SB294

218471-1

By Senator Albritton

RFD: Tourism

First Read: 03-MAR-22
SYNOPSIS: This bill would implement the constitutional amendment proposed in Senate Bill __ of the 2022 Regular Session, which establishes the Alabama Education Lottery and Gambling Commission and authorizes certain gaming activities in the state under the regulation of the commission.

This bill would further provide for the powers, membership, and duties of the commission.

This bill would create the Gaming Enforcement Division within the commission and provide for its powers and duties.

This bill would establish the Alabama Gambling Trust Fund the Alabama Education Lottery Trust Fund and would provide for the administration and distribution of the funds therein.

This bill would provide for the issuance of casino gaming licenses, sports betting licenses, lottery retailer licenses, charitable fundraising licenses, and management contract service provider licenses.
This bill would authorize the commission to assess civil penalties for violations and would provide a process for hearings and appeals of a violation.

This bill would provide criminal penalties for certain violations.

This bill would levy a state tax on net lottery and gaming revenues and would provide for the distribution of license fees and tax proceeds.

This bill would further provide for criminal penalties related to the unlawful activity associated with gaming activities and sports betting, and would repeal certain outdated gaming provisions.

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.
The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL

TO BE ENTITLED

AN ACT

Relating to gaming activities; to add Chapter 30 to Title 41 of the Code of Alabama 1975, to provide legislative intent; to provide definitions; to establish and provide for the powers, membership, and duties of the Alabama Education Lottery and Gambling Commission; to provide for the personnel of the commission; to create an enforcement division within the commission; to provide for representation of the commission by the Attorney General; to further provide for the licensure of gaming and sports betting activities; to provide for the licensure of lottery ticket retailers and the regulation thereof; to provide certain license fees and the distribution of the fees; to establish the Alabama Gambling Trust Fund and provide for the administration thereof; to provide for the licensure of management contract service providers; to provide for the assessment of civil penalties;
to provide for criminal penalties for certain violations; to
provide for a hearing and appeals process; to further provide
for the licensure of sports betting activities; to provide for
the licensure and regulation of lottery game activities; to
provide rulemaking authority; to provide for certain reporting
requirements by the commission; to levy a state tax on certain
lottery, gaming, and sports betting revenues and provide for
the distribution thereof; to establish the Alabama Education
Lottery Trust Fund; to amend Sections 13A-12-20, 13A-12-21,
13A-12-22, 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26,
13A-12-27, 13A-12-28, 13A-12-30, and 13A-11-9, Code of Alabama
1975, to update certain criminal penalties for unlawful gaming
activity associated with casino-style games and sports
betting; to add Sections 13A-12-32 through 13A-12-39,
inclusive, to the Code of Alabama 1975, to prescribe certain
activity relating to gaming as unlawful and to provide for
criminal penalties for violations; to repeal Section
11-47-111, Code of Alabama 1975, relating to prohibition of
gambling houses; to repeal Section 13A-12-29, Code of Alabama
1975, relating to lotteries drawn outside the state; to repeal
Divisions 2, 3, and 4 of Article 2 of Chapter 12 of Title 13A,
Code of Alabama 1975, relating to suppression of gambling
places, transportation of lottery paraphernalia, and the
federal waging occupational tax stamp; to provide for the
repeal of the act under certain specified conditions; and in
connection therewith would have as its purpose or effect the
requirement of a new or increased expenditure of local funds
within the meaning of Amendment 621 of the Constitution of
Alabama of 1901, as amended by Amendment 890, now appearing as
Section 111.05 of the Official Recompilation of the
Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Chapter 30. Alabama Education Lottery and Gambling
Commission.

§41-30-1. Definitions.

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

(1) AUTHORIZED INTERNET SPORTS BETTING PLATFORMS. An
operator of an Internet-based platform who has been issued a
management service license by the commission to, and has
elected to, offer wagers pursuant to the terms of the license.

(2) COMMISSION. The Alabama Education Lottery and
Gambling Commission created by the proposed Senate Bill __ of
the 2022 Regular Session and further provided for in this act.

(3) DIRECTOR OF ENFORCEMENT. The Director of the
Gaming Enforcement Division.

(4) ENFORCEMENT DIVISION. The Gaming Enforcement
Division established by this chapter.

(5) EXECUTIVE DIRECTOR. The Executive Director of
the Alabama Education Lottery and Gambling Commission.

(6) GAMING ACTIVITY. Any casino game, activity, or
device approved by the commission, including, but not limited
to: Slot machines; video lotteries; video lottery terminals; pari-mutuel wagering games on live or simulcast races; card games, including, but not limited to, poker, baccarat, chemin de fer, and blackjack; dice games; roulette; bingo; electronic bingo; table games and electronic representations of such games; electronic sweepstakes games, terminals, or devices; and electronic gaming devices used to play these games. The term includes electronic representations of any game included within this subdivision.

(7) LICENSED LOCATION. A location, physical or virtual, for which the commission has issued a license to authorize gaming activity to be conducted therein.

(8) LICENSED OPERATOR. The owner of an authorized Internet sports betting platform or licensed location, or a wholly owned subsidiary entity of the owner of a licensed location.

(9) LOTTERY GAMES. Any lottery approved by the commission. The term may include, but is not limited to, a state lottery, a multistate lottery, instant tickets, scratch-off tickets, or any other draw-based lottery when approved by the commission.

(10) LOTTERY RETAILER LICENSE. A license issued by the commission to authorize lottery tickets to be sold on the premises of the location.

(11) MANAGEMENT SERVICES PROVIDER. A person that, pursuant to Section 41-30-43, holds a license to operate sports betting in person at a licensed location or through any
authorized Internet sports betting platform on behalf of a
licensed operator holding a sports betting operator license as
authorized by the commission.

(12) NET GAMING REVENUE. The total amount of money
or value in any form received by a licensed operator as a
result of gaming activity, less the total money or value in
any form paid as prizes or winnings as a result of the play,
free play, or promotional play.

(13) NET GAMING REVENUE FOR SPORTS BETTING. The
total amount of money or value in any form received by a
licensed operator with respect to sports betting, excluding
free bets and promotional credits, less federal excise taxes
and the total money or value in any form paid as prizes or
winnings, including the cash equivalent of any merchandise or
thing of value awarded as a prize.

(14) POARCH BAND OF CREEK INDIANS. The federally
recognized Indian tribe within the State of Alabama known as
the Poarch Band of Creek Indians. The term includes a wholly
owned subsidiary of the tribe.

(15) SPORTS BETTING. The acceptance of wagers on
sporting events or portions of sports events, the individual
performance statistics of athletes in a sporting event, or a
combination of any of the same by any system or method of
betting authorized by the commission by rule.

§41-30-2. Alabama Education Lottery and Gambling
Commission created.
The Alabama Education Lottery and Gambling Commission is created as a state agency to regulate the conduct of all lottery games, sports betting, and gaming activities conducted within this state, as authorized by the Constitution of Alabama of 1901 and this chapter. The commission shall be located in Montgomery County.


(a) The commission shall be governed by a board of directors, as constituted pursuant to Senate Bill __ of the 2022 Regular Session.

(b) Members of the board shall be subject to the Ethics Law, Section 36-25-1, et seq., Code of Alabama 1975.

(c)(1) The board shall meet at least quarterly and at other times as called by the chair or a majority of the board.

(2) Members of the board may participate in a meeting of the board in person, by means of telephone conference, video conference, or other similar communications equipment so that all individuals participating in the meeting may hear each other at the same time. Participation by any such means shall constitute presence in person at a meeting for all purposes, including for purposes of establishing a quorum, and the affirmative vote of a majority of the members in attendance shall be necessary for any action of the board.

(3) Meetings of the board shall be subject to the Alabama Open Meetings Act.
(d)(1) A majority of board members shall constitute a quorum for the transaction of any business and for the exercise of any power or function of the board.

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

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

(k) The commission may take temporary action to establish state control of and regulate existing gaming activities prior to the ratification of Senate Bill __ of the 2022 Regular Session.

§41-30-4. Compensation of board members.

Members of the board of directors of the commission shall receive compensation equal to that of a member of the Legislature, including per diem and travel allowances as provided for state employees.

§41-30-5. Emergency powers of the commission.

(a) The Legislature hereby finds and declares the following:

(1) There are current gaming activities operating within the State of Alabama.

(2) Such gaming activities are not regulated or taxed in a centralized, uniform manner.
(3) There are a number of local amendments to the Constitution of Alabama of 1901, which purport to authorize gaming activities.

(4) It is necessary to initiate action to capture, control, limit, restrict, and govern all ongoing gaming activities, in every forum, by every media or means, and under any authority currently in existence.

