1045 than 180 days must elapse between the date of any second or  
1046 subsequent election in a local jurisdiction under this  
1047 paragraph. The county or municipality, as applicable, shall  
1048 pay any costs and expenses not otherwise reimbursed by a  
1049 governmental agency which are incidental to the election.

1050           c. The question to the qualified electors shall be, "Do  
1051 you favor the award of a gaming establishment license in this  
1052 municipality/county (as applicable)?" The judge of probate  
1053 may, in his or her sole discretion, identify the specific  
1054 address of a proposed gaming establishment on the ballot.

1055           d. If a majority of the votes cast in the election are  
1056 "Yes," local approval shall be deemed granted.

1057           e. The judge of probate shall certify the results of  
1058 the election to the Secretary of State and the Alabama Gaming  
1059 Commission.

1060           (c) Upon obtaining local approval, the commission may  
1061 grant a license in the county or municipality.

1062           §41-30-153. Application to bid for licensure.

1063           (a) A person desiring to operate, carry on, conduct,  
1064 maintain, or expose for play casino-style gaming activities



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1065 shall apply to be considered for licensure by the commission.  
1066 The commission may adopt rules prescribing the information an  
1067 applicant is required to submit to the commission prior to the  
1068 consideration of the person as eligible for potential  
1069 licensure under this section. The commission shall by rule  
1070 establish an application fee that must be paid as an  
1071 application requirement.

1072 (b) An application for consideration under this section  
1073 shall include all of the following by sworn affidavit:

1074 (1) The names and addresses of the principal owners and  
1075 investors of the applicant, showing the ownership percentage  
1076 of each.

1077 (2) Any business records required by the commission.

1078 (3) The types of casino-style games to be offered at  
1079 the location.

1080 (4) The number of gaming machines, casino-style game  
1081 tables, or other devices used to conduct gaming activities.

1082 (5) The physical location of the gaming establishment.

1083 (6) A set of fingerprints for each gaming employee for  
1084 purposes of a criminal history background check. The  
1085 enforcement division shall submit the information collected  
1086 pursuant to this subdivision to the State Bureau of  
1087 Investigation for purposes of conducting the required criminal  
1088 history background check. The applicant shall pay the cost of  
1089 conducting the criminal history background check.

1090 (7) Information, documentation, and assurances  
1091 concerning the financial background and resources as may be  
1092 required to establish the financial stability, integrity, and





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1093 responsibility of the applicant, including bank references,  
1094 business and personal income and disbursement schedules, tax  
1095 returns and other financial reports filed with governmental  
1096 agencies, and business and personal accounting and check  
1097 records and ledgers. To meet the requirements of this  
1098 subdivision, each applicant, in writing, shall authorize the  
1099 examination of all bank accounts and records as may be deemed  
1100 necessary by the commission. The applicant shall be presumed  
1101 to be financially stable if the applicant establishes that it  
1102 meets each of the following:

1103         a. The ability to assure the financial integrity of  
1104 gaming establishment operations by the maintenance of a  
1105 bankroll or equivalent provisions adequate to pay winnings  
1106 when due.

1107         b. The ability to meet ongoing operating expenses that  
1108 are essential to the maintenance of continuous and stable  
1109 gaming establishment operations.

1110         c. The ability to pay, as and when due, all state and  
1111 federal taxes.

1112         (8) Information, documentation, and assurances as may  
1113 be required to establish that the applicant has sufficient  
1114 business ability and gaming experience as to establish the  
1115 likelihood of the creation and maintenance of a successful,  
1116 efficient sports wagering operation, if applicable.

1117         (9) Any other information required by the commission.

1118         (c) Within a reasonable time after receiving an  
1119 application under this section, the commission shall determine  
1120 and notify the applicant in writing whether the application is



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1121 complete. If the commission determines the application is  
1122 incomplete, the commission shall specifically identify the  
1123 missing information and specify the requirement creating the  
1124 obligation to submit the missing documents or information in  
1125 the written notice. The processing deadlines shall restart on  
1126 the date the applicant submits all the documents and  
1127 information identified by the commission to render the  
1128 application complete.

1129 (d) The commission, by rule, shall require an applicant  
1130 pursuant to this section to demonstrate an ability to make a  
1131 minimum capital investment of thirty-five million dollars  
1132 (\$35,000,000) in the gaming establishment location. The  
1133 commission shall consider any previous capital investments of  
1134 the applicant and existing facilities and structures at the  
1135 proposed site. In addition, for initial licensure, the  
1136 commission shall require the applicant to demonstrate that any  
1137 proposed construction or renovation of gaming establishment  
1138 facilities would commence within 12 months of licensure.

1139 §41-30-154. Gaming establishment license fee.

1140 (a) The commission shall issue gaming establishment  
1141 licenses for an initial 15-year term; provided, the  
1142 commission, by rule, may provide for an extended initial  
1143 license term for an applicant that proposes to make a minimum  
1144 capital investment of five hundred million dollars  
1145 (\$500,000,000) at the proposed site. License fees shall be not  
1146 less than five million dollars (\$5,000,000), as determined by  
1147 the commission with respect to each applicant, based upon the  
1148 following factors:



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1149 (1) The number and type of gaming machines at the  
1150 location.

1151 (2) The number and type of table games at the location.

1152 (3) The number and type of random number games at the  
1153 location.

1154 (4) The proposed capital investment plan of the  
1155 location.

1156 (5) The amount of any previous gross and net gaming  
1157 revenues generated at the location.

1158 (6) The business plan of the applicant.

1159 (7) The market conditions of the location.

1160 (8) Any other factors deemed relevant by the  
1161 commission.

1162 (b) One-half of the license fee shall be paid at the  
1163 time of licensure. The remaining portion of the license fee  
1164 shall be paid in consecutive equal monthly installments. The  
1165 license fees shall be collected by the commission and remitted  
1166 to the State Treasury to the credit of the Gaming Trust Fund.

1167 §41-30-155. Suitability requirements.

1168 (a) The commission may not issue a license to an  
1169 applicant pursuant to this article until the applicant has  
1170 demonstrated suitability for licensure.

1171 (b) For purposes of this section, "suitability" of an  
1172 applicant means consideration of all of the following with  
1173 respect to the applicant and any principal owner or investor  
1174 of the applicant:

1175 (1) The moral character, honesty, and integrity of the  
1176 applicant.



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1177 (2) The reputation, experience, and financial integrity  
1178 of the applicant.

1179 (3) The financial ability of the applicant to purchase  
1180 and maintain adequate liability and casualty insurance and to  
1181 provide a surety bond as required by rule of the commission,  
1182 based on cost of licensure, annual revenue, and other  
1183 financial factors.

1184 (4) The past and present compliance of the applicant,  
1185 including whether the applicant has a history of noncompliance  
1186 with the gaming licensing requirements of any other  
1187 jurisdiction.

1188 (5) Whether the applicant has filed, or had filed  
1189 against it, a proceeding for bankruptcy or has ever been  
1190 involved in any formal process to adjust, defer, suspend, or  
1191 otherwise work out the payment of any debt.

1192 (6) Whether the applicant is or has been a defendant in  
1193 litigation involving its business practices.

1194 (7) Whether awarding a license would undermine the  
1195 public's confidence in the gaming industry in this state.

1196 (8) Prior activities, arrests, or criminal records, if  
1197 any, and the general reputation, habits, and associations of  
1198 any principal owner or investor of an applicant which may: (i)  
1199 pose a threat to the public interest of this state or to the  
1200 effective regulation of gaming in this state; and (ii) create  
1201 or enhance the dangers of unsuitable, unfair, or unlawful  
1202 practices, methods, and operations in the activities  
1203 authorized by this chapter and the financial arrangements and  
1204 activities incidental to the gaming activities authorized by



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1205 this chapter. For purposes of this subdivision, evidence of or  
1206 relating to an arrest, summons, charge, or indictment of an  
1207 applicant, or the dismissal thereof, shall be considered by  
1208 the commission where applicable, even if the arrest, summons,  
1209 charge, or indictment resulted in an acquittal, deferred  
1210 adjudication such as participation in a pretrial diversion  
1211 program, probation, parole, or pardon.

1212 (9) The likelihood of the applicant to conduct business  
1213 in complete compliance with this chapter.

1214 (10) Whether the applicant has a tax lien assessed  
1215 against it or owes any delinquent taxes, or penalties or  
1216 interest thereon, excluding items under formal appeal or  
1217 protest as provided by law.

1218 (11) Whether awarding a license to the applicant would  
1219 create a monopoly or circumstances that would substantially  
1220 lessen or harm competition in a manner that would deprive  
1221 residents of the State of Alabama of the benefits of  
1222 competition. To this end, a person may not hold a majority  
1223 interest in more than two licensed gaming establishments or  
1224 more than one percent in more than three licensed gaming  
1225 establishments. The commission shall ensure that the award or  
1226 transfer of a license on or after June 1, 2024, would not  
1227 result in a violation of this subdivision.

1228 (12) Whether an applicant registered and accepted the  
1229 regulation of the commission, became subject to taxation, and  
1230 provided information required by the commission, as provided  
1231 under Section 65(e) of the Constitution of Alabama of 2022,  
1232 and rules of the commission pursuant to Section 41-30-54. The



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1233 commission may give an applicant enhanced consideration for  
1234 satisfying this subdivision.

1235 (13) Any other factor or consideration deemed relevant  
1236 by the commission.

1237 (c) Each applicant for a license under this article  
1238 shall bear the obligation to establish its suitability for a  
1239 license.

1240 (d) The executive director shall conduct a suitability  
1241 analysis of each applicant for licensure. Each applicant shall  
1242 provide any information and documentation requested by the  
1243 executive director. The executive director shall report in  
1244 writing his or her findings to the members of the commission,  
1245 detailing the information supporting the determination,  
1246 including a formal recommendation of whether the applicant is  
1247 suitable or not suitable for licensure. The members of the  
1248 commission, by majority vote, shall determine whether the  
1249 applicant is suitable for licensure.

1250 §41-30-156. Renewal of licenses.

1251 (a) Upon application to and approval of the commission,  
1252 any license granted to an applicant under this article may be  
1253 serially renewed as provided by this section.

1254 (b) A licensee that has paid all applicable taxes and  
1255 has continued to meet the suitability and other minimum  
1256 licensing criteria established under this article shall be  
1257 eligible for licensure renewal upon payment of any applicable  
1258 license renewal fee. License renewal fees and license terms  
1259 shall be set by the commission one year prior to the  
1260 expiration of the license term as provided by rule of the



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1261 commission. In determining the renewal fee, the commission  
1262 shall consider the licensing criteria under this article.

1263 (c) Upon making its determination under subsection (b),  
1264 the commission shall provide written notice to the licensed  
1265 gaming establishment of the renewal fee and the new term of  
1266 the license, which shall be for a period of not less than 10  
1267 years. The commission shall specify in the notice the  
1268 timeframe in which the licensed gaming establishment may apply  
1269 for renewal of the license.

1270 §41-30-157. Transfer of a license.

1271 The commission shall approve any proposed transfer of a  
1272 license issued pursuant to this article, including any change  
1273 of principal owner or investor of the licensee, prior to any  
1274 transfer of the license. License transfers shall be subject to  
1275 the application for licensure procedures set out under this  
1276 article. The commission shall review any proposed transfer and  
1277 may approve or deny the transfer in accordance with rules  
1278 adopted by the commission.

1279 §41-30-158. Licensure under gaming compact.

1280 (a) Upon the State of Alabama entering into a compact  
1281 with the Poarch Band of Creek Indians (PCI), as contemplated  
1282 by the constitutional amendment enacted pursuant to House Bill  
1283 \_\_\_ of the 2024 Regular Session, the commission shall issue  
1284 PCI a license for one additional site outside of trust lands  
1285 at a location approved pursuant to Section 41-30-152. The  
1286 location shall be in a county that is wholly located north of  
1287 U.S. Route 411 and that borders the State of Georgia, or a  
1288 municipality within such a county.



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1289 (b) The Poarch Band of Creek Indians shall submit its  
1290 business plan relating to its proposed operation at the  
1291 additional site for review by the commission. The commission  
1292 shall review the plan considering the license fees and terms  
1293 provided for the other gaming establishments in this article  
1294 and make a determination regarding the license fee for a term  
1295 as provided under Section 41-30-154(a); provided, the license  
1296 fee and license term may not conflict with the terms of the  
1297 compact.

1298 (c) Upon notice of this determination by the  
1299 commission, PCI shall pay its first license fee installment as  
1300 provided by this article and the commission shall issue the  
1301 license.

1302 §41-30-159. Gaming services contracts.

1303 (a) A gaming establishment licensee may enter into a  
1304 contract with a gaming services provider to provide gaming  
1305 services only if all of the following conditions are  
1306 satisfied:

1307 (1) The gaming service provider is licensed by the  
1308 commission pursuant to Section 41-30-160 to provide gaming  
1309 services.

1310 (2) The contract is in writing.

1311 (3) The contract is approved by the commission.

1312 (4) The contract satisfies any other requirement  
1313 adopted by the commission by rule.

1314 (b) A gaming establishment licensee shall submit any  
1315 material change in a gaming services contract previously  
1316 approved by the commission to the commission for its approval





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1317 or rejection before the material change may take effect.

1318 (c) Any assignation or transfer of a gaming services  
1319 contract, or the duties therein, to a third party shall be  
1320 deemed a material change in the gaming services contract and  
1321 may not take effect without approval by the commission  
1322 pursuant to subsection (b).

1323 §41-30-160. Gaming services provider license.

1324 (a) The commission may issue a license to a person to  
1325 provide gaming services under a gaming services contract to a  
1326 licensed gaming establishment if the commission determines  
1327 that the person meets the requirements of this section and any  
1328 applicable rules of the commission.

1329 (b) Each applicant shall meet the following  
1330 requirements for a gaming services license:

1331 (1) Possess good moral character, honesty, and  
1332 integrity.

1333 (2) Possess the necessary experience and financial  
1334 ability to successfully carry out the functions of a gaming  
1335 services provider.

1336 (3) Demonstrate that the gaming services that the  
1337 applicant plans to offer conform to standards established by  
1338 rules of the commission and this chapter. The commission may  
1339 accept the approval of a gaming services provider by another  
1340 jurisdiction that is specifically determined by the commission  
1341 to have gaming services as evidence the applicant meets the  
1342 standards established by the commission and this chapter.

1343 (4) Meet any other requirement established by rule of  
1344 the commission.



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1345 (c) An applicant for a license to provide gaming  
1346 services shall do all of the following:

1347 (1) Submit an application to the commission in the form  
1348 required by the commission, including adequate information to  
1349 serve as a basis for a thorough background check.

1350 (2) Submit fingerprints to the State Bureau of  
1351 Investigation for a state and national criminal background  
1352 check through the Alabama Criminal Justice Information Center  
1353 and the National Crime Information Center. The cost of the  
1354 criminal background check shall be paid by the applicant.

1355 (3) Pay to the commission a nonrefundable application  
1356 fee for deposit into the Gaming Trust Fund, in an amount to be  
1357 determined by the commission by rule, to cover the  
1358 administrative costs of processing the application.

1359 (4) Upon approval of the application, pay to the  
1360 commission a license fee as provided in subsection (e).

1361 (d) A license to provide gaming services shall  
1362 authorize the licensee to provide gaming services at any  
1363 licensed gaming establishment pursuant to a gaming services  
1364 contract.

1365 (e) Prior to October 1 of each year, each gaming  
1366 services provider shall pay to the commission an annual  
1367 license fee, in an amount to be determined by the commission  
1368 by rule, for deposit into the Gaming Trust Fund.

1369 (f) The commission shall authorize the renewal of a  
1370 gaming services license upon verification that the gaming  
1371 services provider continues to comply with all applicable  
1372 statutory requirements and rules of the commission and has



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1373 paid its annual license fee.

1374 §41-30-161. Judicial challenge of license award.

1375 (a) As used in this section, the term "unsuccessful  
1376 gaming establishment license applicant" means any person or  
1377 entity seeking, or who has sought, the award of a gaming  
1378 establishment license from the Alabama Gaming Commission; or  
1379 any person or entity that possesses a financial interest in  
1380 any person or entity seeking, or who has sought, the award of  
1381 such a license.

1382 (b) The award of a gaming establishment license by the  
1383 Alabama Gaming Commission shall be deemed final and conclusive  
1384 by the courts of this state as to any unsuccessful gaming  
1385 establishment license applicant. No action, claim,  
1386 counterclaim, defense, or other legal contention challenging  
1387 the validity of such a license shall be brought or maintained  
1388 in a court of this state by an unsuccessful gaming  
1389 establishment license applicant, and the courts of this state  
1390 shall be powerless and without jurisdiction to issue to an  
1391 unsuccessful gaming establishment license applicant an  
1392 injunction, writ, order, or any other form of relief that  
1393 would have the effect of preventing the commission from  
1394 issuing a license or invalidating a license previously awarded  
1395 by the commission.

1396 (c) A court shall promptly dismiss for lack of  
1397 jurisdiction any such action, claim, counterclaim, defense, or  
1398 other legal contention or any such request for an injunction,  
1399 writ, order, or other form of relief.

1400 (d) Any court's injunction, writ, order, or other form



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1401 of relief that would have the effect of preventing the  
1402 commission from issuing a license or invalidating a license  
1403 previously awarded shall be immediately appealable to the  
1404 Alabama Supreme Court in the same manner as a final order in  
1405 the action. The appeal may only be filed within 42 days of the  
1406 issuance of the injunction, writ, order, or other form of  
1407 relief. If the appeal is not the first appeal taken by the  
1408 party, the subsequent appeal shall be considered by the court  
1409 only to the extent that either the facts or controlling law  
1410 relevant to the issuance of a gaming establishment license  
1411 have changed from that which existed or controlled at the time  
1412 of the earlier appeal.

