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SYNOPSIS:

This bill would implement the constitutional amendment proposed in House Bill 151 of the 2024 Regular Session, which authorizes the creation of the Alabama Lottery under the administration of the Alabama Gambling Commission.

This bill would create a state lottery to be administered by the Alabama Gambling Commission and would provide for the creation and operation of the commission, including its board of directors and executive director.

This bill would establish the Gambling Proceeds Fund in the State Treasury for the purpose of receiving all net revenues of the lottery following the payment of prize money and operating expenses of the commission and all taxes collected for pari-mutuel wagering authorized by the Constitution of Alabama of 2022. Monies in the fund would be annually appropriated through an independent supplemental appropriation bill.

This bill would create the Alabama Gambling Enforcement Division as a law enforcement division of the Alabama Gambling Commission and provide for its powers and duties, including the power to police all lottery activities in this state and work to eradicate unlawful gambling and gambling-related activities.



29                   This bill would authorize the commission to  
30 license certain locations to conduct pari-mutuel  
31 wagering at locations specified in the Constitution of  
32 Alabama of 2022, including historical racing  
33 computerized machines.

34                   This bill would authorize the commission to  
35 assess civil penalties for violations.

36                   This bill would provide criminal penalties for  
37 certain violations.

38                   This bill would further provide for criminal  
39 penalties related to unlawful activity associated with  
40 gambling activities.

41                   This bill would amend various criminal laws  
42 relating to gambling activities to make conforming  
43 changes and would also increase penalties for a  
44 violation and further increase the penalties on a  
45 subsequent violation.

46                   This bill would become automatically repealed in  
47 the event the constitutional amendment proposed in  
48 House Bill 151 of the 2024 Regular Session fails to be  
49 ratified at a referendum called for that purpose.

50                   Section 111.05 of the Constitution of Alabama of  
51 2022, prohibits a general law whose purpose or effect  
52 would be to require a new or increased expenditure of  
53 local funds from becoming effective with regard to a  
54 local governmental entity without enactment by a 2/3  
55 vote unless: it comes within one of a number of  
56 specified exceptions; it is approved by the affected



57           entity; or the Legislature appropriates funds, or  
58           provides a local source of revenue, to the entity for  
59           the purpose.

60                     The purpose or effect of this bill would be to  
61           require a new or increased expenditure of local funds  
62           within the meaning of the section. However, the bill  
63           does not require approval of a local governmental  
64           entity or enactment by a 2/3 vote to become effective  
65           because it comes within one of the specified exceptions  
66           contained in the section.

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68

69

A BILL

70

TO BE ENTITLED

71

AN ACT

72

73           Relating to gambling; to add Chapter 30 to Title 41,  
74   Code of Alabama 1975, to implement the constitutional  
75   amendment proposed in House Bill 151 of the 2024 Regular  
76   Session, to establish the Alabama Gambling Commission and  
77   provide for its powers, membership, and duties; to provide for  
78   the appointment of an executive director of the commission and  
79   for the employment of the personnel of the commission; to  
80   establish the Gambling Proceeds Fund in the State Treasury and  
81   provide for the distribution of funds therein through an  
82   annual independent supplemental appropriation; to provide for  
83   the assessment of civil penalties imposed by the commission;  
84   to provide for criminal penalties for certain violations; to



85 provide the commission with rulemaking authority; to establish  
86 the Alabama Gambling Enforcement Division as a law enforcement  
87 division within the commission to police the lottery and  
88 gambling laws and eradicate unlawful gambling activities in  
89 the state; to authorize the commission to license certain  
90 pari-mutuel wagering under certain conditions; to provide for  
91 the issuance of a single charitable game permit; to provide  
92 the Court of Civil Appeals with jurisdiction to hear certain  
93 cases involving the Alabama Gambling Commission; to amend  
94 Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23,  
95 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28,  
96 13A-12-30, Code of Alabama 1975, and Section 13A-11-9, Code of  
97 Alabama 1975, as last amended by Act 2023-245, 2023 Regular  
98 Session, to update and increase certain criminal penalties for  
99 various unlawful gambling activities; to provide for the  
100 repeal of the act under certain specified conditions; and in  
101 connection therewith would have as its purpose or effect the  
102 requirement of a new or increased expenditure of local funds  
103 within the meaning of Section 111.05 of the Constitution of  
104 Alabama of 2022.

105 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

108 Chapter 30

109 Article 1

110 §41-30-1

111 This chapter shall be known and may be cited as the  
112 Alabama Gambling Control Act.



113 §41-30-2

114 As used in this chapter, the following words have the  
115 following meanings:

116 (1) BOARD. The Board of Directors of the Alabama  
117 Gambling Commission.

118 (2) CASINO-STYLE GAME. Any commercial or house banked  
119 game that is played with cards, dice, equipment, or any other  
120 mechanical or electronic device or machine, and that is played  
121 for money, property, checks, credit, or any other  
122 representative of value.