(5) It is in the best interest of the State of Alabama to protect its residents through appropriate legislation, to regulate the gaming industry as it currently exists, and to provide a centralized, uniform manner of taxation of these activities to fund the needs of the people of this state.

(b) Within 30 days of the effective date of this act, the commission shall require any person engaged in any gaming activity to do all of the following:

(1) Submit to the commission all of the following:

   a. The business records and income tax statements of the person from January 1, 2017, through December 31, 2021, and any other reasonable evidence required by the commission by rule.

   b. Proof that the person and its principal employees and managers have not been convicted of, or charged with, any federal or state felony or misdemeanor property offense, offense involving fraud, or offense involving moral turpitude.

   c. The names and addresses of its principal owners and investors, showing the ownership percentage of each; any
business records required by the commission; and any other information requested by the commission. For purposes of this paragraph, the principal owners and investors of the person means any person who owns 10 percent or more of the person.

d. In affidavit form, the gaming activities employed in the person's operation, the methods of delivery of such gaming activities, the number of machines or devices used to conduct gaming activities, the degree of digitized data used, the physical locations of its operations, and any other information required by the commission.

e. A sworn statement of the person's willingness to accept the reasonable regulation of the commission and the State of Alabama.

(2) Pay a reasonable fee for the license, as established by the commission, which shall be based upon the size of operation within the state, the physical and digital footprint of the entity, and the timeframe of the license.

(3) Establish to the satisfaction of the commission that any gaming activities engaged in by the person from January 1, 2017, through December 31, 2021, have been conducted pursuant to lawful authority.

(c) Any person engaged in gaming activity shall meet the requirements of subsection (b) no later than September 1, 2022.

(d) Nothing in this section authorizes the expansion of gaming activities or methods of delivery thereof, the increase in the number of machines or devices used to conduct
(e) Notwithstanding Section 41-22-5, Code of Alabama 1975, the commission may adopt emergency rules to implement and administer this section. The emergency rules may be adopted by the commission and shall expire 24 months following the ratification of the constitutional amendment proposed pursuant to the Senate Bill __ of the 2022 Regular Session. Any emergency rule adopted pursuant to this section may not be renewed.

§41-30-6. Executive director and deputy director of the commission.

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

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

a. Shall be an attorney licensed to practice law in this state and be a person of good moral character.

b. May not have any felony convictions or convictions for property offenses, fraud, or offenses involving moral turpitude.

c. May not be an officer of a political party or serving in an official position in a political party.
d. May not be a public official.

e. May not be actively engaged in the business of a licensed location or an operation owned by the Poarch Band of Creek Indians.

f. May not be a supplier of devices or equipment used in the play of gaming activities.

g. Possess any other qualifications adopted by the commission by rule.

(3) The executive director shall devote his or her entire time and attention to the duties required under this act and the business of the commission and may not pursue any other business or occupation or hold any other office of profit.

(4) The executive director shall receive an annual salary determined by the commission.

(b)(1) With the approval of the board, the executive director may appoint a deputy director who shall perform any and all duties designated by the executive director.

(2) The deputy director shall receive an annual salary determined by the commission.

§41-30-7. Powers and duties of the executive director.

The executive director shall direct and supervise all administrative and technical activities in accordance with this chapter and with the rules, policies, and procedures adopted by the commission. The duties of the executive director shall include all of the following:
(1) Sue and be sued on behalf of the commission.

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

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

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

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

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

(7) Report quarterly to the Governor, the Legislative Council, and the commission a full and complete statement of gaming revenues and expenses for the preceding quarter.

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

§41-30-8. Duties of the commission.

The commission shall adopt, amend, or repeal rules in accordance with the Alabama Administrative Procedure Act, and shall have all of the following powers and duties:

(1) To issue subpoenas and compel the production of documents or items and the attendance of witnesses, to
administer oaths, to require testimony under oath, and to enforce its orders relating to gaming activities and sports betting.

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

(3) To demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gaming activities, sports betting, gaming revenues, and gaming revenues for sports betting, and any other matters necessary to carry out its duties.

(4) To impose reasonable civil fines and penalties on any individual or entity for violations of this chapter or violations of rules adopted by the commission.

(5) To provide for the issuance of licenses for the operation of gaming activities and sports betting and to provide for the renewal, modification, extension, suspension, revocation, transfer, or forfeiture of a license.

(6) To regulate and supervise the conduct and operation of gaming activities and sports betting.

(7) To review all gaming activities conducted and operated within the state for potential licensure.

(8) To adopt rules and procedures to address the failure of an operator to timely remit applicable state tax on net gaming revenues, net gaming revenues on sports betting, license fees, and fines and penalties assessed by the commission.
(9) To adopt rules related to the reasonable operation level for each licensed location.

(10) To adopt rules limiting access to gaming activities and sports betting by minors and other susceptible individuals.

§41-30-9. Audits and reports.

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

(1) Submit annual reports to the Governor and the Legislative Council disclosing the total gaming revenues, operating and administrative expenses of the commission, information relating to the number of licenses issued, suspended, revoked, or transferred during the reporting period. The annual report shall additionally describe the organizational structure of the commission and summarize the functions performed by each organizational division within the commission.

(2) Adopt a system of internal audits and audits of licensed operators.

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

(b) The Department of Examiners of Public Accounts
may perform an audit or examination of the commission.

§41-30-10. Employees of the commission.

(a)(1) An employee of the commission may not have a
financial interest in any vendor doing business or proposing
to do business with the commission or a licensed operator.

(2) An employee of the commission with
decisionmaking authority may not participate in any decision
involving a licensed operator with whom the employee has a
financial interest.

(b) An employee of the commission who leaves the
employment of the commission may not represent any vendor,
management services contract provider, or licensed operator
before the commission for a period of two years following
termination of employment with the commission.

(c) An applicant for employment with the commission
shall submit to the executive director, on a form sworn to by
the applicant, his or her name, date of birth, Social Security
number, and two complete sets of fingerprints for completion
of a criminal history background check through the Gaming
Enforcement Division. Costs associated with conducting a
criminal history background check may be paid by the
commission.
(d) An individual who has been convicted of a felony, a crime involving moral turpitude, or a crime involving unlawful gambling may not be employed by the commission.

(e) The commission shall bond commission employees with access to commission funds in such an amount as provided by the commission and may bond other employees as deemed necessary.

(f) Employees of the commission shall not be State Merit System employees, but shall be entitled to insurance, retirement, and other state employees' benefits.

(g) Employees of the commission shall be subject to the Ethics Laws, Sections 36-25-1, et seq., Code of Alabama 1975.

§41-30-11. Employee participation prohibition.

(a) Any employee of the commission may not engage in gaming activity or sports betting at any licensed location.

(b) An employee of a licensed operator may not engage in any gaming activity or sports betting at any licensed location at which he or she is employed. This subsection does not apply to employees of a licensed location while operating as a dealer or while playing on behalf of the house to facilitate any gaming activity.

§41-30-12. Records of the commission.

(a) Except as provided in subsection (b), records of the commission shall be public records for purposes of Section 36-12-40, Code of Alabama 1975.
(b) The commission may determine which information and records relating to its operations are confidential and not subject to public disclosure. The information includes trade secrets; security measures, systems, or procedures; security reports; employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; and information obtained pursuant to investigations which is otherwise confidential. Information deemed confidential pursuant to this section shall be exempt from public disclosure.


It is the intent of the Legislature that the commission encourage participation by minority businesses. Accordingly, the commission shall adopt a plan that achieves to the greatest extent possible a level of participation by minority businesses taking into account the total number of all licensed operators. The commission may administer training programs and other educational activities to enable eligible minority businesses to compete for licenses on an equal basis. The commission shall monitor the results of minority business participation and shall report the results of minority business participation to the Governor and the Legislature at least on an annual basis.

§41-30-14. Gaming Enforcement Division established.

The Gaming Enforcement Division within the commission is established. The enforcement division shall have independent and primary authority and jurisdiction to
investigate violations of lottery, gaming, and sports betting laws and rules and enforce the general laws and rules of the commission. The enforcement division shall have all power and authority to take any means necessary to aid the commission in the administration and enforcement of lottery and gaming laws and rules of the commission.

§41-30-15. Director of the Gaming Enforcement Division.

(a)(1) The position of Director of the Gaming Enforcement Division is created. The director of enforcement shall be appointed by the board of directors of the commission and shall hold office at the pleasure of the board.

(2) The director of enforcement shall have overall supervision and management of the functions and duties of the Gaming Enforcement Division, subject to approval of the commission, including the power to change the working title of any position in the enforcement division or organize the enforcement division in a manner to efficiently administer the duties of the enforcement division.