1413 (e) During the pendency of any such appeal, the action  
1414 in the trial court shall be stayed in all respects.

1415 Article 5. Operation of gaming establishments.

1416 §41-30-200. Duties of licensees.

1417 A gaming establishment licensee shall do all of the  
1418 following:

1419 (1) Promptly report to the commission any facts or  
1420 circumstances related to the licensed gaming activity which  
1421 would constitute a violation of state or federal law.

1422 (2) Conduct all licensed gaming activities and  
1423 functions in a manner that does not pose a threat to the  
1424 public health, safety, or welfare of the residents of this  
1425 state and that does not adversely affect the security or  
1426 integrity of the operation of those games in this state.

1427 (3) Hold the commission and this state harmless from,  
1428 and defend and pay for the defense of, claims that may be



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1429 asserted against a licensee, the commission or its members in  
1430 their official capacity, or the state or employees thereof,  
1431 arising from the licensee's actions or omission while  
1432 conducting any licensed gaming activity.

1433 (4) Assist the commission in regulating the revenue of  
1434 licensed gaming activity.

1435 (5) Maintain all records required by the commission.

1436 (6) Upon request by the commission, provide the  
1437 commission access to all records and the physical premises  
1438 where the licensee's gaming activity and related activities  
1439 occur for the purpose of monitoring or inspecting the  
1440 licensee's activities, the games, gaming equipment, and  
1441 security equipment.

1442 (7) Keep current in all payments and obligations to the  
1443 commission.

1444 (8) Acquire gaming activities and gaming equipment by  
1445 purchase, lease, or other assignment and provide a secure  
1446 location for the placement, operation, and play of those games  
1447 and gaming equipment.

1448 (9) Prohibit a person from tampering with or  
1449 interfering with the operation of any gaming activity.

1450 (10) Ensure that all gaming activity is within the  
1451 sight and control of designated employees of the licensee and  
1452 under continuous observation by security equipment in  
1453 conformity with specifications and requirements of the  
1454 commission.

1455 (11) Ensure that gaming activity is placed and remains  
1456 placed in the specific locations within designated gaming



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1457 areas at the gaming establishment which have been approved by  
1458 the commission. Gaming activity at a gaming establishment may  
1459 only be relocated upon approval of the commission in  
1460 accordance with its rules. Casino-style games shall only be  
1461 available for in-person play on the premises of a licensed  
1462 gaming establishment.

1463 (12) Maintain at all times sufficient cash and gaming  
1464 tokens, chips, and electronic cards or other electronic media.

1465 (13) Install, post, and display conspicuously, at  
1466 locations within or about the gaming establishment, signs,  
1467 redemption information, and other promotional material as  
1468 required by the commission.

1469 (14) Assume liability for stolen money from any gaming  
1470 activity; provided, the licensee shall have a cause of action  
1471 for such unlawful activity.

1472 (15) Sustain minimum levels of operation and investment  
1473 as determined by commission rule.

1474 §41-30-201. Floor plan submission requirement.

1475 (a) Prior to commencing the operation of any gaming  
1476 activity at a gaming establishment, a gaming establishment  
1477 licensee shall submit to the commission for its approval a  
1478 detailed floor plan depicting the location of the designated  
1479 gaming area in which gaming activity or gaming equipment will  
1480 be located and the proposed arrangement thereof.

1481 (b) Any floor plan submission that satisfies the  
1482 requirements of the rules adopted by the commission shall be  
1483 considered approved by the commission unless the licensee is  
1484 notified in writing to the contrary within one month of filing



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1485 a detailed floor plan.

1486 §41-30-202. Game rules of play.

1487 (a) Each gaming establishment licensee shall have  
1488 written rules of play for each type of gaming activity  
1489 operated by the licensee, which must be approved by the  
1490 commission before the game is offered to the public. Rules of  
1491 play proposed by a licensee may be approved, amended, or  
1492 rejected by the commission.

1493 (b) All gaming activity shall be conducted according to  
1494 the specific rules of play approved by the commission. All  
1495 wagers and pay-offs of winning wagers shall be made according  
1496 to those rules of play, which shall establish any limitations  
1497 necessary to assure the vitality of the game operations.

1498 (c) Each licensee shall make available in printed or  
1499 electronic form to any patron, upon request of the patron, the  
1500 complete text of the rules of play of any gaming activity in  
1501 operation, pay-offs of winning wagers, and any other notice to  
1502 the patron required by the commission.

1503 (d) Patrons are deemed to have agreed that the  
1504 determination of whether the patron is a valid winner is  
1505 subject to the game play rules and, in the case of any  
1506 dispute, shall be determined by the commission. The  
1507 determination by the commission shall be final and binding  
1508 upon all patrons and licensees and shall not be subject to  
1509 further review or appeal.

1510 §41-30-203. Betting limits, operations, and services  
1511 for gaming activity.

1512 (a) A gaming establishment licensee, in the exercise of



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1513 its business judgment, may determine and establish with the  
1514 approval of the commission, all of the following relating to  
1515 its licensed gaming activities:

1516 (1) Minimum and maximum wagers.

1517 (2) Promotions subject to rules of the commission.

1518 (3) Hours of operation.

1519 (4) Currency denominations accepted by any mechanical  
1520 or electronic bill acceptors.

1521 (b) The commission may establish the following  
1522 parameters for any licensed gaming activity of any kind:

1523 (1) Minimum and maximum payout percentages.

1524 (2) Any probability limits of obtaining the maximum  
1525 payout for a particular play in conformance with industry  
1526 standards.

1527 (3) Limitations on the types and amounts of financial  
1528 transactions which a licensee may enter into with its patrons.

1529 §41-30-204. Posting of betting limits for table games.

1530 (a) Gaming establishment licensees accepting bets or  
1531 wagers shall post in a conspicuous location at each specific  
1532 location where the gaming activity is occurring indicating the  
1533 permissible minimum and maximum wagers pertaining to table  
1534 games at that location.

1535 (b) A licensee may not require any wager to be greater  
1536 than the stated minimum or less than the stated maximum.

1537 However, any wager actually made by a patron and not rejected  
1538 by a licensee prior to the commencement of play shall be  
1539 treated as a valid wager.

1540 §41-30-205. Complimentary service, gift, cash, or other





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1541 item.

1542 (a) A gaming establishment licensee may not offer or  
1543 provide any complimentary service, gift, cash, or other item  
1544 of value to any patron, except under any of the following  
1545 conditions:

1546 (1) The complimentary item consists of room, food,  
1547 beverage, or entertainment expenses provided directly to a  
1548 patron and his or her guests by the licensee or indirectly to  
1549 a patron and his or her guests on behalf of the licensee by a  
1550 third party.

1551 (2) The complimentary item consists of documented  
1552 transportation expenses provided directly to a patron and his  
1553 or her guests on behalf of a licensee by a third party,  
1554 provided the licensee complies with the rules adopted by the  
1555 commission to ensure that the documented transportation  
1556 expenses of the patron and his or her guests are paid for or  
1557 reimbursed only once.

1558 (3) The complimentary item consists of coins, tokens,  
1559 cash, or other complimentary items or services provided  
1560 through any complimentary distribution program, the terms of  
1561 which shall be filed with the commission upon implementation  
1562 of the program or maintained pursuant to commission rule. Any  
1563 change in the terms of a complimentary program shall be filed  
1564 with the commission upon implementation of the change.

1565 (b) (1) Notwithstanding subsection (a), a gaming  
1566 establishment licensee may offer and provide complimentary  
1567 cash or non-cash gifts that are not otherwise included in that  
1568 subsection to a patron; provided, however, any complimentary



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1569 cash or non-cash gifts in excess of an amount per trip to be  
1570 set by rule of the commission are supported by documentation  
1571 regarding the reason the gift was provided to the patron and  
1572 his or her guests, including, where applicable, the patron's  
1573 player rating.

1574 (2) The documentation required under subdivision (1)  
1575 shall be maintained by a licensee in accordance with  
1576 commission rules. For purposes of this subsection, all gifts  
1577 presented to a patron and a patron's guests directly by the  
1578 licensee or indirectly on behalf of the licensee by a third  
1579 party within any five-day period shall be considered to have  
1580 been made during a single trip.

1581 §41-30-206. Prohibition on participation by minors.

1582 (a) An individual under 21 years of age may not play or  
1583 engage in any casino-style games.

1584 (b) This section does not prohibit individuals under 21  
1585 years of age from being allowed on the premises of a gaming  
1586 establishment where licensed gaming activity is being  
1587 conducted, so long as those individuals are restricted to  
1588 areas of the gaming establishment in which casino-style gaming  
1589 activity is not being conducted.

1590 (c) An individual who is under 21 years of age but 18  
1591 or more years of age may be employed at a gaming establishment  
1592 in a non-gaming area of the gaming establishment. The  
1593 individual may not serve alcoholic beverages.

1594 (d) The commission shall adopt rules to implement and  
1595 administer this section.

1596 §41-30-207. Required reports.



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1597           The holder of a gaming establishment license shall  
1598 maintain daily records showing the gross receipts and adjusted  
1599 gross receipts of the licensed activities and shall timely  
1600 file with the commission any additional reports required by  
1601 the commission by rule.

1602           Article 6. Sports wagering.

1603           §41-30-250. Sports wagering license required.

1604           (a) Sports wagering activities in every form, including  
1605 by physical, electronic, or other means, may only be operated,  
1606 carried on, conducted, maintained, or exposed for play in this  
1607 state in accordance with this article and rules adopted  
1608 thereunder.

1609           (b) A person desiring to operate, carry on, conduct,  
1610 maintain, or expose for play sports wagering activities in  
1611 this state shall apply for a sports wagering license from the  
1612 commission.

1613           (c) Nothing in this article shall authorize any online  
1614 casino-style gaming activities or other in-person or online  
1615 gaming activities, including lottery games, except sports  
1616 wagering.

1617           §41-30-251. Sports wagering license application.

1618           (a) An applicant for licensure under this article shall  
1619 submit an application on a form in a manner as required by the  
1620 commission. The commission shall by rule establish an  
1621 application fee that must be paid as an application  
1622 requirement. The application shall include all of the  
1623 following with respect to the applicant:

1624           (1) The names of each principal owner and investor.



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1625 (2) Information, documentation, and assurances, as  
1626 prescribed by rule of the commission, that may be required to  
1627 establish the good character, honesty, and integrity of the  
1628 principal owners and investors of the applicant and its gaming  
1629 employees.

1630 (3) Notice and a description of all civil judgments  
1631 obtained against the applicant.

1632 (4) A list of all jurisdictions where the applicant has  
1633 conducted sports wagering operations.

1634 (5) Information, documentation, and assurances  
1635 concerning the financial background and resources as may be  
1636 required to establish the financial stability, integrity, and  
1637 responsibility of the applicant, including, but not limited  
1638 to, bank references, business and personal income and  
1639 disbursement schedules, tax returns and other reports filed  
1640 with governmental agencies, and business and personal  
1641 accounting and check records and ledgers. To meet the  
1642 requirements of this subdivision, each applicant, in writing,  
1643 shall authorize the examination of all bank accounts and  
1644 related records as may be deemed necessary by the commission.  
1645 The commission may consider any relevant evidence of financial  
1646 stability. The applicant shall be presumed to be financially  
1647 stable if the applicant establishes that it meets each of the  
1648 following:

1649 a. The ability to assure the financial integrity of  
1650 sports wagering operations by the maintenance of a bankroll or  
1651 equivalent provisions adequate to pay winning wagers to  
1652 bettors when due. An applicant is presumed to have met this



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1653 standard if the applicant maintains, on a daily basis, a  
1654 bankroll and equivalent provisions in an amount that is at  
1655 least equal to the average daily minimum bankroll or  
1656 equivalent provisions, calculated on a monthly basis, for the  
1657 corresponding month in the previous year.

1658           b. The ability to meet ongoing operating expenses that  
1659 are essential to the maintenance of continuous and stable  
1660 sports wagering operations.

1661           c. The ability to pay, as and when due, all state and  
1662 federal taxes.

1663           (6) If an applicant has not previously been engaged in  
1664 business operations prior to applying for licensure, documents  
1665 that establish that the applicant has made sufficient  
1666 arrangements to fund its proposed sports wagering operations.

1667           (7) Information, documentation, and assurances as may  
1668 be required to establish that the applicant has sufficient  
1669 business ability and gaming experience as to establish the  
1670 likelihood of the creation and maintenance of a successful,  
1671 efficient sports wagering operation.

1672           (8) Information, as required by rule of the commission,  
1673 regarding the financial standing of the applicant, including,  
1674 but not limited to, a listing of each individual or entity  
1675 that has provided loans or financing to the applicant.

1676           (9) If the applicant intends to offer sports wagering  
1677 through an online sports wagering platform, copies of any  
1678 contracts with the online sports wagering platforms and any  
1679 other information requested by the commission relating to the  
1680 contract.



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1681 (10) A nonrefundable application fee to be set by the  
1682 commission by rule. If the application is approved, the  
1683 application fee shall be applied to the initial license fee  
1684 provided under Section 41-30-252.

1685 (11) Any additional information required by the  
1686 commission by rule.

1687 (b) The executive director shall review each  
1688 application for licensure. The executive director shall report  
1689 in writing his or her findings to the members of the  
1690 commission, detailing the information supporting the  
1691 determination, including a formal finding of whether the  
1692 applicant is recommended for licensure.

1693 (c) The commission shall approve or deny the license  
1694 application by majority vote of the members of the commission  
1695 within a reasonable time after receipt of the application.

1696 (d) Each person holding a license under this article  
1697 has a continuing duty to immediately inform the commission of  
1698 any material change in status relating to any information that  
1699 may disqualify the person from holding the license.

1700 §41-30-252. Sports wagering license fee.

1701 The license fee for a sports wagering license issued  
1702 pursuant to Section 41-30-251 shall be for an amount and term  
1703 of years to be determined by the commission by rule based on  
1704 market factors and conditions and industry standards.

1705 §41-30-253. In-person and online sports wagering  
1706 license.

1707 (a) The commission may issue licenses authorizing a  
1708 licensee to operate, carry on, conduct, maintain, or expose



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1709 for play sports wagering activities as follows:

1710 (1) The commission may issue to a gaming establishment  
1711 licensee one in-person sports wagering license that authorizes  
1712 the licensee to conduct in-person sports wagering on the  
1713 premises of the licensee's gaming establishment.

1714 (2) The commission may issue an online sports wagering  
1715 license to an applicant that authorizes the licensee to  
1716 conduct sports wagering activities through an individually  
1717 branded sports wagering platform website and through an  
1718 associated mobile application bearing the same brand name.

1719 (b) The commission shall adopt rules prescribing a  
1720 minimum and maximum number of online sports wagering licenses  
1721 that may be issued. It is the intent of the Legislature that  
1722 the number of licenses awarded foster a competitive  
1723 environment.

1724 §41-30-254. Promotional credits.

1725 Sports wagering licensees may provide promotional  
1726 credits, incentives, bonuses, or similar benefits designed to  
1727 induce sports bettors to wager. The commission shall adopt  
1728 rules to govern this section.

1729 §41-30-255. Prohibited sports wagering activities.

1730 (a) A sports wagering licensee may not conduct any  
1731 sports wagering activities on any public or private K-12  
1732 school or other amateur youth sports or athletic events.

1733 (b) A sports wagering licensee may not authorize any  
1734 individual under 21 years of age to engage in any sports  
1735 wagering activities. A sports wagering platform may satisfy  
1736 this requirement by using any reasonable commercially



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1737 available age-verification software or program.

1738 (c) The commission shall adopt rules to implement and  
1739 administer this section, including uniform civil penalties for  
1740 a violation.

1741 §41-30-256. Deposit of fees.

1742 All fees collected under this article shall be  
1743 deposited into the Gaming Trust Fund pursuant to Section  
1744 41-30-453.

1745 §41-30-257. Required reports.

1746 The holder of a sports wagering license shall maintain  
1747 daily records showing the gross receipts and adjusted gross  
1748 receipts of the licensed activities and shall timely file with  
1749 the commission any additional reports required by the  
1750 commission by rule.

1751 §41-30-258. Rulemaking authority.

1752 The commission shall adopt rules governing the  
1753 licensing, administration, and conduct of sports wagering,  
1754 which shall include all of the following:

1755 (1) Qualifications and conditions of licenses issued  
1756 for the operation of sports wagering either in person or  
1757 online.

1758 (2) The acceptance of wagers on a sporting event or a  
1759 series of sporting events and acceptable forms of payment and  
1760 advance deposit methods by patrons.

1761 (3) The method of accounting to be used by sports  
1762 wagering licensees, including the types of records that shall  
1763 be maintained by the licensee.

1764 (4) Protections for patrons placing wagers, including





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1765 requirements to ensure responsible gaming.

1766 §41-30-259. Interstate sports wagering agreements.

1767 The commission may enter into sports wagering  
1768 agreements with other states and jurisdictions to authorize  
1769 individuals who are physically located in a signatory  
1770 jurisdiction to participate in sports wagering activities.

1771 §41-30-260. Temporary sports wagering permit.

1772 (a) Notwithstanding any provision of this chapter to  
1773 the contrary, the commission may award a temporary sports  
1774 wagering permit to the operator of a racetrack for a live  
1775 motor sports race event the attendance of which includes, on  
1776 average, an estimated 60,000 or more individuals.

1777 (b) The temporary permit shall generally be valid for  
1778 three consecutive calendar days; provided, the commission, by  
1779 rule, may authorize limited exceptions to extend the number of  
1780 calendar days if a race is canceled or delayed due to weather  
1781 or other circumstances.

1782 (c) The temporary permit shall authorize the operator  
1783 of the racetrack to conduct in-person sports wagering on race  
1784 events at the racetrack.

1785 (d) The commission, by rule, shall establish the  
1786 temporary sports wagering permit fee. All fees collected by  
1787 the commission under this section shall be deposited into the  
1788 Gaming Trust Fund.

1789 Article 7. Charitable games.

1790 §41-30-300. Permit required.

1791 (a) Notwithstanding any provision of this chapter, a  
1792 person desiring to conduct a traditional raffle or traditional



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1793 bingo for charity fundraising shall apply to the commission  
1794 for a charity fundraising permit under this article.

1795 (b) A permit issued under this article shall be valid  
1796 for the duration of a single fundraising event described in  
1797 the application.

1798 (c) The applicant shall pay a reasonable fee, not to  
1799 exceed twenty-five dollars (\$25), for the charity fundraising  
1800 permit, to be established by the commission by rule.

1801 (d) The fair market or cash value of any prize awarded  
1802 pursuant to a charitable game conducted pursuant to this  
1803 article may not exceed ten thousand dollars (\$10,000).

1804 (e) The commission shall adopt rules relating to the  
1805 conduct, operation, and reporting requirements of permitted  
1806 charitable games conducted under this article, including the  
1807 production of a form for submission of applications for a  
1808 permit under this article.

1809 (f) A person issued a permit under this article shall  
1810 comply with all rules adopted by the commission.

1811 (g) The commission shall ensure that a permit may only  
1812 be awarded only to a bona fide charitable organization, as  
1813 defined under Section 41-30-2, acting as an amateur fundraiser  
1814 that is raising money for charitable purposes only.

1815 (h) All fees collected under this section shall be  
1816 remitted to the Gaming Trust Fund.

1817 §41-30-301. Application for charitable fundraising  
1818 permit.

1819 (a) The commission shall issue a charitable fundraising  
1820 permit to an applicant who meets all of the requirements of



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1821 this section.

1822 (b) An applicant for a charitable fundraising permit  
1823 shall submit to the commission a sworn application in writing  
1824 containing all of the following:

1825 (1) The name, address, and nature of the organization.

1826 (2) Proof, in a manner sufficient to the commission, to  
1827 establish that the organization meets the definition of  
1828 "charitable organization" as defined in this chapter.

1829 (3) The names of the officers or principals of the  
1830 organization, and of any person responsible for the  
1831 management, administration, or supervision of the  
1832 organization's charitable game and associated activities.

1833 (4) An affirmation that the charitable game is to be  
1834 conducted for a charitable purpose.

1835 (5) A description of any prize offered to be awarded  
1836 for participation in the charitable game, including the cash  
1837 or fair market value of the prize, and the names of any person  
1838 who donated or otherwise provided the prize.

1839 (6) A description of the intended use of any net gaming  
1840 proceeds of the charitable game operated by the organization.

1841 (7) Any other information necessary to maintain the  
1842 integrity of the authorized gaming activities conducted within  
1843 the state at the sole discretion of the commission.

1844 (c) At the conclusion of a charitable game, the  
1845 charitable organization shall file a sworn financial report on  
1846 the charitable game, stating both of the following:

1847 (1) The expenses incurred in the operation of the  
1848 charitable game.



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1849 (2) The amount and use of the net proceeds of the  
1850 charitable game.

1851 (d) The commission shall adopt rules providing for an  
1852 online or other convenient method to register a traditional  
1853 raffle or traditional bingo conducted pursuant to this  
1854 article.

1855 §41-30-302. Prohibited activities.

1856 (a) A charitable game permitted under this article may  
1857 not be operated out of this state or through the use of a  
1858 video lottery terminal or any other mechanical,  
1859 electromechanical, or other electronic device or machine that  
1860 performs all the functions of a lottery by itself when  
1861 networked with other similar devices or machines.

1862 (b) All traditional raffle ticket sales shall be  
1863 limited to individuals who are physically located in this  
1864 state at the time of purchase.

1865 (c) A permit holder under this article may not do  
1866 either of the following:

1867 (1) Compensate any person for the provision of supplies  
1868 or prizes used in the operation of a charitable game, except  
1869 to pay the actual fair market value of the prizes or supplies  
1870 necessary for the operation of the charitable game.

1871 (2) Provide any additional compensation to an  
1872 individual who is a regular employee of the organization for  
1873 the individual's services in organizing or operating a  
1874 charitable game.

1875 §41-30-303. Penalties.

1876 A person who knowingly violates this article shall be



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1877 guilty of a Class C misdemeanor.

1878 Article 8. Social gaming.

1879 §41-30-350. Social gaming authorized.

1880 (a) There is no license requirement or tax levied on a  
1881 social game that meets all of the following requirements, and  
1882 such games are deemed lawful activity:

1883 (1) The game takes place pursuant to a bona fide social  
1884 or employment relationship.

1885 (2) No person makes a profit or any other gain for  
1886 operating or facilitating the game, except for an individual's  
1887 winnings as a player.

1888 (3) The game is not tangential to any commercial  
1889 activity.

1890 (4) The game is not played or operated with any gaming  
1891 equipment, including any electronic form of bingo or a slot  
1892 machine.

1893 (5) Each player competes on equal terms with one  
1894 another.

1895 (6) The game is not operated through a sports wagering  
1896 platform.

1897 (7) The game is not a casino-style game, as defined  
1898 under Section 41-30-2.

1899 (b) The commission may adopt rules to interpret the  
1900 definition of social gaming and to implement and administer  
1901 this section.

1902 Article 9. Alabama Lottery Corporation.

1903 §41-30-400. Accountability of the Alabama Lottery  
1904 Corporation.



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1905           The Legislature recognizes that the operations of a  
1906 state lottery are unique activities for state government and  
1907 that a corporate structure will best enable the lottery to be  
1908 managed in an entrepreneurial and business-like manner. It is  
1909 the intent of the Legislature that the Alabama Lottery  
1910 Corporation shall be accountable to the Governor, the  
1911 Legislature, and the people of the State of Alabama through a  
1912 system of audits, reports, and disclosures as required by this  
1913 article.

1914           §41-30-401. Definitions.

1915           As used in this article, the following words have the  
1916 following meanings:

1917           (1) BOARD. The Alabama Lottery Corporation Board of  
1918 Directors.

1919           (2) CORPORATION. The Alabama Lottery Corporation.

1920           (3) FISCAL YEAR. The fiscal year used by the State of  
1921 Alabama government.

1922           (4) INSTANT TICKET. A lottery game in which a player  
1923 scratches or otherwise removes anything overlaying words or  
1924 symbols to determine if the player has won, as indicated by  
1925 the symbols and words that are displayed.

1926           (5) LOTTERY or LOTTERY GAME. As defined in Section  
1927 41-30-2.

1928           (6) LOTTERY RETAILER. Any person with whom the  
1929 corporation has contracted to sell lottery tickets to the  
1930 public.

1931           (7) MAJOR PROCUREMENT. Any item, product, or service in  
1932 the amount of one million dollars (\$1,000,000) or more,



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1933 including, but not limited to, major advertising contracts,  
1934 annuity contracts, prizes, products, and services unique to  
1935 the state lottery.

1936 (8) NET PROCEEDS. Gross lottery revenues, minus amounts  
1937 paid as prizes and expenses, of the operation of the lottery.

1938 (9) PERSON. Any individual, corporation, partnership,  
1939 unincorporated association, or other legal entity.

1940 (10) PRESIDENT. The president and chief executive  
1941 officer of the Alabama Lottery Corporation.

1942 (11) SECURITY. The protection of information that would  
1943 provide an unfair advantage to any individual involved in the  
1944 operation of the lottery; the protection and preservation of  
1945 the integrity of lottery games and operations; and the  
1946 measures taken to prevent crimes against the corporation and  
1947 its retailers.

1948 (12) VENDOR. Any person who has entered into a contract  
1949 with the corporation.

1950 §41-30-402. Administration of the state lottery.

1951 (a) There is created a state lottery. The lottery shall  
1952 be administered by a corporation to be known as the Alabama  
1953 Lottery Corporation. The corporation shall be managed in a  
1954 manner that enables the people of the State of Alabama to  
1955 benefit from its profits and to ensure the integrity of the  
1956 lottery.

1957 (b) The existence of the corporation shall begin upon  
1958 the appointment of all seven members of the board as provided  
1959 in Section 41-30-403.

1960 (c) The corporation shall be domiciled in the State of



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1961 Alabama. The exclusive venue for any action or matter against  
1962 the corporation arising out of or in connection with the  
1963 issuance, nonissuance, delivery, or failure to deliver a  
1964 lottery ticket or payment or nonpayment of a lottery prize in  
1965 the county in which its corporate headquarters is located, and  
1966 the circuit court for that county shall have exclusive  
1967 jurisdiction over the action or matter. For purposes of the  
1968 assessment of court costs only, the corporation shall be a  
1969 private corporation.

1970           §41-30-403. Administration of the affairs of the  
1971 Alabama Lottery Corporation.

1972           (a) The affairs of the corporation shall be  
1973 administered by the Alabama Lottery Corporation Board of  
1974 Directors. The board shall be composed of seven voting members  
1975 appointed by the Governor with the advice and consent of the  
1976 Senate. In addition, the Commissioner of Revenue and the State  
1977 Treasurer shall serve as ex officio, nonvoting members.

1978           (b) The voting members of the board shall be residents  
1979 of the State of Alabama and may not be serving as a public  
1980 official, as that term is defined in Section 36-25-1. The  
1981 Governor, when making appointments to the board, shall  
1982 coordinate the appointments so that diversity of gender, race,  
1983 and geographical area is reflective of the makeup of the  
1984 state.

1985           (c) The initial appointees of the board shall serve  
1986 staggered terms as follows: (i) One term shall expire after  
1987 one year; (ii) one term shall expire after two years; (iii)  
1988 one term shall expire after three years; (iv) one term shall





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1989 expire after four years; and (v) one term shall expire after  
1990 five years. After the expiration of the initial terms, members  
1991 of the board shall serve for terms of five years.

1992 (d) A member may serve beyond the end of his or her  
1993 respective term until a successor has been appointed and  
1994 confirmed by the Senate. No member may serve more than two  
1995 consecutive five-year terms. Members serve at the pleasure of  
1996 the Governor. The board shall elect a chair from among its  
1997 voting members. As near as practical, the board chair shall  
1998 serve a term of two years.

1999 (e) Appointed members of the board shall be entitled to  
2000 per diem compensation paid by the corporation and shall be  
2001 reimbursed by the corporation for necessary travel and other  
2002 reasonable expenses incurred in the performance of their  
2003 official duties. Members of the board shall not have any  
2004 direct or indirect interest in an undertaking that puts their  
2005 personal interest in conflict with that of the corporation,  
2006 including, but not limited to, an interest in a major  
2007 procurement contract or a participating retailer.

2008 (f) The board, upon the initial call of the Governor  
2009 and the chair thereafter, shall meet each month for the first  
2010 18 months following the effective date of this act and at such  
2011 other times as the chair may determine. Five voting members of  
2012 the board shall constitute a quorum. The board shall also meet  
2013 upon the call of five or more of the voting members of the  
2014 board. The board shall keep accurate and complete records of  
2015 all its meetings.

2016 (g) Meetings of the board shall be subject to the



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2017 Alabama Open Meetings Act; provided that members of the  
2018 commission may participate in a meeting of the commission in  
2019 person, by means of telephone conference, video conference, or  
2020 other similar communications equipment so that all individuals  
2021 participating in the meeting may hear each other at the same  
2022 time. Participation by any such means shall constitute  
2023 presence in person at a meeting for all purposes, including  
2024 for purposes of establishing a quorum, and the affirmative  
2025 vote of a majority of the members in attendance shall be  
2026 necessary for any action of the commission.

2027 §41-30-404. Inspection of records.

2028 All records of the corporation shall be deemed public  
2029 records and subject to public inspection pursuant to the  
2030 Alabama Public Records Act, Chapter 25A of Title 36, unless  
2031 any of the following apply:

2032 (1) The record relates to or was provided by a  
2033 confidential source or informant and relates to lottery  
2034 security, applicant, vendor, or retailer qualifications or  
2035 conduct.

2036 (2) The record involves a trade secret of the  
2037 corporation or of a vendor.

2038 (3) The record pertains to the internal security  
2039 operations of the lottery or its lottery retailers or the  
2040 record is of such a sensitive nature that its disclosure would  
2041 endanger the security of the lottery or its lottery retailers,  
2042 including, but not limited to, records containing security  
2043 procedures, investigative techniques, or internal security  
2044 information.



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2045 (4) The record is covered by another exemption under  
2046 federal or state law.

2047 §41-30-405. Appointment of president of the Alabama  
2048 Lottery Corporation.

2049 (a) (1) From time to time, the board may appoint an  
2050 individual to serve as president of the corporation. The  
2051 president shall serve at the pleasure of the board.

2052 (2) The Governor may approve or disapprove the  
2053 appointment within 30 days of notice of the appointment. If  
2054 the Governor does not disapprove the appointment as prescribed  
2055 in this subsection, the appointment shall be deemed approved.

2056 (b) The president shall manage the daily affairs of the  
2057 corporation and shall have the powers and duties specified by  
2058 the board and this chapter and any rules adopted thereunder.

2059 (c) The president may employ personnel as he or she  
2060 deems necessary. All personnel shall serve at the will and  
2061 pleasure of the president, unless otherwise specified by the  
2062 president.

2063 (d) Following his or her appointment and during his or  
2064 her entire employment by the board, the president shall reside  
2065 in this state.

2066 §41-30-406. Duties of the board.

2067 The board shall have the following powers and duties:

2068 (1) Approve, disapprove, amend, or modify the budget  
2069 recommended by the president for the operation of the  
2070 corporation.

2071 (2) Recommend rules for adoption to the Alabama Gaming  
2072 Commission as necessary to carry out and implement the



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2073 operations of the corporation, the conduct of lottery games in  
2074 general, and any other matters necessary or desirable for the  
2075 efficient and effective operation of the lottery or  
2076 convenience of the public.

2077 (3) Establish the salary of the president.

2078 (4) Acquire and hold, in its own name, real property  
2079 and improvements thereon by purchase, gift, lease, lease with  
2080 the option to purchase, or other lawful means, except eminent  
2081 domain, to carry out its duties; and transfer, sell, or convey  
2082 real property and any improvements thereon. Any obligations  
2083 created in connection with the purchase or improvement of real  
2084 property shall not create debts, obligations, or liabilities  
2085 of the State of Alabama.

2086 (5) Provide for the conduct of specific lottery games  
2087 and operations, including, but not limited to, the following:

2088 a. The types of lottery games that may be conducted.

2089 b. The sale price of tickets.

2090 c. The number and amount of prizes.

2091 d. The methods that shall be used in selling tickets  
2092 for lottery games.

2093 e. The methods and location of selecting or validating  
2094 winning tickets.

2095 f. The manner of payment of prizes.

2096 g. The frequency of games and drawings.

2097 h. The manner and amount of compensation to lottery  
2098 retailers, except all compensation shall be uniform.

2099 i. Any other matters necessary to carry out this act  
2100 and necessary for the efficient and effective operation of the



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2101 lottery.

2102 (6) Conduct hearings upon receiving a complaint  
2103 alleging a violation of this article or rules adopted by the  
2104 corporation or as otherwise provided by this article.

2105 (7) Periodically review the performance of the  
2106 corporation and advise the president and make recommendations  
2107 regarding operations of the corporation and identify potential  
2108 statutory improvements to this article, the rules of the  
2109 corporation, and the management of the corporation.

2110 (8) Request from the corporation any information the  
2111 board determines to be relevant to its duties.

2112 (9) Conduct and administer lottery games to result in  
2113 maximization of revenues to the State of Alabama. The  
2114 corporation, its employees, and the members of the board shall  
2115 provide for the efficient and effective operation of lottery  
2116 games, ensure the integrity of the lottery, and maintain the  
2117 dignity of the state and the general welfare of its residents.

2118 (10) Supervise and administer the lottery in accordance  
2119 with this article and the rules adopted by the commission  
2120 governing this article.

2121 (11) Submit quarterly and annual reports to the  
2122 Governor, the Lieutenant Governor, the Speaker of the House of  
2123 Representatives, the State Treasurer, the State Auditor, the  
2124 Joint Legislative Committee on Performance Evaluation and  
2125 Expenditure Review, the Alabama Gaming Commission, the  
2126 Director of Finance, and the Commissioner of Revenue  
2127 containing financial information and projections which  
2128 include, but are not limited to, disclosure of gross revenues,



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2129 expenses, and net proceeds for the period.

2130 (12) Establish a system of continuous internal audits.

2131 (13) Maintain weekly or more frequent records of  
2132 lottery transactions, including distribution of tickets to  
2133 lottery retailers, revenues received, claims for prizes,  
2134 prizes paid, and all other financial transactions of the  
2135 corporation.

2136 (14) Establish a code of ethics for officers and  
2137 employees of the corporation to carry out the standards of  
2138 conduct established by this article.

2139 (15) Establish guidelines for the disposal of lottery  
2140 property if the corporation is dissolved.

2141 (16) Sue and be sued in its corporate name.

2142 (17) Adopt a corporate seal and a symbol.

2143 (18) Hold patents, copyrights, trademarks, and service  
2144 marks and enforce its rights with respect thereto.

2145 (19) Register to do business in the State of Alabama  
2146 and appoint agents upon which process may be served.

2147 (20) Enter into written agreements with one or more  
2148 other states or sovereigns for the operation, marketing, and  
2149 promotion of a joint lottery or joint-lottery games.

2150 (21) Make, solicit, and request proposals and offers,  
2151 and execute and effectuate any and all agreements or  
2152 contracts, including, but not limited to:

2153 a. Contracts that provide for the placement of  
2154 commercial advertising on tickets.

2155 b. Contracts for the purchase or lease of real property  
2156 as are necessary for the operation and promotion of the



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2157 lottery.