(b) The director of enforcement shall satisfy all of the following qualifications:

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

(2) Have a bachelor's or equivalent degree from an accredited institution of higher education.
(3) Have an extensive law enforcement background of at least 10 years, including executive level experience with specific participation in complex investigations of financial crimes, conspiracy, racketeering, and other related crimes.

(4) Have general knowledge and experience with gaming investigations.

(c) The salary of the director of enforcement shall be set by the commission. The director of enforcement shall be employed in the exempt service.

(d) For purposes of the immunity afforded in Section 6-5-338, Code of Alabama 1975, the director of enforcement shall be deemed a law enforcement officer.

(e) The director of enforcement shall have arrest powers.

(f) The director of enforcement may issue subpoenas and compel the production of documents or items.

(g) The director of enforcement shall establish operational policy and procedures for the administration of the duties of the enforcement division.

§41-30-16. Assistant Director of the Gaming Enforcement Division.

(a) The director of enforcement may appoint an assistant director of enforcement and may delegate any of his or her duties to the assistant director of enforcement. The assistant director of enforcement shall serve at the pleasure of the director of enforcement.
(b) The assistant director of enforcement shall satisfy the following qualifications:

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

(2) Have an extensive law enforcement background of at least five years, including specific participation in complex investigations of financial crimes, conspiracy, racketeering, and other related crimes.

(3) Have general knowledge or experience with gaming investigations.

(c) The salary of the assistant director of enforcement shall be set by the director of enforcement. The assistant director of enforcement shall be employed in the exempt service.

(d) The assistant director of enforcement shall have arrest powers.

(e) For purposes of the immunity afforded in Section 6-5-338, Code of Alabama 1975, the assistant director of enforcement shall be deemed a law enforcement officer.

§41-30-17. Personnel of the Gaming Enforcement Division.

(a) The Director of the Gaming Enforcement Division shall hire all personnel necessary for the operation of the enforcement division subject to qualifications set by the director of enforcement, with the approval of the commission. Personnel shall include, but not be limited to, the following:
(1) Investigators.

(2) Auditors and forensic accountants.

(3) Compliance officers.

(4) Investigative technology experts.

(5) Administrative staff.

(6) Any other staff necessary for the operation of the enforcement division.

(b) The enforcement division may employ consultants to render professional services, including, but not limited to, reviewing gaming records and other related records or items, providing expert testimony in contested cases, assisting in audits performed by the enforcement division, and conducting technology reviews and implementation, to aid the commission in carrying out its duties under this chapter. Consultants shall be compensated for professional services at rates established by the commission.

(c) (1) The personnel of the enforcement division shall be employed in the exempt service and shall serve at the pleasure of the director of enforcement.

(2) Notwithstanding any other provision of local or general law, a retired state or local law enforcement officer may be employed by the enforcement division without suspension or modification of his or her state or local retirement benefits.

(d) The personnel employed by the enforcement division who are certified by the Alabama Peace Officers' Standards and Training Commission shall have arrest powers.
(e) For purposes of the Alabama Criminal Justice Information Center (ACJIC) and the National Crime Information Center (NCIC), personnel of the enforcement division shall be considered an originating agency identifier for the purposes of criminal background checks and access to criminal history data.

(f) For purposes of the immunity afforded in Section 6-5-338, Code of Alabama 1975, personnel of the enforcement division certified by the Alabama Peace Officers' Standards and Training Commission shall be deemed law enforcement officers.

(g) Personnel of the enforcement division shall comply with all initial and continuing education requirements in Section 41-30-18.

§41-30-18. Continuing education requirements for Gaming Enforcement Division personnel.

(a)(1) By October 1, 2024, the Alabama Peace Officers' Standards and Training Commission, in consultation with the Executive Director of the Alabama Education Lottery and Gambling Commission and the Director of the Gaming Enforcement Division, shall develop the following:

a. An intensive initial training curriculum for law enforcement officers relating to enforcement of gaming laws and rules, including associated activity.

b. An annual continuing education curriculum to supplement the initial training curriculum relating to investigations and enforcement of gaming laws and rules of the
Alabama Education Lottery and Gambling Commission, including associated activity.

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

(b) The Director of the Gaming Enforcement Division shall identify those individuals subject to the training requirements in this section and a schedule for completion of the required curriculum by division personnel.


(a) For the protection of the public and in the public interest in accordance with the policy of this state, the Director of the Gaming Enforcement Division, personnel of the enforcement division, or any individual operating under the authority of the enforcement division or the commission, may do any of the following:

(1) Inspect and examine licensed locations or the premises of where gambling devices or equipment is manufactured, sold, or distributed.

(2) Inspect all equipment and supplies on the premises of a licensed location.

(3) Enforce compliance with gaming laws and rules of the commission.
(4) Enforce all laws of this state, including those not relating to gaming activities.

(5) Have primary jurisdiction over any crime that occurs on the property of a licensed operator at a licensed location.

(6) Summarily seize and remove from the premises of a licensed location and impound any equipment or supplies for the purpose of examination and inspection.

(7) Make arrests of violators of gaming laws and rules of the commission and any other laws of this state.

(8) Demand access to and inspect, examine, photocopy, and audit all papers, books, and records of applicants for licensure, licensed operators, and management services providers on their premises or elsewhere as practicable, in the presence of the licensed operator or an agent relating to the proceeds generated by any activities regulated by the commission and all other matters affecting the enforcement of this chapter or rules adopted thereunder.

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

(10) Conduct investigations of applicants for licenses to establish and assess suitability compliance and related issues as provided in Section 41-30-22.

(11) Take any other action deemed necessary and appropriate by the enforcement division in the administration of its duties under this chapter.
(b) No less than on an annual basis, and upon request of the commission or the Legislative Council, the enforcement division shall provide to the commission and Legislative Council reports of all investigative and enforcement activity conducted by the division.

§41-30-20. Confidentiality of records.
All of the following shall be privileged and confidential, unless presented as evidence at a public hearing of the commission:

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

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

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

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

(5) Statements of persons interviewed by the enforcement division.

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

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

(8) All information containing proprietary trade secret information.

The Gaming Enforcement Division may request assistance from the Attorney General, district attorneys, or other prosecuting attorneys of this state. The Attorney General, district attorneys, or other prosecuting attorneys, upon request, shall assist in any action for injunction or any prosecution based on the violation of a gaming law or rule of the commission.

§41-30-22. Suitability requirements.

(a) The commission may not issue a license to an applicant as required under this chapter until the applicant, including any individual or entity who has or controls, directly or indirectly, 10 percent or more ownership, income, or profit interest in an applicant that has or will apply for a license in accordance with this chapter, has demonstrated suitability for licensure. For purposes of this section, "suitability" means consideration of all the following:

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

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

(3) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond as required by this chapter.
(4) The past and present compliance of the applicant, including whether the applicant has a history of noncompliance with the gaming licensing requirements of any other jurisdiction.

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

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

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

(8) Prior activities, arrests, or criminal records, if any, reputation, habits, and associations of an applicant that may pose a threat to the public interest of this state or to the effective regulation of gaming in this state, and that may create or enhance the dangers of unsuitable, unfair, or unlawful practices, methods, and operations in the activities authorized by this chapter and the financial arrangements and activities incidental to the gaming activities authorized by this chapter.

(9) The likelihood of the applicant to conduct business as authorized by this chapter of this act in complete compliance with this chapter.

(10) Whether the applicant owes the state, county, or a municipality any delinquent sales taxes, penalties, or
interest, excluding items under formal appeal or protest as
provided by law.

(11) Any other factor or consideration deemed
relevant by the commission.

(b) Evidence of, or relating to, an arrest, summons,
charge, or indictment of an applicant, or the dismissal
thereof, shall be considered by the commission, where
applicable, even if the arrest, summons, charge, or indictment
results in acquittal, deferred adjudication, such as
participation in a pretrial diversion program, probation,
parole, or pardon.

(c)(1) All applicants for a license under this
chapter shall bear the obligation to establish their
suitability for a license under this section.

(2) An applicant for a license under this chapter
shall cooperate with the commission in providing information
and documentation as requested by the commission. The
commission shall conduct its suitability analysis of an
applicant and report its finding of suitability to the
commission in writing detailing the information supporting its
determination.

(3) There shall be a presumption that an applicant
who did not meet the requirements of Section 41-30-5(b) as
required by Section 41-30-5(c) does not meet the suitability
requirements of this section.

§41-30-23. Licenses required.
Upon passage and ratification of Senate Bill __ of the 2022 Regular Session, gaming, lottery, and sports betting activities in every form, including by physical, digital, or other means, may only be operated by a person licensed by the commission. The commission may adopt rules prescribing the information an applicant for licensure is required to submit to the commission prior to the issuance of a license under this chapter.

§41-30-24. Licenses for charity fundraising.

(a) A person or entity desiring to conduct a bingo game or raffle for charity fundraising shall apply to the commission for a license under this section. The license shall be valid for the duration of the single fundraising event described in the application.

(b) The person shall pay a reasonable fee for the single raffle license as determined by the commission based upon the information of the applicant.

(c) The commission may adopt rules relating to the conduct and operation and reporting requirements of the licensed activity, including the production of a form for submission of applications pursuant to this section.

(d) A person operating a charitable bingo and raffle operation shall comply with all rules adopted by the commission.

§41-30-25. Licenses for gaming activities.

(a) Licenses awarded for a licensed location shall be awarded upon application to the commission and
participation in the competitive process established for the
award of such licenses as provided in Senate Bill __ of the
2022 Regular Session.

(b) An application for a license under this section
shall include both of the following:

(1) The names and addresses of its principal owners
and investors, showing the ownership percentage of each; any
business records required by the commission, and any other
information requested by the commission. As used in this
subdivision, a principal owner or investor includes any person
with a 10 percent or greater interest in the applicant.

(2) In affidavit form, the gaming activity employed
in its operation, the methods of delivery of such gaming
activities, the number of machines or devices used to conduct
gaming activities; the degree of digitized data used, the
physical locations of its operations, and any other
information required by the commission.

(c)(1) Within 30 days of receiving an application
for licensure under this section, the commission shall
determine and notify the applicant in writing whether the
application is complete. If the commission determines the
application is incomplete, the commission shall specifically
identify the missing information and specify the requirement
creating the obligation to submit the missing documents or
information in the written notice. If the written notice of
incompleteness is provided within 30 days of receiving the
application, the processing deadlines in subdivision (2) shall
restart at zero on the date the applicant submits all the
documents and information identified by the commission to
render the application complete.

(2) Applications not requiring a written notice of
incompleteness shall be approved or denied within 90 calendar
days; provided, the processing deadline may be tolled once by
the commission for 30 days upon notice to the applicant.

(3) For those applications requiring a resubmittal
following the delivery of a written notice of incompleteness
as provided in subdivision (1), the time limitations for
approval or denial established in this subsection shall begin
on the first date after receipt of all the documents and
information identified by the commission.

(4) The processing deadline may be tolled by
agreement of the applicant and the commission.

(5) If the commission fails to act on an application
within the review period provided for in this subsection, the
application shall be deemed denied by operation of law.

(d) Upon application of a licensed operator
demonstrating a capital investment in a licensed location that
is 10 or more times greater than the license fee for the
location required under subsection (b), the commission shall
extend the licensed operator's license issued under this
section to a term of 30 years. The licensed operator shall
continue to make the annual payments established under
subsection (b) for the duration of the license term.
(e) The commission, by rule, shall require an applicant for licensure pursuant to this section to demonstrate a minimum capital investment, as determined by the commission, in the licensed location. The minimum capital investment shall be based on the type of gaming activity to be conducted at the licensed location.

(f) In addition to authorizing a licensee to operate gaming activity, a license issued under this section shall authorize the licensee to operate sports betting at the licensed location without separately obtaining a sports betting operator license, provided the licensee meets all other qualifications and conditions provided by the commission under Section 41-30-43.

§41-30-26. Renewal of licenses.

(a) Upon passage and ratification of Senate Bill __ of the 2022 Regular Session and application to the commission, any license granted to an operator under Section 41-30-25 may be serially renewed.

(b) Renewal fees and license terms shall be set by the commission one year prior to the expiration of the license term as provided by rule of the commission.

(c) Upon its determination under subsection (b), the commission shall provide notice to the licensed operator of the renewal fee and the new term of the license. The term may be for a longer or shorter period than required for licenses under Section 41-30-25. The commission shall specify in the
notice the timeframe in which the licensed operator may apply
for renewal of the license.

§41-30-27. Suspension, revocation, and forfeiture of
licenses.

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

(1) Failure to remit a license fee to the
commission.

(2) Failure to remit applicable state taxes on net
gaming revenues or net gaming revenues on sports betting.

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

(4) Violation of laws or rules of the commission
relating to the activities of the licensed operator.

(5) Failure to maintain the reasonable operation
level, as determined by the commission, at the licensed
location for a period of 18 consecutive months.

(b) In the event a license is revoked as provided in
subsection (a), the commission may award the revoked license
to another qualified operator pursuant to a competitive
process as provided by the commission.

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


A license issued under this chapter may only be
transferred as provided by rule of the commission.
§41-30-29. Floor plan submission requirement.

(a) Prior to commencing the operation of any gaming activity or sports betting at a licensed location, a licensed operator shall submit to the commission for its approval a detailed floor plan depicting the location of the designated gaming area in which gaming activity or sports betting equipment will be located and its proposed arrangement of the gaming equipment.

(b) Any floor plan submission that satisfies the requirements of the rules adopted by the commission shall be considered approved by the commission unless the licensed operator is notified in writing to the contrary within one month of filing a detailed floor plan.

§41-30-30. Management services contracts.

(a) A licensed operator may not enter into any management services contract that would permit any person other than the licensed operator to act for the licensed operator in the operation of gaming activities and sports betting unless the management services contract satisfies all of the following:

(1) Is with a person licensed under this chapter to provide management services.

(2) Is in writing.

(3) Is approved by the commission.

(b) A licensed operator shall submit any material change in a management services contract previously approved
by the commission to the commission for its approval or
rejection before the material change may take effect.

(c) A management services contract may not be
assigned or transferred to a third party.

(d) The duties and responsibilities of a management
services provider under a management services contract may not
be assigned, delegated, subcontracted, or transferred to a
third party to perform without the prior approval of the
commission. Third parties shall be licensed under Section
41-30-31 before providing any management services. The
commission, by rule, may clarify application of this
subsection and provide exceptions to its application.

§41-30-31. Management services license.

(a) The commission may issue a license to a person
to provide management services under a management services
contract to a licensed operator when the commission determines
that the person meets the requirements of this section and any
applicable rules of the commission.

(b) Each applicant for a management services license
shall be of good moral character, honesty, and integrity and
shall have the necessary experience and financial ability to
successfully carry out the functions of a management services
provider. The commission may adopt rules establishing
additional requirements for an authorized management services
provider. The commission may accept licensing by another
jurisdiction, specifically determined by the commission to
have similar licensing requirements, as evidence the applicant
meets authorized management services provider licensing requirements.

(c) An applicant for a license to provide management services to a licensed operator shall demonstrate that the management services that the applicant plans to offer to the licensed operator conform or will conform to standards established by rules of the commission and this chapter. The commission may accept management services provider approval by another jurisdiction, specifically determined by the commission to have management services, as evidence the applicant meets the standards established by the commission and this chapter.

(d) An applicant for a license to provide management services to a licensed operator shall do all of the following:

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

(2) Submit fingerprints to the enforcement division for a state and national criminal background check through the Alabama Criminal Justice Information Center (ACJIC) and the National Crime Information Center (NCIC). The cost of the criminal background check shall be paid by the applicant.

(3) Pay to the commission a nonrefundable application and license fee for deposit into the Alabama Gambling Trust Fund in the amount to be determined by the
commission which shall be in lieu of the first year's license
fee provided in subsection (f).

(e) A license to provide management services to a
licensed operator shall authorize the licensee to provide
management services to a license operator at a licensed
location while the license is active. The commission, by rule,
may establish the conditions which constitute an emergency
under which the commission may issue provisional licenses
pending completion of final action on an application.

(f)(1) A licensed provider of management services
shall pay to the commission an annual license fee in an amount
to be determined by the commission, for deposit into the
Alabama Gambling Trust Fund, for an initial term beginning
prior to the date of the provider's first contract with a
licensed operator and continuing through the end of the 12th
month thereafter whenever the licensee has paid the renewal
fee and has continued to comply with all applicable statutory
and requirements in the rules of the commission.

(2) The commission shall renew a license to provide
management services to a licensed operator annually
thereafter. A licensed operator may continue to use the
management services provided by the management services
provider while that provider was licensed, notwithstanding the
expiration of the provider's license, unless the commission
finds the services provided are not conforming to standards
established by rule of the commission and this chapter.

§41-30-32. Civil penalties.
(a) In addition to any criminal penalty provided by law, the commission may assess a civil penalty, not to exceed one hundred thousand dollars ($100,000), on any person who violates any provision of this act or a rule adopted by the commission, whether or not the person is licensed under this chapter.