2158 c. Contracts or agreements necessary for the  
2159 implementation, operation, and promotion of the lottery and  
2160 this article.

2161 (22) Adopt bylaws and recommend the adoption of rules  
2162 to the Alabama Gaming Commission as necessary to administer  
2163 this article.

2164 §41-30-407. Duties and obligations of the president.

2165 (a) The president, as chief executive officer of the  
2166 corporation, shall do all of the following:

2167 (1) Direct and supervise all administrative and  
2168 technical activities in accordance with this article and the  
2169 rules adopted by the commission governing this article.

2170 (2) Supervise and administer the operation of the  
2171 corporation, the lottery, and its games.

2172 (3) Employ, manage, and direct the personnel of the  
2173 corporation and its facilities and services as necessary to  
2174 implement this article.

2175 (4) Enter into contracts with lottery retailers.

2176 (5) Make available for inspection by the board or any  
2177 member of the board, upon request, all books, records, files,  
2178 and other information and documents of his or her office.

2179 (6) Advise and make recommendations to the board for  
2180 the adoption of rules or other actions to improve the  
2181 operation and administration of the lottery and the  
2182 corporation.

2183 (7) Enter into any contract pursuant to this article  
2184 with any person for the promotion and operation of the lottery



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2185 or for the performance of any of the functions as provided in  
2186 this article or rule of the commission unless the contract  
2187 constitutes a major procurement. A major procurement shall  
2188 require approval from the board.

2189 (8) Attend meetings of the board or appoint a designee  
2190 to attend on his or her behalf.

2191 (9) Not later than 30 days before the beginning of the  
2192 corporation's fiscal year, submit the proposed annual budget  
2193 of the corporation and projected net proceeds to the board for  
2194 review and approval.

2195 (10) Subject to the approval of the board, amend or  
2196 modify the budget at any time in any manner deemed necessary  
2197 for the proper operation of the corporation.

2198 (11) Require bond from employees of the corporation as  
2199 he or she deems necessary; provided, the president shall  
2200 require bond, in an amount determined by the board, from  
2201 employees with access to corporate funds or lottery funds.

2202 (12) For good cause, suspend, revoke, or refuse to  
2203 renew any contract entered into in accordance with this  
2204 article or rule of the commission.

2205 (13) Upon specific or general approval of the board,  
2206 conduct hearings and administer oaths to persons for the  
2207 purpose of assuring the security or integrity of lottery  
2208 operations, or to determine the qualifications or compliance  
2209 by vendors and lottery retailers.

2210 (14) Upon receiving specific or general approval of the  
2211 board, enter into contracts with consultants and technical  
2212 assistants as may be required to implement and administer this





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2213 article.

2214 (15) By agreement, secure information, goods, and  
2215 services as necessary from any department, agency, or unit of  
2216 the federal, state, or local government. To the extent allowed  
2217 by federal or state law or rule, the president may compensate  
2218 the department, agency, or unit of government for its  
2219 information, goods, and services.

2220 (16) Supervise ticket validation and lottery drawings.

2221 (17) For just cause and subject to the terms of a  
2222 vendor contract, inspect the facilities of any vendor in order  
2223 to determine the integrity of the vendor's product and in  
2224 order to determine whether the vendor is in compliance with  
2225 its contract.

2226 (18) Report any suspected violations of this article to  
2227 the Gaming Enforcement Division and the local district  
2228 attorney or the Attorney General.

2229 (19) Upon request, provide assistance to the Gaming  
2230 Enforcement Division, local district attorney, and the  
2231 Attorney General during an investigation into a violation of  
2232 this article.

2233 (b) The president and the board shall conduct an  
2234 ongoing examination of the operation and administration of  
2235 lotteries in other states and countries, including reviewing  
2236 available literature on the subject; federal laws and  
2237 regulations which may affect the operation of the lottery; and  
2238 the reaction of residents of this state to existing or  
2239 proposed features of lottery games with a view toward  
2240 implementing improvements that will tend to serve the purposes



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2241 of this article.

2242 (c) The president may also establish one or more market  
2243 or equipment research centers for lottery products and may  
2244 establish lottery player information centers.

2245 (d) There shall be no liability on the part of, and no  
2246 cause of action shall arise against, the corporation or its  
2247 governing board, staff, agents, vendors, or employees, arising  
2248 out of or in connection with their duties and obligations as  
2249 provided for under this article.

2250 §41-30-408. Exemption from state procurement law.

2251 (a) The corporation may purchase, lease, or  
2252 lease-purchase any goods or services as necessary for  
2253 implementing and administering this article.

2254 (b) The corporation shall be exempt from the  
2255 requirements of the state procurement law, Article 5 of  
2256 Chapter 4 of Title 41, Code of Alabama 1975, and the  
2257 requirements of Chapter 16 of Title 41, relating to the design  
2258 and operation of the lottery or purchase of lottery equipment,  
2259 tickets, and related materials.

2260 (c) The corporation may make procurements necessary for  
2261 the function of the lottery, including procurements for the  
2262 design of lottery games, the distribution of lottery tickets  
2263 to lottery retailers, the supply of goods and services, and  
2264 advertising. In all procurement decisions, the corporation  
2265 shall take into account the particularly sensitive nature of  
2266 the state lottery and shall promote and ensure security,  
2267 honesty, fairness, and integrity in the operation and  
2268 administration of the lottery and the objectives of raising



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2269 net proceeds for the benefit of the state.

2270 §41-30-409. Agreements with other entities; exemption  
2271 from Alabama Public Records Law.

2272 (a) The corporation may enter into intelligence  
2273 sharing, reciprocal use, or restricted use agreements with the  
2274 federal government, law enforcement agencies, lottery  
2275 regulation agencies, and gaming enforcement agencies of other  
2276 jurisdictions that provide for and regulate the use of  
2277 information provided and received pursuant to the agreement.

2278 (b) Records, documents, and information in the  
2279 possession of the corporation received pursuant to an  
2280 intelligence sharing, reciprocal use, or restricted use  
2281 agreement entered into by the corporation pursuant to  
2282 subsection (a) shall be exempt from the Alabama Public Records  
2283 Law of Chapter 13 of Title 41. The corporation may not release  
2284 the record, document, or other information without the written  
2285 permission of the person or agency providing the record or  
2286 information to the corporation.

2287 §41-30-410. Advertising.

2288 (a) The corporation may enter into one or more  
2289 commercial advertising contracts with a person for the purpose  
2290 of promoting the lottery and the sale of lottery tickets.

2291 (b) The board shall recommend rules for adoption to the  
2292 Alabama Gaming Commission which shall govern any advertising  
2293 conducted pursuant to this section.

2294 §41-30-411. Criminal background checks.

2295 (a) The Alabama State Bureau of Investigation shall  
2296 perform a criminal background check on potential vendors,



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2297 including potential lottery retailers and potential employees  
2298 of the corporation.

2299 (b) The required criminal background check shall be  
2300 conducted prior to the finalization of any contract with a  
2301 potential vendor or prior to the employment of any potential  
2302 employee.

2303 (c) The corporation shall reimburse the Alabama State  
2304 Bureau of Investigation for the actual costs of conducting the  
2305 criminal background investigations.

2306 §41-30-412. Sale to minors; penalty, affirmative  
2307 defense.

2308 (a) Any person who knowingly sells a lottery ticket to  
2309 an individual under 18 years of age or permits an individual  
2310 under 18 years of age to play a lottery game shall be guilty  
2311 of a Class C misdemeanor and fined as follows:

2312 (1) On a first violation, not less than one hundred  
2313 dollars (\$100) nor more than five hundred dollars (\$500).

2314 (2) On a subsequent offense, not less than two hundred  
2315 dollars (\$200) nor more than one thousand dollars (\$1,000).

2316 (b) It shall be an affirmative defense to a charge of  
2317 violating this section that the retailer reasonably and in  
2318 good faith relied upon presentation of proof of age in making  
2319 the sale.

2320 §41-30-413. Claiming a prize.

2321 (a) The proceeds of any lottery prize of six hundred  
2322 dollars (\$600) or more shall be subject to state and federal  
2323 income tax withholding laws, as applicable. To claim a lottery  
2324 prize of six hundred dollars (\$600) or more, an individual



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2325 holding a winning lottery ticket must provide to the  
2326 corporation the individual's name, address, and any other  
2327 information required by rule of the Department of Revenue. The  
2328 Department of Revenue shall adopt rules governing the  
2329 administration of this subsection.

2330 (b) The corporation shall withhold any attachments,  
2331 garnishments, or executions authorized and issued pursuant to  
2332 law if timely served upon the process agent of the  
2333 corporation.

2334 (c) The board shall adopt policies and procedures to  
2335 establish a system of verifying the validity of tickets or  
2336 shares claimed to win prizes and to effect payment of those  
2337 prizes, subject to the following conditions:

2338 (1) No prize, portion of a prize, or right of a person  
2339 to a prize shall be assignable. Any prize, or portion thereof,  
2340 remaining unpaid at the death of a prizewinner shall be paid  
2341 to the estate of the deceased prizewinner or to the trustee of  
2342 a trust established by the deceased prizewinner if a copy of  
2343 the trust document or instrument has been filed with the  
2344 corporation, along with a notarized letter of direction from  
2345 the deceased prizewinner, and no written notice of revocation  
2346 has been received by the corporation prior to the deceased  
2347 prizewinner's death. Following a deceased prizewinner's death  
2348 and prior to any payment to a trustee, the corporation shall  
2349 obtain from the trustee and each trust beneficiary a written  
2350 agreement to indemnify and hold the corporation harmless with  
2351 respect to any claims that may be asserted against the  
2352 corporation arising from payment to or through the trust.



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2353           (2) No prize shall be paid arising from a claimed  
2354 ticket that is stolen, counterfeit, altered, fraudulent,  
2355 unissued, produced or issued in error, unreadable, not  
2356 received, unclaimed or not recorded by the corporation within  
2357 the applicable deadline, lacking in captions that conform and  
2358 agree with the play symbols as appropriate to the lottery game  
2359 involved, or not in compliance with any additional specific  
2360 rules and public or confidential validation and security tests  
2361 of the corporation appropriate to the particular lottery game  
2362 involved.

2363           (3) No particular prize in any lottery game shall be  
2364 paid more than once, and in the event of a determination by  
2365 the corporation or a court that more than one claimant is  
2366 entitled to a particular prize, the sole remedy of the  
2367 claimants shall be to award to each of them an equal share in  
2368 the prize.

2369           (4) A holder of a winning ticket from an Alabama  
2370 lottery game or from a multi-state or multi-jurisdiction  
2371 lottery game shall claim a prize within the timeframe provided  
2372 for by rule of the board. If a valid claim is not made for a  
2373 prize within the applicable period, the prize shall constitute  
2374 an unclaimed prize for purposes of this section.

2375           (5) The corporation shall not disclose the identity of  
2376 the person holding a winning lottery ticket where the prize  
2377 amount is in excess of one million dollars (\$1,000,000)  
2378 without that person's written permission.

2379           (6) No prize shall be paid upon a lottery ticket  
2380 purchased or sold in violation of this article or rule adopted



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2381 thereunder. A lottery ticket purchased or sold in violation of  
2382 this article or rule adopted thereunder shall constitute an  
2383 unclaimed prize for purposes of this section.

2384 (d) Unclaimed prize money shall not constitute net  
2385 lottery proceeds. Unclaimed prize money shall be held in trust  
2386 by the corporation and used as provided in this section.  
2387 Annually, the corporation shall distribute a portion of  
2388 unclaimed prize money, not to exceed two hundred thousand  
2389 dollars (\$200,000) each year, to the State General Fund to the  
2390 credit of the Department of Mental Health for the treatment of  
2391 compulsive gambling disorder and educational programs related  
2392 to the disorder. In addition, unclaimed prize money may be  
2393 added to the pool from which future prizes are to be awarded  
2394 or used for special prize promotions.

2395 (e) The corporation is discharged of all liability upon  
2396 payment of a prize.

2397 (f) No ticket shall be purchased by and no prize shall  
2398 be paid to any of the following persons:

2399 (1) Any member of the board.

2400 (2) Any member, officer, or employee of the Alabama  
2401 Gaming Commission.

2402 (3) Any officer or employee of the corporation.

2403 (4) Any spouse, child, brother, sister, or parent  
2404 residing as a member of the same household in the principal  
2405 place of abode of any individual listed in this subsection.

2406 §41-30-414. Withholding of lottery prizes of persons  
2407 who have outstanding child support arrearages or debts owed to  
2408 the state.



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2409 (a) (1) The board shall coordinate with the Department  
2410 of Human Resources to recommend rules for adoption to the  
2411 Alabama Gaming Commission providing for the withholding of  
2412 lottery prizes of individuals who have outstanding child  
2413 support arrearages as reported to the corporation, beginning  
2414 at prize levels to be determined by the board. The rules may  
2415 require any agency reporting current child support arrearages  
2416 to the corporation to provide information relating to the  
2417 arrearages in a manner, format, or record approved by the  
2418 corporation.

2419 (2) The corporation shall not be liable for withholding  
2420 a lottery prize based upon child support arrearage information  
2421 provided to the corporation.

2422 (b) (1) The corporation shall withhold any lottery prize  
2423 of an individual who has had a delinquent debt claim reported  
2424 by a state agency or a political subdivision of the state. The  
2425 Department of Revenue and the corporation shall cooperate to  
2426 implement this section.

2427 (2) The corporation shall not be liable for withholding  
2428 a lottery prize based upon a delinquent debt claim provided to  
2429 it by the Department of Revenue.

2430 (3) The commission shall adopt rules to implement this  
2431 subsection.

2432 §41-30-415. Monies received from the sale of lottery  
2433 tickets; creation of funds.

2434 (a) There is established in the State Treasury the  
2435 Lottery Proceeds Fund. All lottery proceeds received by the  
2436 corporation, including all monies from the sale of lottery





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2437 tickets and all other sources of revenue, shall be deposited  
2438 into the fund. All lottery proceeds shall be the property of  
2439 the corporation.

2440 (b) The corporation shall use monies in the fund to  
2441 first pay for its reasonable operating expenses, second for  
2442 the payment of prize money, and all remaining funds shall be  
2443 transferred to the Lottery for Education Fund as provided  
2444 under subsection (c). The corporation shall endeavor to  
2445 maximize the amount of revenues that may be generated for  
2446 deposit into the Lottery for Education Fund.

2447 (c) (1) The Lottery for Education Fund is established in  
2448 the State Treasury.

2449 (2) On or before the twentieth day of each month, the  
2450 corporation shall transfer, from the Lottery Proceeds Fund to  
2451 the Lottery for Education Fund, the amount of all net proceeds  
2452 described in subsection (b). Upon their deposit into the  
2453 Lottery for Education Fund, any monies representing net  
2454 proceeds shall become the unencumbered property of the State  
2455 of Alabama and the corporation shall have no power to agree or  
2456 undertake otherwise. The monies shall be invested by the State  
2457 Treasurer in accordance with state investment practices.

2458 §41-30-416. Funding of the corporation.

2459 (a) The corporation may enter into contracts to incur  
2460 debt in its own name and enter into financing agreements with  
2461 the state, agencies, or instrumentalities of the state, or  
2462 with any commercial bank or credit provider. Any contract or  
2463 financing agreement entered into pursuant to this subsection  
2464 must be approved by the Finance Director of the Department of



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2465 Finance. Any obligations created in connection with any  
2466 contracts or financing agreements entered into pursuant to  
2467 this section shall solely and exclusively be obligations of  
2468 the corporation and shall not create debts, obligations, or  
2469 liabilities of the State of Alabama.

2470 (b) The corporation shall be self-sustaining and  
2471 self-funded. Monies in the State General Fund shall not be  
2472 used or obligated to pay the prizes of the lottery, and no  
2473 claim for the payment of an expense of the lottery or prizes  
2474 of the lottery may be made against any monies other than  
2475 monies credited to the Lottery Proceeds Fund.

2476 §41-30-417. Selection and maintenance of statewide  
2477 network of lottery retailers.

2478 (a) The corporation shall develop and maintain a  
2479 statewide network of lottery retailers that will serve the  
2480 public convenience and promote the sale of lottery tickets,  
2481 while ensuring the integrity of the lottery operations, games,  
2482 and activities.

2483 (b) A lottery game may not be played except as  
2484 authorized by general law and rules adopted by the commission.  
2485 A lottery game may not be operated through the use of a video  
2486 lottery terminal or any other mechanical, electromechanical,  
2487 or other electronic device or machine that performs all the  
2488 functions of a lottery by itself when networked with other  
2489 similar devices or machines.

2490 (c) A lottery ticket may not be sold except by a  
2491 licensed lottery retailer in accordance with general law and  
2492 rules adopted by the commission.



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2493 §41-30-418. Selection of lottery retailers.

2494 (a) To govern the selection of lottery retailers, the  
2495 board shall recommend rules for adoption to the Alabama Gaming  
2496 Commission which shall provide a list of objective criteria  
2497 upon which the selection of lottery retailers shall be based.  
2498 The criteria shall include, but not be limited to, the  
2499 following with regard to the applicant:

2500 (1) Financial responsibility.

2501 (2) Location and security of place of business or  
2502 activity.

2503 (3) Character, integrity, and reputation.

2504 (4) Whether the applicant is current in the filing of  
2505 all applicable tax returns and the payment of all applicable  
2506 taxes, interest, and penalties owed to the state or any  
2507 political subdivision thereof, excluding items under formal  
2508 appeal.

2509 (b) No person shall be selected as a lottery retailer  
2510 for the sale of lottery tickets if the person has done any of  
2511 the following:

2512 (1) Has been convicted of a criminal offense related to  
2513 the security or integrity of the lottery in this state or any  
2514 other jurisdiction.

2515 (2) Has been convicted of any illegal gambling  
2516 activity, false statements, false swearing, or perjury in this  
2517 state or any other jurisdiction.

2518 (3) Has been convicted of any felony in this state,  
2519 unless more than five years have elapsed from the date of the  
2520 individual's release from incarceration without a subsequent



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2521 conviction of a crime described in this subsection.

2522 (4) Has been found to have violated this chapter or any  
2523 rule adopted under this chapter, unless either 10 or more  
2524 years have passed since the violation, or the president and  
2525 the board find the violation both minor and unintentional in  
2526 nature.

2527 (5) Is a vendor or an employee or agent of any vendor  
2528 doing business with the corporation.

2529 (6) Resides in the same household as an officer or  
2530 board member of the corporation.

2531 (7) Has knowingly made a false statement of material  
2532 fact to the corporation.

2533 (c) The board shall not consider the applicant's  
2534 political affiliation, political activities, or monetary  
2535 contributions to political organizations or candidates for any  
2536 public office.

2537 §41-30-419. Cancellation, denial, revocation,  
2538 suspension, renewal rejection, or termination of contract with  
2539 lottery retailer.

2540 (a) Any contract executed by the corporation with a  
2541 lottery retailer pursuant to this article shall specify the  
2542 reasons for which any contract may be canceled, denied,  
2543 revoked, suspended, renewal rejected, or terminated by the  
2544 corporation, including, but not limited to, the following:

2545 (1) Violation of this article or a rule adopted  
2546 thereunder.

2547 (2) Failure to accurately account for lottery tickets,  
2548 revenues, or prizes as required by this article and rules



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2549 adopted thereunder.

2550 (3) Commission of any fraud, deceit, or  
2551 misrepresentation.

2552 (4) Insufficient sale of tickets.

2553 (5) Conduct prejudicial to public confidence in the  
2554 lottery.

2555 (6) Filing for or being placed in bankruptcy or  
2556 receivership.

2557 (7) Any material change in any matter considered by the  
2558 corporation in executing the contract with the lottery  
2559 retailer.

2560 (8) Failure to meet any of the objective criteria  
2561 established by the board pursuant to this article.

2562 (b)(1) Following a public hearing on the matter, if the  
2563 president determines that the cancellation, denial,  
2564 revocation, suspension, rejection of renewal, or termination  
2565 of a lottery retailer contract is in the best interest of the  
2566 lottery, the public welfare, or the State of Alabama, the  
2567 president may cancel, deny, revoke, suspend, reject the  
2568 renewal, or terminate the contract.

2569 (2) Notwithstanding subdivision (1), the president may  
2570 temporarily suspend for not more than 60 consecutive calendar  
2571 days any lottery retailer contract without prior notice,  
2572 pending any investigation, prosecution, and public hearing.

2573 §41-30-420. Treatment of lottery proceeds by lottery  
2574 retailers; insolvency.

2575 (a)(1) All proceeds from the sale of lottery tickets  
2576 received by a lottery retailer shall be held in trust by the



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2577 lottery retailer until paid to the corporation either directly  
2578 or through the corporation's authorized collection  
2579 representative.

2580 (2) A lottery retailer shall have a fiduciary duty to  
2581 preserve and account for lottery proceeds and shall be  
2582 personally liable for the lottery proceeds.

2583 (3) Lottery proceeds shall include unsold instant  
2584 tickets received by a lottery retailer, cash proceeds of the  
2585 sale of any lottery products, the net amount of allowable  
2586 sales commissions, and credit for lottery prizes to winners by  
2587 lottery retailers.

2588 (4) Sales proceeds and unused instant tickets shall be  
2589 delivered to the corporation or its authorized collection  
2590 representative upon demand.

2591 (b) (1) The board shall require each lottery retailer to  
2592 place all lottery proceeds due the corporation in a bank  
2593 account in an institution insured by the Federal Deposit  
2594 Insurance Corporation not later than the close of the next  
2595 banking day after the date of collection by the lottery  
2596 retailer until the date the proceeds are paid over to the  
2597 corporation.

2598 (2) Each lottery retailer shall establish a separate  
2599 bank account for lottery proceeds. The lottery proceeds shall  
2600 be kept separate and apart from all other funds and assets and  
2601 shall not be commingled with any other funds or assets.

2602 (c) A lottery retailer shall receive seven percent of  
2603 the sales of lottery tickets sold by the lottery retailer.

2604 (d) Whenever any individual who receives proceeds from



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2605 the sale of lottery tickets in the capacity of a lottery  
2606 retailer becomes insolvent, or dies insolvent, the proceeds  
2607 due the corporation from the individual or his or her estate  
2608 shall have preference over all other debts or demands.

2609 §41-30-421. Illegal lottery devices prohibited.

2610 (a) A lottery retailer or agent, associate, employee,  
2611 or representative of a lottery retailer may not allow any  
2612 illegal lottery device to be on the licensed premises of the  
2613 lottery retailer. For purposes of this section, an illegal  
2614 lottery device is any machine or other device that sells  
2615 lottery tickets or otherwise participates in a lottery not  
2616 approved by the corporation.

2617 (b) The corporation may assess a fine against a lottery  
2618 retailer who violates this section, as follows:

2619 (1) For a first offense, a fine of not less than one  
2620 hundred dollars (\$100) nor more than five hundred dollars  
2621 (\$500).

2622 (2) For a subsequent offense, a fine of not less than  
2623 two hundred dollars (\$200) nor more than one thousand dollars  
2624 (\$1,000). In addition, the corporation may suspend, revoke, or  
2625 take other disciplinary action against the lottery retailer  
2626 license of the lottery retailer.

2627 §41-30-422. Sale to minors prohibited.

2628 (a) A lottery retailer or agent, associate, employee,  
2629 or representative of a lottery retailer may not sell a lottery  
2630 ticket to any individual unless the individual submits any one  
2631 of the following forms of identification to establish that the  
2632 individual is 18 years of age or older:



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2633 (1) A valid and current Alabama driver license  
2634 containing a photograph of the individual presenting the  
2635 driver license.

2636 (2) A valid and current driver license of another state  
2637 containing a photograph of the individual presenting the  
2638 driver license.

2639 (3) A valid and current nondriver identification card  
2640 issued by the State of Alabama containing a photograph of the  
2641 individual presenting the identification card.

2642 (4) A valid and current passport or visa issued by the  
2643 federal government or another country or nation which contains  
2644 a permanently attached photograph of the individual presenting  
2645 the passport or visa.

2646 (5) A valid and current military or federal  
2647 identification card issued by the federal government  
2648 containing a photograph of the individual presenting the  
2649 identification card.

2650 (6) A valid and current tribal identification card  
2651 issued by a federally recognized Indian tribe containing a  
2652 photograph of the individual presenting the identification  
2653 card.

2654 (b)(1) Each form of identification listed in subsection  
2655 (a) must on its face establish the age of the individual as 18  
2656 years of age or older and there must be no reason to doubt the  
2657 authenticity or correctness of the identification.

2658 (2) No form of identification shall be accepted as  
2659 proof of age if it is expired, defaced, mutilated, or altered.  
2660 If the form of identification used is a duplicate, the





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2661 presenting individual shall submit additional identification  
2662 which contains the name, date of birth, and photograph of the  
2663 individual.

2664 (3) An educational institution identification card,  
2665 check-cashing identification card, or employee identification  
2666 card shall not be considered as lawful identification for the  
2667 purposes of this section.

2668 (c) The corporation shall assess a fine against any  
2669 lottery retailer who sells a lottery ticket to an individual  
2670 under 18 years of age in violation of this section, as  
2671 follows:

2672 (1) For a first offense, a fine of not less than one  
2673 hundred dollars (\$100) nor more than five hundred dollars  
2674 (\$500).

2675 (2) For a subsequent offense, a fine of not less than  
2676 two hundred dollars (\$200) nor more than one thousand dollars  
2677 (\$1,000). In addition, the corporation may suspend, revoke, or  
2678 take other disciplinary action against the lottery retailer  
2679 license of the lottery retailer.

2680 §41-30-423. Underage purchase of lottery ticket;  
2681 penalty.

2682 (a) It is unlawful for any individual under 18 years of  
2683 age to purchase a lottery ticket.

2684 (b) An individual who violates this section shall be  
2685 guilty of a violation and fined not more than one hundred  
2686 dollars (\$100) and shall be subject to the citation and arrest  
2687 procedures of Section 11-45-9.1.

2688 §41-30-424. Counterfeit lottery tickets prohibited.



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2689 (a) It shall be unlawful for any person, with intent to  
2690 defraud, to falsely make, alter, forge, utter, pass, or  
2691 counterfeit a lottery ticket.

2692 (b) A violation of this section is a Class C felony.  
2693 §41-30-425. Theft of lottery prize by deception or  
2694 fraud.

2695 (a) It shall be unlawful for any person to influence or  
2696 attempt to influence the winning of a lottery prize through  
2697 the use of coercion, fraud, or deception or by tampering with  
2698 lottery equipment or materials.

2699 (b) A violation of this section is a Class B felony.  
2700 §41-30-426. Prohibited actions for current and former  
2701 board members and officers of the corporation.

2702 (a) A current or former board member or officer of the  
2703 corporation, or a corporation or other entity owned in whole  
2704 or in part by a former board member or officer of the  
2705 corporation, may not solicit, accept employment, or enter into  
2706 a contract for compensation of any kind with a vendor of the  
2707 corporation during the member's service with the corporation  
2708 or within one year after termination of service with the  
2709 corporation.

2710 (b) The name of any individual who is a board member or  
2711 an officer or employee of the corporation shall not appear  
2712 upon any lottery ticket, lottery game, lottery form, or paper  
2713 used in playing any lottery game.

2714 (c) A board member or an officer or employee of the  
2715 corporation who violates this section shall be removed from  
2716 office or dismissed from employment.



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2717 (d) The prohibitions of subsection (a) and subsection  
2718 (c) do not apply to ex officio members of the board.

2719 (e) The State Ethics Commission shall administer and  
2720 enforce this section. The procedures and penalties provided  
2721 for in Chapter 25 of Title 36 shall apply to the  
2722 administration and enforcement of this section.

2723 §41-30-427. Skimming of lottery proceeds.

2724 (a) An individual may not knowingly exclude, or take  
2725 any action in an attempt to exclude, anything or its value  
2726 from the deposit, counting, collection, or computation of  
2727 gross revenues or net proceeds from lottery activities. A  
2728 person who violates this section commits the crime of skimming  
2729 of lottery proceeds.

2730 (b) An individual who commits the crime of skimming of  
2731 lottery proceeds shall be punished as follows:

2732 (1) If the offense involves less than one thousand  
2733 dollars (\$1,000), the individual is guilty of a Class D  
2734 felony.

2735 (2) If the offense involves one thousand dollars  
2736 (\$1,000) or more but less than ten thousand dollars (\$10,000),  
2737 the individual shall be guilty of a Class C felony. The  
2738 individual shall serve a minimum period of incarceration of  
2739 not less than three years without benefit of probation,  
2740 parole, or suspension of sentence.

2741 (3) If the offense involves ten thousand dollars  
2742 (\$10,000) or more, the individual shall be guilty of a Class B  
2743 felony and shall serve a period of incarceration of not less  
2744 10 years nor more than 25 years without benefit of probation,



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2745 parole, or suspension of sentence.

2746 §41-30-428. Reserved.

2747 Reserved.

2748 §41-30-429. Lottery tickets.

2749 (a) The board may recommend rules for adoption to the  
2750 Alabama Gaming Commission providing for the form of lottery  
2751 tickets sold pursuant to this article.

2752 (b) Lottery tickets, including instant tickets, shall  
2753 be printed onto paper, plastic, or other tangible material;  
2754 provided, the form of any multi-jurisdiction lottery ticket  
2755 shall be subject to any requirement to participate in any  
2756 multi-jurisdiction draw-based lottery.

2757 §41-30-430. Financial integrity of lottery.

2758 (a) To ensure the financial integrity of the lottery,  
2759 the corporation through its board shall do all of the  
2760 following:

2761 (1) Compile and submit quarterly and annual reports and  
2762 financial statements.

2763 (2) Contract with an independent auditor who is a  
2764 certified public accountant or firm to conduct an annual  
2765 financial audit of the books and records of the corporation.  
2766 The cost of this annual financial audit shall be an operating  
2767 expense of the corporation. The independent auditor shall have  
2768 no financial interest in any vendor with whom the corporation  
2769 is under contract.

2770 (b) A contract for an independent auditor under this  
2771 section shall be reviewed by and subject to the approval of  
2772 the Examiner of Public Accounts to ensure that the independent



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2773 auditor is qualified to perform the audit.

2774 (c) The audit shall be completed by January 1 of each  
2775 year.

2776 (d) A contract for audit services may not exceed a  
2777 period of five years and the same firm may not receive two  
2778 consecutive audit contracts.

2779 §41-30-431. Distribution of lottery funds.

2780 (a) Proceeds in the Lottery for Education Fund shall be  
2781 annually appropriated by and through an independent  
2782 supplemental appropriation bill for any non-recurring expenses  
2783 related to education, including, but not limited to, the  
2784 following:

2785 (1) The establishment and support of problem gaming and  
2786 gaming addiction treatment centers and programs.

2787 (2)a. The establishment and provision of a last-dollar  
2788 postsecondary scholarship program for public two-year  
2789 community and technical colleges to provide degrees,  
2790 certifications, course credit, and credentials for in-demand  
2791 fields to meet instructional and workforce training needs  
2792 throughout the state. For the purposes of this section, a  
2793 last-dollar postsecondary scholarship is financial aid awarded  
2794 to an applicant based on the gap between what has already been  
2795 awarded to the applicant and what is still needed to help a  
2796 student meet the cost of attendance at a postsecondary  
2797 two-year community or technical college.

2798 b. To receive a scholarship under this scholarship  
2799 program, an applicant must meet the following requirements:

2800 1. Have an Alabama driver license or Alabama nondriver



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2801 identification card as provided in Division 1 of Article 1 of  
2802 Chapter 6 of Title 32.

2803           2. Provide proof of current residency in the State of  
2804 Alabama.

2805           3. Provide proof of residency in the State of Alabama  
2806 for the immediately preceding 12 months prior to the filing of  
2807 the application.

2808           4. Have received a high school diploma or G.E.D.  
2809 equivalent within the immediately preceding five years prior  
2810 to the filing of the application.

2811           c. Following receipt of a scholarship under this  
2812 program, each student must maintain a minimum GPA of 2.0 or  
2813 higher on a 4.0 scale and satisfy any other requirement of the  
2814 Board of Trustees of the Alabama Community College System to  
2815 maintain his or her scholarship.

2816           (3) Support of dual enrollment costs at any public  
2817 two-year or four-year university in the state. Monies  
2818 distributed under this subdivision may be available to any  
2819 high school student who attends a public or private high  
2820 school or is homeschooled, who resides in this state, and who  
2821 has a 2.5 GPA or higher on a 4.0 scale and who obtain written  
2822 approval from his or her principal or administrator  
2823 equivalent.

2824           (4) Distribution to local boards of education, based on  
2825 average daily membership, for capital or other nonrecurring  
2826 expenses, and school security purposes, including the hiring  
2827 of student resource officers and the purchase of security  
2828 doors.



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2829 (5) The provision of funding for four-year colleges for  
2830 research purposes.

2831 (b) Proceeds in the Lottery for Education Fund shall  
2832 not be used for prison construction.

2833 §41-30-432. Rulemaking authority.

2834 The Alabama Gaming Commission may adopt rules subject  
2835 to the Alabama Administrative Procedure Act under Chapter 22  
2836 of Title 41 to implement and administer this article.

2837 Article 10. State Tax on Gaming Revenue.

2838 §41-30-450. State tax on casino-style gaming revenues;  
2839 distribution of proceeds.

2840 (a) Within 20 days after the end of each calendar  
2841 month, a gaming establishment licensee shall pay to the  
2842 commission a tax of 24 percent of the net gaming revenues for  
2843 casino-style gaming activities for the immediately preceding  
2844 calendar month. The commission shall timely remit all of the  
2845 proceeds for deposit as follows:

2846 (1) First, to the General Fund Budget Reserve Fund  
2847 established in Section 29-13-3, until the total balance in the  
2848 fund is at least three hundred million dollars (\$300,000,000).

2849 (2) Upon the completion of payments described under  
2850 subdivision (1), to the following:

2851 a. Ninety-five percent of the total gaming revenue  
2852 generated each month shall be allocated to the Gaming Trust  
2853 Fund.

2854 b. Three percent of the total gaming revenue generated  
2855 each month shall be allocated among the counties where gaming  
2856 establishments are located on a pro rata basis based on the



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2857 share of net gaming revenue generated in each county. A  
2858 minimum of 15 percent of the amount received by each county  
2859 commission under this paragraph shall be distributed by the  
2860 commission to nonprofit organizations within the respective  
2861 county.

2862 c. Two percent of the total gaming revenue generated  
2863 each month shall be allocated among the municipalities where  
2864 gaming establishments are located on a pro rata basis based on  
2865 the share of net gaming revenue generated in each  
2866 municipality. If a gaming establishment is not located within  
2867 the corporate limits of a municipality, the percentage  
2868 distributed pursuant to this paragraph shall be remitted to  
2869 the county commission of the county in which the licensed  
2870 gaming establishment is located.

2871 (b) If the net gaming revenues under subsection (a)  
2872 properly reflect a net loss, as substantiated by audit, for a  
2873 calendar month, an adjustment for the amount of any remaining  
2874 net loss shall be carried forward on the subsequent tax and  
2875 fee schedules until the loss is offset by the entity's net  
2876 gaming revenues.

2877 §41-30-451. State tax on sports wagering revenues;  
2878 distribution of proceeds.