(b) The assessment of a civil penalty may be appealed by an aggrieved party as provided in this chapter or commission rule.

§41-30-33. Hearing procedures.

(a) Except as otherwise provided by law or rule of the commission, before the commission may take any adverse action involving a licensee under this chapter, including the assessment of a civil penalty under Section 41-30-32, the commission shall give the person against whom the action is contemplated an opportunity for a hearing before the commission or a hearing officer designated by the commission.

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

(c)(1) If a person fails to comply with a subpoena issued for purposes of this section, on petition of the commission, the Circuit Court of the Fifteenth Judicial Circuit may compel obedience to the subpoena.
(2) If, after due notice, the person against whom the action is contemplated fails or refuses to appear or provide the item or items for which a subpoena was issued, the commission or the commission's designated hearing officer may hear and determine the matter.

(d) Within 30 days of a final order or decision of the commission in a contested case, any person aggrieved by the final order or decision may file a petition for appeal in the Circuit Court of the Fifteenth Judicial Circuit.

§41-30-34. Misdemeanor gaming and lottery offenses.

(a) A person may not do any of the following:

(1) Knowingly make a false statement on any application for a license under this chapter or on an application for renewal of a license issued under this act.

(2) Operate, carry on, or expose for play gaming activities or sports betting under any of the following conditions:

a. Prior to obtaining a license.

b. After the person's license has expired and prior to actual renewal of the license.

c. Before the rules for play of the gaming activity are approved or modified and approved by the commission.

(b) A person who violates this section shall be guilty of a Class A misdemeanor and shall be required to pay a fine of fifty thousand dollars ($50,000).

§41-30-35. Felony gaming and lottery offenses.
(a) For the purposes of this section, the phrase "person who is connected with a licensed operator" includes, but is not limited to, any person licensed under this chapter and any officer or employee of a licensee.

(b) A person who is connected with a licensed generator may not do any of the following:

(1) Offer, promise, or give anything of value or benefit to a person who has an ownership or financial interest in, is employed by, or has a service contract with, a licensed operator or to that person's spouse or any dependent child or dependent parent, pursuant to an agreement or arrangement, in fact or implied from the circumstances, with the intent that the promise or thing of value or benefit will influence the actions of the person in order to affect or attempt to affect the outcome of any gaming activity or sports wager, or to influence official action of the commission.

(2) Solicit or knowingly accept or receive a promise of anything of value or benefit while the person is connected with a licensed operator, pursuant to an understanding or arrangement in fact or implied from the circumstances, with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of any gaming activity or sports wager, or to influence official action of the commission.

(c) A person who violates this section shall be guilty of a Class C felony and shall be required to pay a fine of one hundred thousand dollars ($100,000).
§41-30-36. Duties of licensed operators regarding gaming activities.

A licensed operator shall do all of the following:

(1) Promptly report to the commission any facts or circumstances related to the operation of a licensed location which would constitute a violation of state or federal law.

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

(3) Hold the commission and this state harmless from, and defend and pay for the defense of, any and all claims that may be asserted against a licensed operator, the commission, or the state or employees thereof, arising from the licensed operator's actions or omission while conducting any gaming activity.

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

(5) Maintain all records required by the commission.

(6) Upon request by the commission, provide the commission access to all records and the physical premises where the licensed operator's gaming activity and related activities occur, for the purpose of monitoring or inspecting the licensed operator's activities, the games, gaming equipment, and security equipment.
(7) Keep current in all payments and obligations to the commission.

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

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

(10) Ensure that all gaming activity is within the sight and control of designated employees of the licensed location and under continuous observation by security equipment in conformity with specifications and requirements of the commission.

(11) Ensure that gaming activity is placed and remain placed in the specific locations within designated gaming areas at the licensed location which have been approved by the commission. Gaming activity at a licensed location may only be relocated upon approval of the commission in accordance with its rules.

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

(13) Install, post, and display conspicuously at locations within or about the licensed location, signs, redemption information, and other promotional material as required by the commission.
1 (14) Assume liability for stolen money from any 
2 gaming activity; provided, the licensed operator shall have a 
3 cause of action for such unlawful activity.
4
§41-30-37. Compliance with federal laws.
5 The State of Alabama, in accordance with 15 U.S.C. § 
6 1172, hereby declares that any and all lottery and gaming 
7 activity equipment, and the materials, paraphernalia, and 
8 supplies thereof, may be transported in interstate commerce 
9 into or out of the state, including Poarch Band of Creek 
10 Indians trust land, without violating that section, or any 
11 other applicable federal law, if the equipment, materials, 
12 paraphernalia, and supplies are used, to be used, or have been 
13 used in the conduct of gaming activities at licensed locations 
14 or on Poarch Band of Creek Indians trust land.
15
§41-30-38. Game rules of play.
16 (a) Each licensed location shall have written rules 
17 of play for each gaming activity operated at the location that 
18 are approved by the commission before the game is offered to 
19 the public. Rules of play proposed by a licensed operator may 
20 be approved, amended, or rejected by the commission.
21 
22 (b) All gaming activity shall be conducted according 
23 to the specific rules of play approved by the commission. All 
24 wagers and pay-offs of winning wagers shall be made according 
25 to those rules of play, which shall establish any limitations 
26 necessary to assure the vitality of the game operations.
27 
28 (c) Each licensed operator shall make available in 
29 printed form to any patron, upon request of the patron, the
complete text of the rules of play of any gaming activity in
operation at its licensed location, pay-offs of winning
wagers, and any other notice to the player required by the
commission.

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

§41-30-39. Betting limits, operations, and services
for gaming activity.

(a) A licensed operator, in the exercise of its
business judgment, may determine and establish with the
approval of the commission, all of the following relating to
gaming activities:

(1) Minimum and maximum wagers.

(2) Promotions subject to rules of the commission.

(3) Hours of operation.

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

(b) The commission may establish the following
parameters for any gaming activity of any kind that is played
at a licensed location:

(1) Minimum and maximum payout percentages.
(2) Any probability limits of obtaining the maximum payout for a particular play in conformance with industry standards.

(3) Limitations on the types and amounts of financial transactions which a licensed location can enter into with its patrons.


(a) A licensed operator shall post a sign in a conspicuous location at each specific location on the premises of the licensed location where gaming activity is occurring indicating the permissible minimum and maximum wagers pertaining table games at that location.

(b) A licensed operator may not require any wager to be greater than the stated minimum or less than the stated maximum. However, any wager actually made by a patron and not rejected by a licensed operator prior to the commencement of play shall be treated as a valid wager.

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

(a) A licensed operator may not offer or provide any complimentary service, gift, cash, or other item of value to any person, except under any of the following conditions:

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

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

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

(b)(1) Notwithstanding subsection (a), a licensed
operator may offer and provide complimentary cash or non-cash
gifts that are not otherwise included in that subsection to
any patron; provided, however, any complimentary cash or
non-cash gifts in excess of an amount per trip to be set by
rule of the commission, are supported by documentation
regarding the reason the gift was provided to the patron and
his or her guests, including, where applicable, the patron's
player rating.
(2) The documentation required under subdivision (1) shall be maintained by a licensed operator in accordance with commission rules. For purposes of this subsection, all gifts presented to a patron and a patron's guests directly by the licensed operator or indirectly on behalf of the licensed operator by a third party within any five-day period shall be considered to have been made during a single trip.

§41-30-42. Prohibition on participation by minors.

(a) An individual under the age of 21 years may not play or engage in any gaming activity or sports betting or be employed to operate any gaming activity or sports betting.

(b) This section does not prohibit individuals under the age of 21 years from being allowed on the premises of a licensed location where gaming activity and sports betting are being conducted, so long as those individuals are restricted to areas of the licensed location in which gaming activity and sports betting are not being conducted.

(c) An individual under 21 years of age but more than 18 years of age may be employed at a licensed location in a non-gaming area of the licensed location. The individual may not serve alcoholic beverages.

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

§41-30-43. Sports betting operator license.

(a) The commission shall adopt rules governing the licensing, administration, and conduct of sports betting, which shall include all of the following:
(1) Qualifications and conditions of licenses issued for the operation of sports betting either in person or through any authorized Internet sports betting platform.

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

(3) The method of accounting to be used by sports betting operators, including the types of records that shall be maintained by the operator.

(4) Protections for patrons placing wagers, including requirements to ensure responsible gaming.

(b) License fees for a sports betting operator license shall be a minimum of one hundred thousand dollars ($100,000), to be determined by the commission based on any factors deemed relevant by the commission. The license term for a sports betting operator license shall be one year. All license fees shall be remitted to the State Treasury to the credit of the Alabama Gambling Trust Fund.