2879 (a) Within 20 days after the end of each quarter of the  
2880 fiscal year, a sports wagering licensee shall pay to the  
2881 commission a tax of 17 percent of the net gaming revenues for  
2882 sports wagering activities for the immediately preceding  
2883 quarter. The commission shall timely remit all of the proceeds  
2884 for deposit into as follows:





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2885 (1) Ninety percent to the Gaming Trust Fund.

2886 (2) Ten percent to be allocated among each county  
2887 commission of the state to be used exclusively for law  
2888 enforcement purposes of the respective sheriff's department.  
2889 All monies received by a county commission under this  
2890 subdivision shall be distributed, within 30 days of receipt,  
2891 to the respective sheriff's office to be expended at his or  
2892 her discretion. A county commission shall not retain any  
2893 portion of monies received pursuant to this subdivision. The  
2894 county commission shall not be responsible for the expenditure  
2895 of any monies received pursuant to this subdivision. All funds  
2896 received by a sheriff under this subdivision shall be in  
2897 addition to any other funding sources for the sheriff and may  
2898 not reduce or replace those funds.

2899 (b) If the net gaming revenues under subsection (a)  
2900 properly reflect a net loss, as substantiated by audit, for a  
2901 quarter, an adjustment for the amount of any remaining net  
2902 loss shall be carried forward on the subsequent tax and fee  
2903 schedules until the loss is offset by the entity's net gaming  
2904 revenues.

2905 §41-30-452. Gaming taxes in lieu of state and local  
2906 taxes.

2907 (a) (1) Except for any fees levied pursuant to this  
2908 chapter, the tax on net gaming revenues levied under this  
2909 article shall be in lieu of all other state or local taxes,  
2910 license fees, or franchise fees levied with respect to the  
2911 conduct of any gaming activities or the operation of any  
2912 machines used to conduct casino-style gaming activities or



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2913 sports wagering activities.

2914           (2) Any gaming establishment license fee or sports  
2915 wagering license fee payable to the state pursuant to this  
2916 chapter shall be in lieu of all other state or local license  
2917 fees or franchise fees levied with respect to a licensee  
2918 providing hotel services, dining, or services ancillary to its  
2919 gaming activities, if the activities are conducted at gaming  
2920 establishments, but such providers of hotel services, dining,  
2921 other facilities, or ancillary services must meet the  
2922 environmental, fire, health, and safety requirements of other  
2923 similarly situated license holders in the county and  
2924 municipality in which the facility is located.

2925           (3) Notwithstanding the foregoing, all gaming  
2926 establishment licensees and sports wagering licensees are  
2927 liable for all state and local property taxes, lodging taxes,  
2928 tobacco taxes, and sales and use taxes on merchandise sold in  
2929 gift shops or retail stores, and food and beverages. The taxes  
2930 are generally applicable at uniform rates to all similarly  
2931 situated businesses operating in the county and municipality  
2932 in which the gaming establishment is located, and except with  
2933 respect to those taxes, fees, or expenses expressly addressed  
2934 in this chapter, all other state or local taxes which are  
2935 generally imposed by the state or a local taxing entity if the  
2936 taxes are generally applied at rates uniformly applied within  
2937 reasonable classifications among all businesses operating in  
2938 the county or municipality, or both.

2939           §41-30-453. Gaming Trust Fund created; distribution of  
2940 gaming proceeds.



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2941 (a) The Gaming Trust Fund is created within the State  
2942 Treasury. Except as otherwise provided for lottery proceeds in  
2943 Article 9, all state gaming tax proceeds as provided in  
2944 Sections 41-30-450 and 41-30-451 and all other fines, fees,  
2945 and other revenues collected under this chapter shall be  
2946 deposited into the fund and allocated and appropriated as  
2947 provided in this section.

2948 (b) Proceeds in the fund shall be applied first to the  
2949 payment of the reasonable annual expenses of the commission  
2950 and the repayment of any startup costs appropriated to the  
2951 commission for the establishment and initial operation of the  
2952 commission; provided, all such startup costs shall be repaid  
2953 by the commission to the State General Fund no later than  
2954 September 30, 2028. The commission shall report annually in  
2955 writing to the Governor and the Legislature regarding its  
2956 operational and administrative expenses.

2957 (c) Net proceeds remaining in the fund after payment of  
2958 the expenses of the commission shall be annually appropriated  
2959 by and through an independent supplemental appropriation bill  
2960 for non-recurring, non-education purposes only, including, but  
2961 not limited to, the following:

2962 (1) The provision of mental health care, including the  
2963 care and treatment of individuals with behavioral health needs  
2964 and developmental disabilities and associated prevention,  
2965 treatment, and recovery services and supports.

2966 (2) The provision of rural health care services and  
2967 telemedicine and virtual health care and the purchase of  
2968 qualified health benefit plans for adults with income below



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2969 138 percent of the federal poverty level and parents or other  
2970 caretaker relatives of dependent children with income between  
2971 14 and 138 percent of the federal poverty level to ensure  
2972 residents have adequate health care services and ambulatory  
2973 care. The Legislature shall determine which areas of the state  
2974 have a critical lack of health care services and ambulatory  
2975 care and shall each year prioritize these critical areas in  
2976 the supplemental appropriation.

2977 (3) The improvement, repair, and construction of roads,  
2978 bridges, and other infrastructure in counties and  
2979 municipalities.

2980 (4) The development and improvement of state parks and  
2981 historical sites.

2982 (5) The provision of non-recurring capital expenditures  
2983 for volunteer fire departments.

2984 (6) Bonuses to state and education employees and  
2985 bonuses to retirees of the Employees' Retirement System and  
2986 the Teachers' Retirement System.

2987 (7) Establishment and support of drug courts, veteran's  
2988 courts, and other court-approved deferred prosecution  
2989 programs.

2990 Article 11. Disciplinary procedures.

2991 §41-30-500. Suspension, revocation, and forfeiture of  
2992 licenses.

2993 (a) A license issued under this chapter may be  
2994 suspended or revoked for cause by the commission for any of  
2995 the following reasons:

2996 (1) Failure to pay a license fee to the commission.



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2997 (2) Failure to remit applicable state taxes on gaming  
2998 revenues as required by this chapter.

2999 (3) Failure to pay any fines and penalties assessed by  
3000 the commission.

3001 (4) A violation of a law governing gaming activities,  
3002 rules of the commission relating to the gaming activities of  
3003 the licensee, or Section 17-5-15.2 for which all appeals have  
3004 been exhausted.

3005 (5) Failure to maintain the reasonable operation and  
3006 investment level, as determined by the commission, at the  
3007 gaming establishment for a period of 18 consecutive months.

3008 (b) In the event a gaming establishment license is  
3009 revoked as provided in subsection (a), the commission may  
3010 award the revoked license to another qualified applicant  
3011 pursuant to a competitive process and in accordance with the  
3012 application procedures set out under this chapter.

3013 (c) The commission shall adopt rules to implement and  
3014 administer this section.

3015 §41-30-501. Civil penalties.

3016 In addition to any criminal penalty provided by law,  
3017 the commission may assess a civil penalty, not to exceed one  
3018 hundred thousand dollars (\$100,000), on any person who  
3019 violates any provision of this chapter or a rule adopted by  
3020 the commission, whether or not the person is licensed under  
3021 this chapter.

3022 §41-30-502. Hearing procedures.

3023 (a) Except as otherwise provided by law, before the  
3024 commission may take any adverse action involving a licensee



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3025 under this article, including the assessment of a civil  
3026 penalty under Section 41-30-501, the commission shall give the  
3027 person against whom the action is contemplated an opportunity  
3028 for a hearing before the members of the commission or a  
3029 hearing officer designated by the commission.

3030 (b) At least 30 days prior to any hearing under this  
3031 section, the commission shall give notice of the hearing to  
3032 the person by certified mail addressed to the last known  
3033 address of the person. The person may be represented by legal  
3034 counsel.

3035 (c) (1) If a person fails to comply with a subpoena  
3036 issued for purposes of this section, on petition of the  
3037 commission, the Court of Civil Appeals may compel obedience to  
3038 the subpoena.

3039 (2) If, after due notice, the person against whom the  
3040 action is contemplated fails or refuses to appear or provide  
3041 the item or items for which a subpoena was issued, the  
3042 commission or the commission's designated hearing officer may  
3043 hear and determine the matter.

3044 (d) Within 30 days of a final order or decision of the  
3045 commission in a contested case, any person aggrieved by the  
3046 final order or decision may file a petition for appeal in the  
3047 Court of Civil Appeals.

3048 Article 12. Prohibited conduct.

3049 §41-30-550. False statement on application prohibited.

3050 (a) It is unlawful for a person to knowingly make a  
3051 false statement on any application for a license under this  
3052 chapter or on an application for renewal of a license issued



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3053 under this chapter.

3054 (b) A person who violates this section shall be guilty  
3055 of a Class A misdemeanor.

3056 §41-30-551. Unlawful exertion of influence.

3057 (a) For the purposes of this section, the phrase  
3058 "person who is connected with a licensee" includes, but is not  
3059 limited to, any gaming establishment licensee or sports  
3060 wagering licensee, or any officer or employee of the licensee.

3061 (b) A person who is connected with a licensee may not  
3062 do any of the following:

3063 (1) Offer, promise, or give anything of value or  
3064 benefit to a person who has an ownership or financial interest  
3065 in, is employed by, or has a gaming services contract with a  
3066 licensee or to that person's spouse or any dependent child or  
3067 dependent parent, pursuant to an agreement or arrangement, in  
3068 fact or implied from the circumstances, with the intent that  
3069 the promise or thing of value or benefit will influence the  
3070 actions of the person in order to affect or attempt to affect  
3071 the outcome of any casino-style gaming activity or sports  
3072 wager, or to influence official action of a member of the  
3073 commission.

3074 (2) Solicit or knowingly accept or receive a promise of  
3075 anything of value or benefit while the person is connected  
3076 with a licensee under this chapter, pursuant to an  
3077 understanding or arrangement in fact or implied from the  
3078 circumstances, with the intent that the promise or thing of  
3079 value or benefit will influence the actions of the person to  
3080 affect or attempt to affect the outcome of any gaming activity



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3081 or sports wager, or to influence official action of a member  
3082 of the commission.

3083 (c) A person who violates this section shall be guilty  
3084 of a Class C felony and shall be required to pay a fine of not  
3085 more than one hundred thousand dollars (\$100,000).

3086 Section 2. (a) The Court of Civil Appeals shall have  
3087 and exercise original jurisdiction in all cases where the  
3088 Alabama Gaming Commission is made a party to the case and in  
3089 all appeals of a final order or decision of the Alabama Gaming  
3090 Commission under Article 11 of Chapter 30 of Title 41, Code of  
3091 Alabama 1975.

3092 (b) When exercising its original jurisdiction under  
3093 this section, the Court of Civil Appeals may appoint, from  
3094 time to time, a hearing officer for the purpose of presiding  
3095 over and conducting hearings as may be necessary to the  
3096 orderly conduct of the cases that arise under this section.  
3097 The hearing officer shall be an attorney in good standing with  
3098 the Alabama State Bar. The hearing officer may not have an  
3099 interest in or be related to any of the parties. The  
3100 compensation of the hearing officer shall be fixed by the  
3101 Court of Civil Appeals and all expenses associated with the  
3102 compensation shall be paid out of the Gaming Trust Fund as  
3103 operating expenses of the Alabama Gaming Commission.

3104 (c) The general duties of the hearing officer shall be  
3105 to preside over and direct the course of cases arising under  
3106 this section for the purpose of preparing a report as  
3107 described in subsection (d). The hearing officer may do the  
3108 following on behalf of the Court of Civil Appeals:





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3109 (1) Issue procedural orders setting dates, deadlines,  
3110 and timetables by which parties must submit or disclose  
3111 evidentiary material or notices related to the orderly conduct  
3112 of a contested case. The hearing officer may grant  
3113 continuances or postponements of hearings at his or her  
3114 discretion.

3115 (2) Issue subpoenas, protective orders, and discovery  
3116 orders upon application of a party. The hearing officer may  
3117 impose reasonable conditions and limitations on discovery in a  
3118 contested case through limited written interrogatories,  
3119 document production, and depositions.

3120 (3) Impose reasonable conditions and limitations on the  
3121 parties' presentations during a contested case including, but  
3122 not limited to, prescribing reasonable limitations on  
3123 argument, prescribing the length of time allotted for the  
3124 presentation of a party's case, directing that evidence  
3125 relevant to the general character and reputation of the  
3126 licensee be submitted in writing by affidavit, prescribing  
3127 reasonable limitations upon the number of witnesses permitted  
3128 to testify as to the character and reputation of the licensee,  
3129 and requiring the parties to submit briefs or memoranda on  
3130 issues put forth before the court.

3131 (4) Issue orders and rulings related to the attendance  
3132 of parties, attorneys, and witnesses at hearings and  
3133 conferences.

3134 (5) Hold and preside over pre-conferences of parties as  
3135 may be necessary to the orderly conduct of the case.

3136 (6) Issue orders and rulings on all other matters of



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3137 procedure and law necessary to the orderly conduct of the  
3138 case. Dismissal of a complaint may only occur upon order of  
3139 the Court of Civil Appeals.

3140 (7) Administer oaths and certify the authenticity of  
3141 documents when required in the discharge of their duties as  
3142 the hearing officer in the case.

3143 (d) The hearing officer shall prepare a report upon the  
3144 matters submitted to the hearing officer by the order of  
3145 reference and, if required to make findings of fact and  
3146 conclusions of law, the hearing officer shall set them forth  
3147 in the report. The hearing officer shall file the report with  
3148 the clerk of the court and serve on all parties notice of the  
3149 filing. The hearing officer shall include with the report a  
3150 transcript of the proceedings and of the evidence of the  
3151 original exhibits. The hearing officer shall serve a copy of  
3152 the report on each party.

3153 (e) Where no hearing officer is appointed by the Court  
3154 of Civil Appeals, the presiding judge of the court shall  
3155 preside during hearings and perform all other duties of the  
3156 hearing officer.

3157 (f) All proceedings under this section shall be  
3158 conducted insofar as practicable in the same manner as a civil  
3159 action in accordance with the applicable Alabama Rules of  
3160 Civil Procedure.

3161 Section 3. Sections 13A-12-20, 13A-12-21, 13A-12-22,  
3162 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27,  
3163 13A-12-28, 13A-12-30, Code of Alabama 1975, and Section  
3164 13A-11-9, Code of Alabama 1975, as last amended by Act



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3165 2023-245, 2023 Regular Session, are amended to read as  
3166 follows:

3167 "§13A-12-20

3168 The following definitions apply to this article:

3169 ~~(1) ADVANCE GAMBLING ACTIVITY. A person "advances~~  
3170 ~~gambling activity" if he engages in conduct that materially~~  
3171 ~~aids any form of gambling activity. Conduct of this nature~~  
3172 ~~includes but is not limited to conduct directed toward the~~  
3173 ~~creation or establishment of the particular game, contest,~~  
3174 ~~scheme, device or activity involved, toward the acquisition or~~  
3175 ~~maintenance of premises, paraphernalia, equipment or apparatus~~  
3176 ~~therefor, toward the solicitation or inducement of persons to~~  
3177 ~~participate therein, toward the actual conduct of the playing~~  
3178 ~~phases thereof, toward the arrangement of any of its financial~~  
3179 ~~or recording phases or toward any other phase of its~~  
3180 ~~operation. A person advances gambling activity if, having~~  
3181 ~~substantial proprietary control or other authoritative control~~  
3182 ~~over premises being used with his knowledge for purposes of~~  
3183 ~~gambling activity, he permits that activity to occur or~~  
3184 ~~continue or makes no effort to prevent its occurrence or~~  
3185 ~~continuation.~~

3186 ~~(2) BOOKMAKING. Advancing gambling activity by~~  
3187 ~~unlawfully accepting bets from members of the public as a~~  
3188 ~~business, rather than in a casual or personal fashion, upon~~  
3189 ~~the outcome of future contingent events.~~

3190 ~~(3) CONTEST OF CHANCE. Any contest, game, gaming scheme~~  
3191 ~~or gaming device in which the outcome depends in a material~~  
3192 ~~degree upon an element of chance, notwithstanding that skill~~



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3193 ~~of the contestants may also be a factor therein.~~

3194 (1) CASINO-STYLE GAME. As defined under Section  
3195 41-30-2.

3196 (2) COMMISSION. The Alabama Gaming Commission.

3197 ~~(4) GAMBLING. A person engages in gambling if he stakes~~  
3198 ~~or risks something of value upon the outcome of a contest of~~  
3199 ~~chance or a future contingent event not under his control or~~  
3200 ~~influence, upon an agreement or understanding that he or~~  
3201 ~~someone else will receive something of value in the event of a~~  
3202 ~~certain outcome. Gambling does not include bona fide business~~  
3203 ~~transactions valid under the law of contracts, including but~~  
3204 ~~not limited to contracts for the purchase or sale at a future~~  
3205 ~~date of securities or commodities, and agreements to~~  
3206 ~~compensate for loss caused by the happening of chance,~~  
3207 ~~including but not limited to contracts of indemnity or~~  
3208 ~~guaranty and life, health or accident insurance.~~

3209 (3) GAME or GAMING. Engaging in a casino-style game or  
3210 sports wagering or otherwise staking or risking something of  
3211 value upon the outcome of a contest of chance or future  
3212 contingent event not under his or her control or influence,  
3213 upon an agreement or understanding that he or she or someone  
3214 else will receive something of value in the event of a certain  
3215 outcome. The term does not include participation in charitable  
3216 games or social gaming conducted in accordance with Chapter 30  
3217 of Title 41.

3218 ~~(5) GAMBLING~~ (4) GAMING DEVICE. Any device, machine,  
3219 paraphernalia, or equipment that is normally used or usable in  
3220 the playing phases of any ~~gambling activity, whether that~~



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3221 ~~activity consists of gambling between persons or gambling by a~~  
3222 ~~person involving the playing of a machine. However, gaming~~  
3223 ~~authorized by law and approved by the commission. The term~~  
3224 ~~does not include lottery tickets, ~~policy slips and~~ other items~~  
3225 ~~used in the playing phases of lottery ~~and policy schemes are~~~~  
3226 ~~not gambling devices within this definition, or antique slot~~  
3227 ~~machines authorized under existing law.~~

3228 (5) GAMING ESTABLISHMENT. Any facility licensed by the  
3229 commission to conduct casino-style gaming activity.

3230 ~~(6) LOTTERY or POLICY. An unlawful gambling scheme in~~  
3231 ~~which:~~

3232 ~~a. The players pay or agree to pay something of value~~  
3233 ~~for chances, represented and differentiated by numbers or by~~  
3234 ~~combinations of numbers or by some other medium, one or more~~  
3235 ~~of which chances are to be designated by the winning ones; and~~

3236 ~~b. The winning chances are to be determined by a~~  
3237 ~~drawing or by some other fortuitous method; and~~

3238 ~~c. The holders of the winning chances are to receive~~  
3239 ~~something of value.~~

3240 (6) LOTTERY or LOTTERY GAME. As defined under Section  
3241 41-30-2.

3242 (7) LOTTERY TICKET or TICKET. Tickets or other tangible  
3243 evidence of participation used in lottery games or gaming  
3244 systems.

3245 ~~(7) (8) PARI-MUTUEL WAGERING, ~~MUTUEL or THE NUMBERS~~~~  
3246 ~~GAME. A form of lottery. Wagering in which the winning chances~~  
3247 ~~or plays are not determined upon the basis of a drawing or~~  
3248 ~~other act on the part of persons conducting or connected with~~



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3249 the scheme, but upon the basis of the outcome of a future  
3250 contingent event or events otherwise unrelated to the  
3251 particular scheme.

3252 ~~(8)~~ (9) PLAYER. A person who engages in any form of  
3253 ~~gambling~~gaming solely as a contestant or bettor, without  
3254 receiving or becoming entitled to receive any profit therefrom  
3255 other than personal ~~gambling~~gaming winnings, and without  
3256 otherwise rendering any material assistance to the  
3257 establishment, conduct, or operation of the particular  
3258 ~~gambling~~gaming activity.

3259 ~~(9)~~ (10) PROFIT FROM ~~GAMBLING~~ UNLAWFUL GAMING ACTIVITY.  
3260 ~~A person "profits from gambling activity" if he accepts or~~  
3261 ~~receives~~ The acceptance or receipt of money or other property  
3262 pursuant to an agreement or understanding with any person  
3263 whereby he or she shares or is to share in the proceeds of  
3264 ~~gambling~~unlawful gaming activity.

3265 ~~(10)~~ (11) SLOT MACHINE. A ~~gambling~~gaming device that, as  
3266 a result of the insertion of a coin or other object, operates,  
3267 either completely automatically or with the aid of some  
3268 physical act by the player, in ~~such~~ a manner that, depending  
3269 upon elements of chance, ~~it~~ the gaming device may eject  
3270 something of value. A device so constructed or readily  
3271 adaptable or convertible to such use is no less a slot machine  
3272 because it is not in working order or because some mechanical  
3273 act of manipulation or repair is required to accomplish its  
3274 adaptation, conversion, or workability. Nor is it any less a  
3275 slot machine because apart from its use or adaptability as  
3276 such it may also sell or deliver something of value on a basis



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3277 other than chance. The term includes any gaming device that  
3278 meets the definition of slot machine as defined under 15  
3279 U.S.C. § 1171(a)(1).

3280 ~~(11)~~ (12) SOMETHING OF VALUE. Any money or property, any  
3281 token, object, or article exchangeable for money or property, ,  
3282 or any form of credit or promise directly or indirectly  
3283 contemplating a transfer of money or property or of any  
3284 interest therein, or involving extension of a service  
3285 entertainment or a privilege of playing at a game or scheme  
3286 without charge.

3287 (13) SPORTING EVENT. As defined under Section 41-30-2.

3288 (14) SPORTS WAGERING. As defined under Section 41-30-2.

3289 ~~(12)~~ (15) UNLAWFUL GAMING ACTIVITY. Not A game or gaming  
3290 activity that is not specifically authorized by general law or  
3291 rule of the commission."

3292 "§13A-12-21

3293 (a) A person commits the crime of ~~simple~~  
3294 ~~gambling~~ unlawful gaming if he or she knowingly ~~advances or~~  
3295 profits from or participates in unlawful ~~gambling~~ gaming  
3296 activity as a player.

3297 (b) It is a defense to a prosecution under this section  
3298 that a person charged ~~with being a player~~ with violating this  
3299 section was engaged in playing a social game ~~in a private~~  
3300 ~~place~~ pursuant to Section 41-30-350. The burden of injecting  
3301 the issue is on the defendant, but this does not shift the  
3302 burden of proof.

3303 (c) ~~Simple gambling~~ Unlawful gaming is a Class ~~CA~~  
3304 misdemeanor."



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3305 "§13A-12-22

3306 (a) A person commits the crime of promoting ~~gambling~~  
3307 unlawful gaming activity if he or she knowingly ~~advances or~~  
3308 profits from unlawful ~~gambling gaming~~ activity otherwise than  
3309 as a player, or if having substantial proprietary control or  
3310 other authoritative control over premises being used to  
3311 conduct unlawful gaming activity, he or she permits that  
3312 unlawful gaming activity to occur or makes no effort to  
3313 prevent its occurrence or continuation.

3314 (b) (1) Promoting ~~gambling~~ unlawful gaming activity is a  
3315 ~~Class A misdemeanor~~ Class D felony.

3316 (2) Notwithstanding subdivision (1), on a second or  
3317 subsequent conviction of this section, promoting unlawful  
3318 gaming activity is a Class B felony."

3319 "§13A-12-23

3320 (a) A person commits the crime of conspiracy to promote  
3321 ~~gambling~~ unlawful gaming activities if ~~he~~ the person conspires  
3322 to ~~advance or~~ profit from ~~gambling~~ unlawful gaming activity  
3323 otherwise than as a player.

3324 (b) ~~"Conspire"~~ For the purposes of this section,  
3325 "conspire" means to engage in activity constituting a criminal  
3326 conspiracy as defined in Section 13A-4-3.

3327 (c) (1) Conspiracy to promote ~~gambling~~ unlawful gaming  
3328 activity is a ~~Class A misdemeanor~~ Class D felony.

3329 (2) Notwithstanding subdivision (1), on a second or  
3330 subsequent conviction of this section, conspiracy to promote  
3331 unlawful gaming activity is a Class B felony."

3332 "§13A-12-24





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3333 (a) A person commits the crime of unlawful possession  
3334 of ~~gambling~~gaming records in the first degree if, with  
3335 knowledge of the contents thereof, ~~he~~the person possesses any  
3336 writing, paper, instrument, or article commonly used in any of  
3337 the following:

3338 (1) ~~Of a kind commonly used in the operation or~~  
3339 ~~promotion of a bookmaking scheme or enterprise,~~The operation  
3340 or promotion of any sports wagering activity not authorized by  
3341 general law or rule of the commission~~and~~ constituting,  
3342 reflecting, or representing more than five ~~bets,~~wagers or more  
3343 than ~~\$500.00; or~~five thousand dollars (\$5,000).

3344 (2) ~~Of a kind commonly used in the operation, promotion~~  
3345 ~~or playing of a lottery or mutuel scheme or enterprise,~~The  
3346 operation, promotion, or playing of a lottery game not  
3347 authorized by general law or the Alabama Lottery Corporation  
3348 ~~and~~ constituting, reflecting, or representing more than five  
3349 plays or chances ~~therein.~~

3350 (3) The operation, promotion, or playing of a  
3351 casino-style game not authorized by general law or rule of the  
3352 commission.

3353 (b) (1) ~~Possession of gambling~~Unlawful possession of  
3354 gaming records in the first degree is a ~~Class A~~  
3355 ~~misdemeanor~~Class D felony.

3356 (2) Notwithstanding subdivision (1), on a second or  
3357 subsequent conviction of this section, unlawful possession of  
3358 gaming records in the first degree is a Class B felony."

3359 "§13A-12-25

3360 (a) A person commits the crime of unlawful possession



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3361 of ~~gambling~~ gaming records in the second degree if, with  
3362 knowledge of the contents thereof, he or she possesses any  
3363 writing, paper, instrument, or article commonly used in either  
3364 of the following:

3365 (1) ~~Of a kind commonly and peculiarly used in the~~ The  
3366 operation or promotion of ~~a bookmaking scheme or enterprise;~~  
3367 ~~or~~ sports wagering not authorized by general law or rule of the  
3368 commission.

3369 (2) ~~Of a kind commonly and peculiarly used in the~~ The  
3370 operation, promotion, or playing of a lottery ~~or mutuel scheme~~  
3371 ~~or enterprise~~ game not authorized by general law or rule of  
3372 the commission.

3373 (b) (1) ~~Possession~~ Unlawful possession of ~~gambling~~ gaming  
3374 records in the second degree is a ~~Class A misdemeanor~~ Class D  
3375 felony.

3376 (2) Notwithstanding subdivision (1), on a second or  
3377 subsequent conviction of this section, unlawful possession of  
3378 gaming records in the second degree is a Class B felony."

3379 "§13A-12-26

3380 A person does not commit the crime of unlawful  
3381 possession of ~~gambling~~ gaming records ~~in either degree~~ pursuant  
3382 to Sections 13A-12-24 or 13A-12-25 if the writing, paper,  
3383 instrument, or article possessed by the defendant is neither  
3384 used nor intended to be used in the operation or promotion of  
3385 ~~a bookmaking scheme or enterprise~~ unlawful sports wagering, or  
3386 in the operation, promotion, or playing of ~~a~~ an unlawful  
3387 lottery ~~or mutuel scheme or enterprise~~ as described under  
3388 Section 13A-12-24(a) (2). The burden of injecting the issue is



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3389 on the defendant, but this does not shift the burden of  
3390 proof."

3391 "§13A-12-27

3392 (a) A person commits the crime of unlawful possession  
3393 of a ~~gambling~~gaming device if, with knowledge of the character  
3394 ~~thereof~~ of the gaming device, he or she manufactures, sells,  
3395 transports, places, or possesses, or conducts or negotiates  
3396 any transaction affecting or designed to affect ownership,  
3397 custody, or use of, either of the following:

3398 (1) A ~~slot machine, unless exempted pursuant to~~  
3399 ~~subsection (c); or~~ casino-style game not authorized by law or  
3400 rule of the commission.

3401 (2) ~~Any other gambling device, with the intention that~~  
3402 ~~it~~ A gaming device to be used in ~~the advancement of any~~  
3403 unlawful ~~gambling~~gaming activity.

3404 (b) (1) ~~Possession~~ Unlawful possession of a ~~gambling~~  
3405 ~~gaming~~ device is a Class ~~A misdemeanor~~ D felony.

3406 (2) Notwithstanding subdivision (1), on a second or  
3407 subsequent conviction of this section, unlawful possession of  
3408 a gaming device is a Class B felony.

3409 (c) The crime of unlawful possession of a ~~gambling~~  
3410 ~~gaming~~ device does not apply to a slot machine manufactured  
3411 before 1960, with the intention that the slot machine be used  
3412 only for the personal and private use of the owner or for  
3413 public display as a historical artifact in a manner that the  
3414 slot machine is not accessible to the public."

3415 "§13A-12-28

3416 (a) Proof of possession of any ~~gambling~~gaming device,



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3417 as defined ~~by subdivision (5) of~~in Section 13A-12-20, or any  
3418 ~~gambling~~unlawful gaming record, as specified in Sections  
3419 13A-12-24 and 13A-12-25, is prima facie evidence of possession  
3420 ~~thereof~~ with knowledge of its character or contents.

3421 (b) In any prosecution under this article in which it  
3422 is necessary to prove the occurrence of a sporting event,  
3423 either of the following shall be admissible and shall be prima  
3424 facie proof of the occurrence of the event:

3425 (1) ~~a~~A published report of its occurrence in any daily  
3426 newspaper, magazine, or other periodically printed publication  
3427 of general circulation, ~~or.~~

3428 (2) ~~evidence~~Evidence that a description of some aspect  
3429 of the event was written, printed, or otherwise noted at the  
3430 place in which a violation of this chapter is alleged to have  
3431 been committed, ~~shall be admissible in evidence and shall~~  
3432 ~~constitute prima facie proof of the occurrence of the event."~~

3433 "§13A-12-30

3434 (a) Any ~~gambling~~gaming device or ~~gambling~~gaming record  
3435 unlawfully possessed or used in violation of this article ~~is~~  
3436 ~~forfeited to the state, and shall by court order be destroyed~~  
3437 ~~or otherwise disposed of as the court directs~~shall be subject  
3438 to forfeiture pursuant to the procedures set forth in Section  
3439 20-2-93.

3440 (b) Any vehicle possessed or used in violation of this  
3441 article ~~may be forfeited to the state and disposed of by court~~  
3442 ~~order as authorized by law~~shall be subject to forfeiture  
3443 pursuant to the procedures set forth in Section 20-2-93.

3444 (c) Money used as ~~bets~~wagers or stakes in



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3445 ~~gambling~~unlawful gaming activity in violation of this article  
3446 ~~is forfeited to the state and by court order shall be~~  
3447 ~~transmitted to the General Fund of the state~~shall be subject  
3448 to forfeiture pursuant to the procedures set forth in Section  
3449 20-2-93."

3450 "§13A-11-9

3451 (a) A person commits the crime of loitering if he or  
3452 she does any of the following:

3453 (1) Loiters, remains, or wanders about in a public  
3454 place for the purpose of begging.

3455 (2) Loiters or remains in a public place for the  
3456 purpose of ~~gambling~~unlawful gaming activity.

3457 (3) Loiters or remains in a public place for the  
3458 purpose of engaging or soliciting another person to engage in  
3459 prostitution or sodomy, as defined under Section 13A-6-60.

3460 (4) Being masked, loiters, remains, or congregates in a  
3461 public place.

3462 (5) Loiters or remains in or about a school, college,  
3463 or university building or grounds after having been told to  
3464 leave by any authorized official of the school, college, or  
3465 university, not having any reason or relationship involving  
3466 custody of or responsibility for a pupil or any other  
3467 specific, legitimate reason for being there, and not having  
3468 written permission from a school, college, or university  
3469 administrator.

3470 (6) Loiters or remains in any transportation facility,  
3471 unless specifically authorized to do so, for the purpose of  
3472 soliciting or engaging in any business, trade, or commercial



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3473 transactions involving the sale of merchandise or services.

3474 (7) Loiters or remains in any place with one or more  
3475 persons for the purpose of unlawfully using or possessing a  
3476 dangerous drug.

3477 (8) Loiters, or remains, on a public roadway maintained  
3478 by the state or the right-of-way of a public roadway  
3479 maintained by the state.

3480 (b) A person does not commit a crime under subdivision  
3481 (a) (4) if he or she is going to or from or staying at a  
3482 masquerade party, or is participating in a public parade or  
3483 presentation of an educational, religious, or historical  
3484 character or in an event as defined in Section 13A-11-140.

3485 ~~(c) Sodomy in subdivision (a) (3) is defined as in~~  
3486 ~~Section 13A-6-60.~~

3487 ~~(d) (c) Dangerous drug in subdivision (a) (7)~~ As used in  
3488 this section, "dangerous drug" means any narcotic, drug, or  
3489 controlled substance as defined in Chapter 2 of Title 20 and  
3490 any schedule incorporated therein.

3491 ~~(e) (d)~~ Loitering is a violation. A second or subsequent  
3492 violation of this section in the same jurisdiction is a Class  
3493 C misdemeanor.

3494 ~~(f) (1)~~ (e) (1) Prior to making an arrest for a violation  
3495 of subdivision (a) (1), a law enforcement officer may instruct  
3496 any person in violation of subdivision (a) (1) to immediately  
3497 and peaceably exit the public roadway maintained by the state  
3498 or the right-of-way of the public roadway maintained by the  
3499 state.

3500 (2)a. Prior to making an arrest for an initial



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3501 violation of subdivision (a)(1), a law enforcement officer may  
3502 offer to transport any person in violation of subdivision  
3503 (a)(1) to a location in the jurisdiction that offers emergency  
3504 housing, if applicable.

3505           b. If a person accepts an offer made pursuant to  
3506 subdivision (1), a law enforcement officer may transport the  
3507 person accordingly.

3508           ~~(g)~~ (f) Any actions undertaken by a law enforcement  
3509 officer pursuant to this section shall be subject to Section  
3510 36-1-12."

3511           Section 4. Sections 13A-12-32 through 13A-12-39,  
3512 inclusive, are added to Division 1 of Article 2 of Chapter 12  
3513 of Title 13A, Code of Alabama 1975, to read as follows:

3514           §13A-12-32

3515           (a) It is unlawful to intentionally use or possess, at  
3516 a gaming establishment, an electronic, electrical, or  
3517 mechanical device that is designed, constructed, or programmed  
3518 to assist the user or another person to do any of the  
3519 following:

3520           (1) Predict the outcome of any casino-style game.

3521           (2) Keep track of cards dealt or in play.

3522           (3) Analyze the probability of the occurrence of an  
3523 event relating to any casino-style game.

3524           (4) Analyze the strategy for playing or wagering to be  
3525 used in any casino-style game, except as permitted by the  
3526 commission.

3527           (5) Obtain an advantage in playing any casino-style  
3528 game.



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3529 (b) A gaming establishment shall post notice of this  
3530 prohibition and the penalties for violations in a manner  
3531 determined by the commission.

3532 (c) A violation of this section is a Class A  
3533 misdemeanor.

3534 §13A-12-33

3535 (a) It is unlawful for any individual to cheat at any  
3536 casino-style game or sports wagering activity.