(c) A person may not engage in any activity in connection with sports betting in this state unless all necessary licenses have been obtained from the commission in accordance with this section.

(d) The commission may not grant a sports betting operator license until it determines that each person who has control of the applicant meets all qualifications for licensure. For purposes of this subsection, "control of the applicant" means any owner of 10 percent or more of the
applicant, its chief executive officer, and any individual who
has ultimate responsibility for the applicant's operations in
this state.

(e)(1) The commission shall issue a sports betting
operator license to a person as provided in this section.

(2) In lieu of the license granted under this
section, the license granted to a licensed operator under
Section 41-30-25 shall grant the licensed operator the right
to conduct sports betting, subject to all other qualifications
and conditions provided by the commission pursuant to this
section.

(3) A sports betting operator license authorizes the
operation of sports betting at a licensed location or a
digital or online location, through one or more individually
branded, Internet sports betting platforms operated by
management service providers, which may include websites and
associated mobile applications approved by the commission. The
license does not authorize the operator to conduct any gaming
activity other than sports betting.

(4) A sports betting operator licensee may not enter
into any contract with a management services provider that
would permit any person other than the licensee to act as the
sports betting operator licensee's agent in operating sports
betting unless the contract with the management services
provider satisfies all of the following:

a. Is with a person licensed as a management
services provider.
b. Is in writing.

c. Has been approved by the commission.

(5) A licensed sports betting operator shall submit to the commission such documentation or information as the commission may require demonstrating that the licensee continues to meet the requirements of the law and rules of the commission.

(f)(1) A licensed sports betting operator may contract with one or more management service providers to conduct the operator's Internet sports betting operations, in accordance with the rules of the commission.

(2) Each management services provider shall obtain a license as a management services provider prior to the execution of any contract. The license shall be issued pursuant to this section and any rules adopted by the commission.

(3) Each applicant for a management services provider license under this section shall meet all requirements for licensure under this section and shall pay a nonrefundable license and application fee of one hundred thousand dollars ($100,000), which shall be deposited into the Alabama Gambling Trust Fund. The commission may adopt rules establishing additional requirements for a management services provider. The commission shall accept licensing by another jurisdiction that has similar licensing requirements as evidence the applicant meets the management services provider licensing requirements of this section.
(4) Management services provider licenses shall be renewed every five years to any licensee who continues to be in compliance with all requirements and who pays the renewal fee determined by the commission.

(g) The commission may enter into sports betting agreements with other states and jurisdictions to authorize individuals who are physically located in a signatory jurisdiction to participate in sports betting conducted by one or more operators licensed by the signatory states and jurisdictions.

§41-30-44. Lottery games.

(a) The commission shall adopt rules governing the licensing, administration, and conduct of lottery games and the retail sale of lottery tickets thereof.

(b) No person other than the holder of a lottery retailer license may sell lottery tickets in connection with any lottery game.

(c) License fees for a lottery retailer license shall be set by the commission. The lottery retailer license term shall be set by the commission. All license fees shall be remitted to the State Treasury to the credit of the Alabama Gambling Trust Fund.

(d) The commission may not grant a lottery retailer license until it determines that each person who has control of the applicant meets all qualifications for licensure as established by rule of the commission. For purposes of this subsection, "control of the applicant" means any owner of 10
percent or more of the applicant, its chief executive officer, and any individual who has ultimate responsibility for the applicant's operations in this state.

(e) A lottery retailer license authorizes the retail sale of lottery tickets only at the licensed facility of the licensee.

(f) A lottery retailer licensee shall submit to the commission such documentation or information as the commission may require demonstrating that the licensee continues to meet the requirements of the law and rules of the commission.

(g) The commission may enter into agreements with other states and jurisdictions to authorize individuals who are physically located in a signatory jurisdiction to participate in lottery games conducted by one or more operators licensed by the signatory states and jurisdictions.

§41-30-45. Required reports.

The holder of a gaming license, sports betting operator license, or lottery retailer license shall maintain daily records showing the gross receipts and adjusted gross receipts of the licensed location from gaming activities and sports betting and shall timely file with the commission any additional reports required by the commission by rule.

§41-30-46State tax on net gaming revenues and net gaming revenues on sports betting and distribution of proceeds.

(a) Within 20 days after the end of each calendar month, a licensed operator shall pay the commission a tax of
20 percent of the net gaming revenues for the licensed
location for the immediately preceding calendar month. The
commission shall timely remit all of the proceeds for deposit
as follows:

(1) Ninety-five percent to the Alabama Gambling
Trust Fund.

(2) Three percent to the county commission of the
county in which the licensed operator is located.

(3) Two percent to the governing body of the
municipality in which the licensed operator is located,
including within its police jurisdiction. If the licensed
operator is not located within the corporate limits or police
jurisdiction of a municipality, the percentage distributed
pursuant to this subdivision shall be remitted to the county
commission of the county in which the licensed operator is
located.

(b)(1) Within 20 days after the end of each calendar
month, a licensed operator conducting sports betting, a
licensed sports betting operator, and a management services
provider shall pay the commission a tax of 20 percent of its
net gaming revenues for sports betting for the immediately
preceding calendar month. The commission shall timely remit
all of the proceeds for deposit as follows:

a. First, to the repayment of the Alabama Trust Fund
under the People's Trust Act, Section 29-10-1, Code of Alabama
1975.
b. Upon completion of repayment of the Alabama Trust Fund under the People's Trust Act, to be deposited into the General Fund Budget Reserve Fund established in Section 29-13-3, Code of Alabama 1975, until the total balance in the fund is at least one hundred million dollars ($100,000,000).

c. Upon the completion of payments under paragraphs a. and b., to be deposited as follows:

1. Eighty percent to the State General Fund.
2. Twenty percent to the Alabama Trust Fund.

(2) If the net gaming revenue for sports betting properly reflects a net loss, as substantiated by audit, for a licensed operator for a calendar month, an adjustment for the amount of any remaining net loss shall be carried forward on the subsequent tax and fee schedules until the loss is offset by the net gaming revenue for sports betting.

(c)(1) Except for any fees levied pursuant to this chapter, the tax on net gaming revenue and net gaming revenue on sports betting shall be in lieu of all other state or local taxes, license fees, or franchise fees levied with respect to the conduct of any gaming activities or the operation of any machines used to conduct gaming activities or sport betting.

(2) Any casino license fee payable to the state pursuant to this chapter shall be in lieu of all other state or local license fees or franchise fees levied with respect to a licensee providing hotel services, dining, other facilities, or services ancillary to its gaming activities, if the activities are conducted at licensed locations, but such
providers of hotel services, dining, other facilities, or ancillary services must meet the environmental, fire, health, and safety requirements of other similarly situated license holders in the county and municipality in which the facility is located.

(3) Notwithstanding the foregoing, all licensed locations are liable for all state and local property taxes, lodging taxes, and sales and use taxes on merchandise sold in gift shops or retail stores, food, and beverages generally applicable at uniform rates to all similarly situated businesses operating in the county and municipality in which the licensed location is located, and except with respect to those taxes, fees, or expenses expressly addressed in this chapter, all other state or local taxes which are generally imposed by the state or a local taxing entity if the taxes are generally applied at rates uniformly applied within reasonable classifications among all businesses operating in the county or municipality, or both.

§41-30-47. Alabama Gambling Trust Fund created; distribution of gaming proceeds.

(a) The Alabama Gambling Trust Fund is created within the State Treasury.

(b) Proceeds in the fund shall be applied first to the payment of the reasonable annual expenses of the commission. The commission shall report annually in writing to the Governor and the Legislature regarding its operational and administrative expenses.
(c) Remaining proceeds in the fund shall be annually appropriated by and through an independent supplemental appropriation bill, as follows:

(1) Thirty percent to the Department of Mental Health for development and operation of long-term mental health care facilities and provider training.

(2) Twenty percent for the statewide development and expansion of broadband services to end users, as that term is defined under Section 41-23-212, Code of Alabama 1975.

(3) Twenty percent for the provision of rural health care services, including the provision of telemedicine and virtual health care.

(4) Fifteen percent for grant programs awarded to municipalities and counties that do not have a gaming facility within their corporate limits or police jurisdiction for the improvement, repair, and construction of roads and bridges.

(5) Ten percent for prison maintenance and capital improvement.

(6) Five percent to state park and historical sites development and improvement.

§41-30-48. County and municipal grant program.