3537 (b) A violation of this section is a Class A  
3538 misdemeanor.

3539 §13A-12-34

3540 (a) It is unlawful to manufacture, sell, or distribute  
3541 any cards, chips, die, game, or device that is intended to be  
3542 used to violate Chapter 30 of Title 41, this chapter, or the  
3543 rules of the commission.

3544 (b) It is unlawful for any individual to use  
3545 counterfeit chips in any casino-style game.

3546 (c) It is unlawful for any individual, in playing a  
3547 casino-style game designed to be played with, received, or be  
3548 operated by chips or tokens approved by the commission or  
3549 lawful coins of the United States of America, to knowingly use  
3550 chips or tokens not approved by the commission or otherwise  
3551 not lawful currency of the United States of America.

3552 (d) A violation of this section is a Class D felony.

3553 §13A-12-35

3554 (a) It is unlawful to instruct an individual in  
3555 cheating or in the use of a device for that purpose, with the  
3556 knowledge or intent that the information or use may be





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3557 employed to violate Chapter 30 of Title 41, this chapter, or  
3558 rules adopted by the commission.

3559 (b) A violation of this section is a Class D felony.

3560 §13A-12-36

3561 (a) It is unlawful to place, increase, or decrease a  
3562 wager or determine the course of play after acquiring  
3563 knowledge, not available to all players, of the outcome of any  
3564 casino-style game or sports wagering or event that affects the  
3565 outcome of the game or that is the subject of the wager, or to  
3566 aid an individual in acquiring such knowledge for the purpose  
3567 of placing, increasing, or decreasing a wager or determining  
3568 the course of play contingent on that event or outcome.

3569 (b) A violation of this section is a Class D felony.

3570 §13A-12-37

3571 (a)(1) It is unlawful to knowingly claim, collect,  
3572 take, or attempt to claim, collect, or take money or anything  
3573 of value into or from a casino-style game with the intent to  
3574 defraud, without having made a wager contingent thereon.

3575 (2) It is unlawful to knowingly claim, collect, or take  
3576 any amount of money or anything of value greater than the  
3577 amount won in a casino-style game or sports wagering.

3578 (b) A violation of this section is a Class D felony.

3579 §13A-12-38

3580 (a) It is unlawful for an individual, other than a  
3581 gaming establishment employee or agent acting in furtherance  
3582 of his or her employment, to have in his or her possession on  
3583 the grounds of a gaming establishment, or grounds contiguous  
3584 to the gaming establishment, any device intended to be used to



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3585 violate Chapter 30 of Title 41, this chapter, or a rule of the  
3586 commission.

3587 (b) A violation of this section is a Class D felony.

3588 §13A-12-39

3589 (a) It is unlawful for an individual, other than a  
3590 gaming establishment employee or agent acting in furtherance  
3591 of his or her employment, to have in his or her possession,  
3592 within a gaming facility, a key or device known to have been  
3593 designed for the purpose of opening, entering, or affecting  
3594 the operation of any casino-style game, drop box, or any  
3595 electronic or mechanical device connected thereto, or for  
3596 removing money, tokens, chips, or any other contents.

3597 (b) A violation of this section is a Class D felony.

3598 Section 5. Section 17-5-15.2 is added to Chapter 5,  
3599 Title 17 of the Code of Alabama 1975, to read as follows:

3600 §17-5-15.2. Prohibited contributions by gaming  
3601 interests.

3602 (a) The Legislature finds as follows:

3603 (1) Concerns with gaming-related corruption have long  
3604 been a motivating factor for maintaining strict prohibitions  
3605 on gaming in Alabama.

3606 (2) Notwithstanding the state's historically strict  
3607 prohibitions on gaming, the state has experienced multiple  
3608 instances of actual or apparent corruption in which  
3609 gaming-related interests have sought, or appear to have  
3610 sought, to corruptly influence public officials in the  
3611 exercise of their official duties.

3612 (3) The state also recognizes the history of



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3613 gaming-related corruption that has occurred outside of the  
3614 State of Alabama.

3615 (4) The purpose of this section is to prevent quid pro  
3616 quo corruption and any appearance thereof. Avoiding corruption  
3617 and the appearance of corruption is a necessary condition of  
3618 authorizing any type of gaming in the State of Alabama.

3619 (b) The following persons are prohibited or otherwise  
3620 restricted from making contributions or expenditures to a  
3621 principal campaign committee of a candidate for state or local  
3622 office in the State of Alabama or a political action committee  
3623 that contributes to any candidate for state or local office in  
3624 the State of Alabama or from making an electioneering  
3625 communication:

3626 (1) A person that holds a license issued by the Alabama  
3627 Gaming Commission or a person that holds any interest greater  
3628 than one percent in an entity that holds a license issued by  
3629 the commission.

3630 (2) A person that executes a compact with the state  
3631 pursuant to Section 65.04 of the Constitution of Alabama of  
3632 2022, or a person that holds any interest greater than one  
3633 percent in an entity that executes such a compact with the  
3634 state.

3635 (3) A person that holds any interest greater than one  
3636 percent in the buildings, facilities, or rooms connected,  
3637 adjacent, or ancillary to the conduct of any gaming activity  
3638 pursuant to a license issued by the commission or pursuant to  
3639 a compact with the state pursuant to Section 65.04 of the  
3640 Constitution of Alabama of 2022.



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3641 (4) An officer or managerial employee of any person  
3642 identified in this subsection.

3643 (5) A person that holds any interest greater than one  
3644 percent in any entity identified in this subsection.

3645 (6) A separate segregated fund, including a fund  
3646 established under Section 17-5-14.1, of any person identified  
3647 in this subsection.

3648 (7) Any manufacturer or provider of gaming equipment,  
3649 as defined under Section 41-30-2.

3650 (8) Any gaming services provider, as defined under  
3651 Section 41-30-2.

3652 (c) Any person identified in subsection (b) is also  
3653 prohibited from making contributions to a principal campaign  
3654 committee or a political action committee that contributes to  
3655 any candidate for state or local office in the State of  
3656 Alabama through a legal entity established, directed, or  
3657 controlled by that person.

3658 (d) No agent of a principal campaign committee of a  
3659 candidate for state or local office in the State of Alabama or  
3660 a political action committee shall knowingly accept a  
3661 contribution from any person identified in subsection (b) if  
3662 the principal campaign committee or political action committee  
3663 has contributed to a candidate for state or local office in  
3664 the State of Alabama or is reasonably likely to contribute to  
3665 a candidate for state or local office in the State of Alabama.

3666 (e) No person identified in subsection (b) shall  
3667 provide a monetary or in-kind donation to an inaugural  
3668 committee or legislative caucus organization in this state;



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3669 and no agent of an inaugural committee or legislative caucus  
3670 organization shall accept a monetary or in-kind donation from  
3671 a person known by the agent to be a person identified in  
3672 subsection (b).

3673 (f) Any person who knowingly or intentionally violates  
3674 this section shall be guilty of a Class A misdemeanor.

3675 (g) For the purposes of this section, "person" includes  
3676 a federally recognized Indian tribe.

3677 Section 6. Sections 8-1-150 and 8-1-151, Code of  
3678 Alabama 1975, are amended to read as follows:

3679 "§8-1-150

3680 (a) All contracts founded in whole or in part on ~~a~~  
3681 ~~gambling~~unlawful gaming consideration are void. Any ~~person~~  
3682 individual who has paid any money or delivered any thing of  
3683 value lost upon any unlawful game or wager may recover such  
3684 money, thing, or its value by an action commenced within six  
3685 months from the time of such payment or delivery.

3686 (b) Any other person may also recover the amount of  
3687 such money, thing, or its value by an action commenced within  
3688 12 months after the payment or delivery thereof for the use of  
3689 ~~the wife or, if no wife, the~~ the individual's spouse or  
3690 children or, if no children, the next of kin ~~of the loser~~.

3691 (c) A judgment under either subsection (a) or (b) for  
3692 the amount of money paid, thing delivered, or its value is a  
3693 good defense to any action brought for such money, thing, or  
3694 its value under the provisions of the other subsection.

3695 (d) A judgment recovered under ~~the provisions of~~ this  
3696 section is a defense to any proceeding on any garnishment



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3697 served after the recovery of such judgment, and the court may  
3698 make any order staying proceedings as may be necessary to  
3699 protect the rights of the defendant.

3700 (e) For purposes of this section, a game, wager, or  
3701 gaming consideration is unlawful if it is part of any of  
3702 gaming activity that is not approved by the Alabama Gaming  
3703 Commission."

3704 "§8-1-151

3705 (a) Any creditor of a losing party under ~~a gambling~~an  
3706 unlawful gaming contract may garnish the winner as other  
3707 debtors are garnished at any time within two years from the  
3708 payment of such money or delivery of such thing, ~~and if such.~~  
3709 If the garnishee fails to appear, judgment may be entered  
3710 against him or her as against other garnishees failing to  
3711 answer, but the answer of a garnishee shall not be evidence  
3712 against him or her in a criminal prosecution.

3713 (b) A judgment recovered by a creditor under ~~the~~  
3714 ~~provisions of~~ this section is a defense to any action brought  
3715 by any person under ~~the provisions of~~ Section 8-1-150.

3716 (c) For purposes of this section, a game, wager, or  
3717 gaming consideration is unlawful if it is part of any of  
3718 gaming activity that is not approved by the Alabama Gaming  
3719 Commission."

3720 Section 7. Section 38-4-14, Code of Alabama 1975, is  
3721 amended to read as follows:

3722 "§38-4-14

3723 (a) For the purposes of this section, the term "public  
3724 assistance benefits" means money or property provided directly



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3725 or indirectly to eligible persons through programs of the  
3726 federal government, the state, or any political subdivision  
3727 thereof, and administered by the Alabama Department of Human  
3728 Resources.

3729 (b) (1) A recipient of public assistance benefits may  
3730 not use any portion of the benefits for the purchase of any  
3731 alcoholic beverage, tobacco product, or lottery ticket or for  
3732 playing any form of gaming activity, as defined under Section  
3733 41-30-2, without regard to whether the activity is authorized  
3734 by or conducted in accordance with Section 65 of the  
3735 Constitution of Alabama of 2022, and the laws of this state.

3736 Any person who violates this subsection shall reimburse the  
3737 Alabama Department of Human Resources for the purchase and  
3738 shall be subject to the following sanctions:

3739 a. Upon the first violation, the person shall be  
3740 disqualified from receiving public assistance benefits by  
3741 means of direct cash payment or an electronic benefits  
3742 transfer access card for one month.

3743 b. Upon the second violation, the person shall be  
3744 disqualified from receiving public assistance benefits by  
3745 means of direct cash payment or electronic benefits transfer  
3746 access card for three months.

3747 c. Upon a third or subsequent violation, the person  
3748 shall be permanently disqualified from receiving public  
3749 assistance benefits by means of direct cash payment or an  
3750 electronic benefits transfer access card.

3751 (2) A person who is disqualified from receiving public  
3752 assistance benefits under this subsection shall have the right



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3753 to a hearing pursuant to the Alabama Administrative Procedure  
3754 Act.

3755 (c) (1) A cash recipient of public assistance benefits  
3756 may not withdraw or use cash benefits by means of an  
3757 Electronic Benefits Transfer transaction for the purchase of  
3758 goods or services in a retail establishment the primary  
3759 purpose of which is the sale of alcoholic beverages, a casino,  
3760 a tattoo or body piercing facility, a facility providing  
3761 psychic services, or an establishment that provides  
3762 adult-oriented entertainment in which performers disrobe or  
3763 perform in an unclothed state. Any person who violates this  
3764 subsection shall reimburse the [Alabama](#) Department of Human  
3765 Resources for the amount withdrawn and used and shall be  
3766 subject to the following sanctions:

3767 a. Upon the first violation, the person shall be  
3768 disqualified from receiving public assistance benefits by  
3769 means of direct cash payment or an electronic benefits  
3770 transfer access card for a period of one month.

3771 b. Upon the second violation, the person shall be  
3772 disqualified from receiving public assistance benefits by  
3773 means of direct cash payment or electronic benefits transfer  
3774 access card for a period of three months.

3775 c. Upon a third or subsequent violation, the person  
3776 shall be permanently disqualified from receiving public  
3777 assistance benefits by means of direct cash payment or an  
3778 electronic benefits transfer access card.

3779 (2) A person who is disqualified from receiving public  
3780 assistance benefits under this subsection shall have the right





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3781 to a hearing pursuant to the Alabama Administrative Procedure  
3782 Act.

3783 (d) If a parent is deemed permanently disqualified from  
3784 receiving public assistance benefits under subsection (b) or  
3785 (c), the dependent child or other adult family member's  
3786 eligibility for public assistance benefits is not affected.

3787 (1) An appropriate protective payee shall be designated  
3788 to receive benefits on behalf of the child members.

3789 (2) The parent may choose to designate another person  
3790 to receive benefits for the minor child members. The  
3791 designated person must be an immediate family member or, if an  
3792 immediate family member is not available or the family member  
3793 declines the option, another person may be designated. The  
3794 designated person must be approved by the department.

3795 (e) The [Alabama](#) Department of Human Resources shall  
3796 inform all applicants for and recipients of public assistance  
3797 benefits of the restrictions contained in this section and the  
3798 penalties for violating those restrictions through any means  
3799 practical.

3800 (f) (1) The [Alabama](#) Department of Human Resources shall  
3801 consult with providers of automatic teller machine services to  
3802 consider the implementation of a program or method of blocking  
3803 access to cash benefits from an electronic benefits transfer  
3804 access card issued by the department at automatic teller  
3805 machines located in or at a retail establishment the primary  
3806 purpose of which is the sale of alcoholic beverages, a casino,  
3807 a tattoo facility, a facility providing psychic services, or  
3808 an establishment that provides adult-oriented entertainment in



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3809 which performers disrobe or perform in an unclothed state. If  
3810 the department determines the implementation of a program is  
3811 feasible, the department shall initiate the program by October  
3812 1, 2015.

3813 (2) If the department requires a federal waiver to  
3814 comply with this section, the department shall apply  
3815 immediately for the federal waiver.

3816 (g) The Alabama Department of Human Resources shall  
3817 adopt rules to implement this section.

3818 (h) (1) The Alabama Department of Human Resources shall  
3819 perform a monthly incarceration match to obtain information to  
3820 assist in determining eligibility for public assistance  
3821 benefits based on incarceration status.

3822 (2) If the department determines that a recipient of  
3823 public assistance benefits is incarcerated at the time the  
3824 incarceration match is performed, the department shall not  
3825 issue an electronic benefits transfer access card to the  
3826 incarcerated recipient. If an electronic benefits transfer  
3827 access card has already been issued to the incarcerated  
3828 recipient, the department shall deactivate the card.

3829 (i) The department shall perform a monthly match using  
3830 the United States Social Security Death Index Database to  
3831 determine if a recipient is deceased. If the department  
3832 determines that the recipient is deceased at the time the  
3833 index match is performed, the department shall not issue an  
3834 electronic benefits transfer access card. If an electronic  
3835 benefits transfer access card has already been issued to the  
3836 deceased recipient, the department shall deactivate the card."



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3837 Section 8. The following sections of the Code of  
3838 Alabama 1975 are repealed:

3839 (1) Section 11-47-111, Code of Alabama 1975, relating  
3840 to prohibition of gambling houses.

3841 (2) Section 13A-12-29, Code of Alabama 1975, relating  
3842 to lotteries drawn outside of the state.

3843 (3) Division 2, comprised of Sections 13A-12-50 through  
3844 13A-12-58, of Article 2 of Chapter 12 of Title 13A, Code of  
3845 Alabama 1975, relating to suppression of gambling places.

3846 (4) Division 3, comprised of Sections 13A-12-70 through  
3847 13A-12-76, of Article 2 of Chapter 12 of Title 13A, Code of  
3848 Alabama 1975, relating to the transportation of lottery  
3849 paraphernalia.

3850 (5) Division 4, comprised of Sections 13A-12-90 through  
3851 13A-12-92, of Article 2 of Chapter 12 of Title 13A, Code of  
3852 Alabama 1975, relating to the federal wagering occupational  
3853 tax stamp.

3854 Section 9. In the event the proposed constitutional  
3855 amendment in House Bill \_\_\_ of the 2024 Regular Session is not  
3856 ratified at the November 2024 General Election, this act shall  
3857 be repealed.

3858 Section 10. Although this bill would have as its  
3859 purpose or effect the requirement of a new or increased  
3860 expenditure of local funds, the bill is excluded from further  
3861 requirements and application under Section 111.05 of the  
3862 Constitution of Alabama of 2022, because the bill defines a  
3863 new crime or amends the definition of an existing crime.

3864 Section 11. Between the effective date of this act and



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3865 the passage of the constitutional amendment proposed in House  
3866 Bill \_\_\_ of the 2024 Regular Session, this act shall be  
3867 implemented to whatever extent it is not in conflict with the  
3868 Constitution of Alabama of 2022. Nothing in this act shall be  
3869 construed to authorize any gaming activity prior to  
3870 ratification of the constitutional amendment proposed by House  
3871 Bill \_\_\_ of the 2024 Regular Session.

3872 Section 12. This act shall become effective June 1,  
3873 2024, following its passage and approval by the Governor or  
3874 its otherwise becoming law.



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3875  
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House of Representatives

3878 Read for the first time and referred .....08-Feb-24  
3879 to the House of Representatives  
3880 committee on Economic Development  
3881 and Tourism  
3882  
3883 Read for the second time and placed .....14-Feb-24  
3884 on the calendar:  
3885 1 amendment  
3886  
3887 Read for the third time and passed .....15-Feb-24  
3888 as amended  
3889 Yeas 67  
3890 Nays 30  
3891 Abstains 1

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3895  
3896

John Treadwell  
Clerk