(a) Proceeds distributed from the Alabama Gambling Trust Fund pursuant to Section 41-30-47(c)(4) for grant programs awarded to municipalities and counties that do not have a gaming facility within their corporate limits for infrastructure improvements shall be directed to the Alabama
Department of Economic and Community Affairs, which shall administer the grant program.

(b) To receive funds under this section, a county or municipality shall file an application with the department describing how the funds will be used to improve, repair, or construct roads and bridges within its jurisdiction and any other information the department may require.

(c) The department, by rule, shall adopt rules providing for the award of funds to counties and municipalities under this section.

§41-30-49. Alabama Education Lottery Trust Fund created; distribution of proceeds.

(a) The Alabama Education Lottery Trust Fund is created in the State Treasury.

(b) (1) The proceeds from any lottery approved by the commission shall be applied first to the payment of the expenses of administering, operating, and regulating the lottery, including, without limitation, the payment of all prizes, without any further appropriation required by law.

(2) The balance of the proceeds after the payments are applied pursuant to subdivision (1) shall be deposited into the Alabama Education Lottery Trust Fund. The proceeds in the fund shall be appropriated annually by and through an independent supplemental appropriation bill, as provided in Senate Bill __ of the 2022 Regular Session.

§41-30-50. Additional rulemaking authority.
The commission may adopt rules to implement and administer this chapter, including further defining the terms "gaming activity," "lottery game," and "sports betting."

§41-30-51. Chapter subject to terms of federal law and gaming compact.

Nothing in this chapter shall be deemed to apply to, authorize state or commission regulation or taxation of, or require state or commission approval of gaming activities or sports betting conducted on land held in trust by the United States for the Poarch Band of Creek Indians, except to the extent that the provision is expressly incorporated into a tribal-state gaming compact entered into by the State of Alabama and the Poarch Band of Creek Indians.

Section 2. Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28, 13A-12-30, and 13A-11-9, Code of Alabama 1975, are amended to read as follows:

"§13A-12-20.

The following definitions shall apply to this article:

"(1) ADVANCE GAMBLING UNLAWFUL GAMING ACTIVITY. A person "advances gambling activity" if he engages in conduct that materially aids any form of gambling unlawful gaming activity. Conduct of this nature includes, but is not limited to, conduct directed toward the creation or establishment of the particular game, contest, scheme, device, or activity involved, conduct directed toward the acquisition
or maintenance of premises, paraphernalia, equipment, or apparatus therefor, conduct directed toward the solicitation or inducement of persons to participate therein, conduct directed toward the actual conduct of the playing phases thereof, conduct directed toward the arrangement of any of its financial or recording phases, or conduct directed toward any other phase of its operation. A person advances gambling unlawful gaming activity if, having substantial proprietary control or other authoritative control over premises being used with his or her knowledge for purposes of gambling unlawful gaming activity, he the person permits that activity to occur or continue, or makes no effort to prevent its occurrence or continuation.

"(2) BOOKMAKING. Advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

"(3) CONTEST OF CHANCE. Any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

"(2) CASINO-STYLE GAME. Any casino game, activity, or device approved by the commission that is accessed for play by physical presence at the location site of the game, activity, or device, including, but not limited to: Slot machines; a video lottery; video lottery terminals; electronic representations of pari-mutuel wagering games, including, but
not limited to, historical horse racing machines, historical sporting event machines, machines of any kind that are based on historic events, and other technological aids and electronic facsimiles of these games; banking or banked card games, including, but not limited to, poker, baccarat, chemin de fer, and blackjack; all dice games; roulette; all table games and electronic representations of such games; all electronic sweepstakes games, terminals, or devices; and any electronic gaming device used to play these games. This term includes electronic bingo. The term does not include lottery activities or pari-mutuel wagering on simulcast and live racing events.

"(3) COMMISSION. The Alabama Education Lottery and Gambling Commission.

"(4) ELECTRONIC BINGO. Any game approved by the commission and referred to as bingo if played with an electronic, computer, or other technological aid.

"(4) GAMBLING. A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of
chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

"(5) GAME or GAMING. Engaging in casino-style games or sports betting at a location operating with a license issued by the commission; engaging in casino-style games or sports betting authorized under existing law or rules adopted by the commission; or otherwise staking or risking something of value upon the outcome of a contest of chance or future contingent event not under his or her control or influence and authorized under existing law and approved by the commission, upon an agreement or understanding that he or she or someone else will receive something of value in the event of a certain outcome. The term does not include participation in charitable bingo or raffles.

"(5) GAMBLING (6) GAMING DEVICE. Any device, machine, paraphernalia or equipment that is normally used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. However, gaming authorized by law and approved by the commission. The term does not include lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition, or antique slot machines authorized under existing law.

"(7) GAMING FACILITY. Any facility licensed by the commission to conduct gaming activity and sports betting.
"(6) LOTTERY or POLICY. An unlawful gambling scheme in which:
   "a. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated by the winning ones; and
   "b. The winning chances are to be determined by a drawing or by some other fortuitous method; and
   "c. The holders of the winning chances are to receive something of value.

"(8) LOTTERY. The public gaming system authorized under existing law and operated by the Alabama Education Lottery and Gambling Commission.

"(9) LOTTERY TICKET or TICKET. Tickets or other tangible evidence of participation used in lottery games or gaming systems.

"(7) (10) PARI-MUTUEL, MUTUEL or THE NUMBERS GAME. A form of lottery. Wagering in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome of a future contingent event or events otherwise unrelated to the particular scheme.

"(10) (11) PLAYER. A person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom.
other than personal gambling gaming winnings, and without otherwise rendering any material assistance to the establishment, conduct, or operation of the particular gambling gaming activity.

"(g) (12) PROFIT FROM GAMBLING UNLAWFUL GAMING ACTIVITY. A person "profits from gambling activity" if he accepts or receives the acceptance or receipt of money or other property pursuant to an agreement or understanding with any person whereby he shares or is to share in the proceeds of gambling unlawful gaming activity.

"(h) (13) SLOT MACHINE. A gambling gaming device that, as a result of the insertion of a coin or other object, operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance.

"(i) (14) SOMETHING OF VALUE. Any money or property, any token, object or article exchangeable for money or property or any form of credit or promise directly or indirectly contemplating transfer of money or property or of
any interest therein, or involving extension of a service
entertainment or a privilege of playing at a game or scheme
without charge.

"(15) SPORTING EVENT. Any amateur sport or athletic
event, professional sport or athletic event, any collegiate
sport or athletic event, motor race event, electronic sports
event, competitive video game event, or any other event
authorized by the commission under the act adding this
amendatory language. The term does not include any amateur
youth sports or athletic event.

"(16) SPORTS BETTING. The acceptance of wagers on
sporting events or portions of sporting events, the individual
performance statistics of athletes in a sporting event, or a
combination of any of the same by any system or method of
wagering authorized in general law. The term may include
single-game wagers, teaser wagers, parlays, over-under,
moneyline, pools, exchange wagering, in-game wagering, in-play
wagers, proposition wagers, straight wagers, and any other
wager authorized by the commission. The term does not include
wagers on fantasy sports contests authorized under Chapter 19F
of Title 8.

"(17) UNLAWFUL GAMING. Not Gaming not
specifically authorized by the constitution, general law, or
the commission.

"§13A-12-21."
"(a) A person commits the crime of simple gambling unlawful gaming activity if he or she knowingly advances or profits from unlawful gambling activity as a player.

"(b) It is a defense to a prosecution under this section that a person charged with being a player with violating this section was engaged in playing a social game in a private place. The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

"(c) Simple gambling Unlawful gaming activity is a Class C misdemeanor.

"§13A-12-22.

"(a) A person commits the crime of promoting gambling unlawful gaming activities if he the person knowingly advances or profits from unlawful gambling activity otherwise than as a player.

"(b) Promoting gambling unlawful gaming activities is a Class A misdemeanor D felony.

"§13A-12-23.

"(a) A person commits the crime of conspiracy to promote gambling unlawful gaming activities if he the person conspires to advance or profit from gambling unlawful gaming activity otherwise than as a player.

"(b) "Conspire" For the purposes of this section, "conspire" means to engage in activity constituting a criminal conspiracy as defined in Section 13A-4-3.

"(c) Conspiracy to promote gambling unlawful gaming activity is a Class A misdemeanor D felony.
§13A-12-24.

(a) A person commits the crime of unlawful possession of gambling records in the first degree if, with knowledge of the contents thereof, he the person possesses any writing, paper, instrument or article commonly used in either of the following:

"(1) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise, The operation or promotion of unlawful sports betting and constituting, reflecting or representing more than five bets, wagers or more than $500.00, or five hundred dollars ($500).

"(2) Of a kind commonly used in the operation, promotion or playing of a lottery or mutuel scheme or enterprise, The operation, promotion, or playing of an unlawful lottery and constituting, reflecting or representing more than five plays or chances therein.

(b) Possession Unlawful possession of gambling records in the first degree is a Class A misdemeanor.

§13A-12-25.

(a) A person commits the crime of unlawful possession of gambling records in the second degree if, with knowledge of the contents thereof, he or she possesses any writing, paper, instrument or article commonly used in either of the following:
"(1) Of a kind commonly and peculiarly used in the
The operation or promotion of a bookmaking scheme or
enterprise, or unlawful sports betting.

"(2) Of a kind commonly and peculiarly used in the
The operation, promotion, or playing of a lottery or mutuel
scheme or enterprise.

"(b) Possession Unlawful possession of gambling
gaming records in the second degree is a Class A misdemeanor or
felony.

"§13A-12-26.

"A person does not commit the crime of possession of
gaming records in either degree pursuant to Section
13A-12-24 or 13A-12-25, if the writing, paper, instrument or
article possessed by the defendant is neither used nor
intended to be used in the operation or promotion of a
bookmaking scheme or enterprise unlawful sports betting, or in
the operation, promotion, or playing of an unlawful lottery
or mutuel scheme or enterprise. The burden of injecting the
issue is on the defendant, but this does not shift the burden
of proof.

"§13A-12-27.

"(a) A person commits the crime of unlawful
possession of a gambling device if, with knowledge of
the character thereof of the device he the person
manufactures, sells, transports, places or possesses, or
conducts or negotiates any transaction affecting or designed
to affect ownership, custody, or use of either of the following:

"(1) A slot machine, or casino-style game not authorized under law or rules of the commission.

"(2) Any other gambling device, with the intention that it be used in the advancement of unlawful gambling activity.

"(b) Possession Unlawful possession of a gambling device is a Class A misdemeanor.

§13A-12-28.

"(a) Proof of possession of any gambling device, as defined by subdivision (5) of in Section 13A-12-20, or any gambling unlawful gaming record, as specified in Sections 13A-12-24 and 13A-12-25, is prima facie evidence of possession thereof with knowledge of its character or contents.

"(b) In any prosecution under this article in which it is necessary to prove the occurrence of a sporting event, either of the following shall be admissible and shall be prima facie proof of the occurrence of the event:

"(1) A published report of its occurrence in any daily newspaper, magazine or other periodically printed publication of general circulation, or

"(2) evidence that a description of some aspect of the event was written, printed, or otherwise noted at the place in which a violation of this chapter is alleged to have been committed, shall be admissible in evidence and
shall constitute prima facie proof of the occurrence of the event.

§13A-12-30.

(a) Any gambling device or gambling record unlawfully possessed or used in violation of this article shall be forfeited to the state, and shall by court order be destroyed or otherwise disposed of as the court directs.

(b) Any vehicle possessed or used in violation of this article may be forfeited to the state and disposed of by court order as authorized by law.

(c) Money used as bets wagers or stakes in gambling unlawful activity in violation of this article shall be forfeited to the state and by court order shall be transmitted to the State General Fund of the state.


(a) A person commits the crime of loitering if he or she does any of the following:

(1) Loiters, remains, or wanders about in a public place for the purpose of begging.

(2) Loiters or remains in a public place for the purpose of gambling unlawful gambling activity.

(3) Loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or sodomy, as that term is denied under Section 13A-6-60.
"(4) Being masked, loiters, remains, or congregates in a public place.

"(5) Loiters or remains in or about a school, college, or university building or grounds after having been told to leave by any authorized official of the school, college, or university, not having any reason or relationship involving custody of or responsibility for a pupil or any other specific, legitimate reason for being there, and not having written permission from a school, college or university administrator.

"(6) Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade, or commercial transactions involving the sale of merchandise or services.

"(7) Loiters or remains in any place with one or more persons for the purpose of unlawfully using or possessing a dangerous drug.

"(b) A person does not commit a crime under subdivision (a)(4) if he or she is going to or from or staying at a masquerade party, or is participating in a public parade or presentation of an educational, religious, or historical character or in an event as defined in Section 13A-11-140.

"(c) Sodomy in subdivision (a)(3) is defined as in Section 13A-6-60.
"(c) Dangerous drug in subdivision (a)(7) means any narcotic, drug, or controlled substance as defined in Chapter 2 of Title 20 and any schedule incorporated therein.

"(d) Loitering is a violation."

Section 3. Sections 13A-12-32 through 13A-12-39, inclusive, are added to the Code of Alabama 1975, to read as follows:

§13A-12-32.

(a) It is unlawful to intentionally use or possess, at a gaming facility, an electronic, electrical, or mechanical device that is designed, constructed, or programmed to assist the user or another person to do any of the following:

(1) Project the outcome of any casino-style game.

(2) Keep track of cards dealt or in play.

(3) Analyze the probability of the occurrence of an event relating to any casino-style game.

(4) Analyze the strategy for playing or wagering to be used in any casino-style game, except as permitted by the commission.

(5) Obtain an advantage in playing any casino-style game.

(b) A gaming facility shall post notice of this prohibition and the penalties for violations in a manner determined by the commission.

(c) A violation of this section is a Class D felony.

§13A-12-33.
(a) It is unlawful for any individual to cheat at any casino-style game or sports betting.

(b) A violation of this section is a Class D felony.
§13A-12-34.

(a) It is unlawful to manufacture, sell, or distribute any cards, chips, die, game, or device that is intended to be used to violate the laws of this state or rules of the commission.

(b) It is unlawful for any individual to use counterfeit chips in any casino-style game.

(c) It is unlawful for any individual, in playing a casino-style game designed to be played with, received, or be operated by chips or tokens approved by the commission or lawful coins of the United States of America, to knowingly use chips or tokens not approved by the commission or to use unlawful coins of the United States of America.

(d) A violation of this section is a Class D felony.
§13A-12-35.

(a) It is unlawful to instruct an individual in cheating or in the use of a device for that purpose, with the knowledge or intent, that the information or use may be employed to violate existing law or rules adopted by the commission.

(b) A violation of this section is a Class D felony.
§13A-12-36.

(a) It is unlawful to place, increase, or decrease a wager or determine the course of play after acquiring
knowledge, not available to all players, of the outcome of any
casino-style game or event that affects the outcome of the
game or that is the subject of the wager, or to aid an
individual in acquiring such knowledge for the purpose of
placing, increasing, or decreasing a wager or determining the
course of play contingent on that event or outcome.

(b) A violation of this section is a Class D felony.
§13A-12-37.

(a)(1) It is unlawful to claim, collect, take, or
attempt to claim, collect, or take money or anything of value
into or from a casino-style game, with the intent to defraud,
without having made a wager contingent thereon.

(2) It is unlawful to claim, collect, or take any
amount of money or anything of value greater than the amount
won.

(b) A violation of this section is a Class D felony.
§13A-12-38.

(a) It is unlawful for an individual, other than a
gaming facility employee or agent acting in furtherance of his
or her employment, to have in his or her possession on the
grounds of a gaming facility, or grounds contiguous to the
gaming facility, any device intended to be used to violate the
laws in this state or a rule of the commission.

(b) A violation of this section is a Class D felony.
§13A-12-39.

(a) It is unlawful for an individual, other than a
gaming facility employee or agent acting in furtherance of his
or her employment, to have in his or her possession, within a
gaming facility, a key or device known to have been designed
for the purpose of opening, entering, or affecting the
operation of any casino-style game, drop box, or any
electronic or mechanical device connected thereto, or for
removing money, token, chips, or any other contents.

(b) A violation of this section is a Class D felony.

Section 4. The following sections of the Code of
Alabama 1975 are repealed:

(1) Section 11-47-111, Code of Alabama 1975,
relating to prohibition of gambling houses.

(2) Section 13A-12-29, Code of Alabama 1975,
relating to lotteries drawn outside of the state.

(3) Division 2 of Article 2 of Chapter 12 of Title
13A, Code of Alabama 1975, relating to suppression of gambling
places.

(4) Division 3 of Article 2 of Chapter 12 of Title
13A, Code of Alabama 1975, relating to the transportation of
lottery paraphernalia.

(5) Division 4 of Article 2 of Chapter 12 of Title
13A, Code of Alabama 1975, relating to the federal wagering
occupational tax stamp.

Section 5. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, as amended
by Amendment 890, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 6. This act shall be repealed in its entirety in the event the constitutional amendment proposed in Senate Bill __ of the 2022 Regular Session fails to be ratified in the November 2022 General Election.

Section 7. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.