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

125 1. Table games, including, but not limited to,  
126 blackjack, baccarat, roulette, craps, twenty-one, poker, Texas  
127 hold'em, cassino, five-card draw, three-card draw, chemin de  
128 fer (shimmy), pai gow poker, yablon (red dog), let it ride  
129 poker, caribbean stud, casino war, video poker, or any  
130 variation thereof.

131 2. Gambling machines, including, but not limited to,  
132 any slot machines as defined in 15 U.S.C. § 1171(a)(1),  
133 pachinko, video lottery terminals, and video poker.

134 3. Pari-mutuel wagering, whether electronic, simulcast,  
135 or otherwise.

136 4. Bingo, electronic bingo, or any games similar to  
137 bingo, including pull-tabs, lottery games, punch boards, tip  
138 jars, or instant bingo, whether or not played with an  
139 electronic, computer, or other technological aid.

140 5. Any other house banked game or game of chance in



141 which the house takes a fee, as determined by the commission  
142 by rule.

143           b. The term does not include any non-commercial social  
144 game or charitable game operating in accordance with this  
145 chapter.

146           (3) COMMISSION. The Alabama Gambling Commission.

147           (4) ENFORCEMENT DIVISION. The Alabama Gambling  
148 Enforcement Division established by this chapter.

149           (5) EXECUTIVE DIRECTOR. The executive director of the  
150 Alabama Gambling Commission.

151           (6) FISCAL YEAR. The fiscal year used by the State of  
152 Alabama government.

153           (7) GAMBLING ACTIVITY. To operate, carry on, conduct,  
154 maintain, or expose for play one or more casino-style games,  
155 sports wagering, or lottery game.

156           (8) GAMBLING-RELATED ACTIVITY. Any conduct, whether or  
157 not approved by the Alabama Gambling Commission, to which any  
158 of the following apply:

159           a. Is ancillary to the operation of any gambling  
160 activity.

161           b. Is subject to regulation by the Alabama Gambling  
162 Commission.

163           c. Occurs on the premises of a lottery retailer,  
164 pari-mutuel wagering establishment, or other place where  
165 gambling activity occurs.

166           (9) HOUSE BANKED GAME. Any game of chance that is  
167 played with the house as a participant in the game; where the  
168 house takes on players, collects from losers, and pays



169 winners; and where the house can win. The term also includes  
170 any game in which the house collects a percentage of what is  
171 at risk or collects a fee as a condition for participation.

172 (10) INSTANT TICKET or INSTANT WIN GAME. A lottery game  
173 in which a player scratches or otherwise removes anything  
174 overlaying words or symbols to determine if the player has  
175 won, as indicated by the symbols and words that are displayed.

176 (11) LOTTERY or LOTTERY GAME. A game of chance that  
177 generally involves the drawing or revealing of numbers at  
178 random for a prize. The term includes, but is not limited to,  
179 a state lottery, instant win game, a multi-jurisdiction  
180 lottery, or other draw-based or instant win game that is  
181 approved and conducted through the Alabama Gambling  
182 Commission. The term does not include video lottery terminals.  
183 The term does not include casino-style games, sports wagering,  
184 bingo, electronic bingo, or any game similar to bingo,  
185 including pull-tabs, punch boards, tip jars, or instant bingo,  
186 whether or not played with an electronic, computer, or other  
187 technological aid. The term does not include any other form of  
188 gambling activity.

189 (12) LOTTERY RETAILER. Any person licensed by the  
190 Alabama Lottery Commission to sell lottery tickets to the  
191 public.

192 (13) LOTTERY TICKET. Any tangible evidence of proof of  
193 participation in, or a right, privilege, or possibility of  
194 becoming a winner in, a lottery game.

195 (14) MAJOR PROCUREMENT. Any item, product, or service  
196 in the amount of one million dollars (\$1,000,000) or more,



197 including, but not limited to, major advertising contracts,  
198 annuity contracts, prizes, products, and services unique to  
199 the state lottery.

200 (15) NET PROCEEDS. Gross lottery revenues, minus  
201 amounts paid as prizes and expenses, of the operation of the  
202 lottery.

203 (16) NET GAMBLING REVENUE. The total amount of money or  
204 value in any form received as a result of any gambling  
205 activity, whether or not approved by the commission, excluding  
206 free bets and promotional credits, less federal excise taxes,  
207 voided wagers, and the total money or value in any form paid  
208 as prizes or winnings, including the cash equivalent of any  
209 merchandise or thing of value awarded as a prize.

210 (17) NON-COMMERCIAL SOCIAL OR CHARITABLE GAME. A game  
211 conducted pursuant to Article 4, relating to charitable games,  
212 or Article 5, relating to social games.

213 (18) PARI-MUTUEL WAGERING. A type of wagering in which  
214 bets of a particular type are placed together in a pool  
215 conducted by a person and in which the person takes a fee  
216 prior to distributing the pool among all winning bets. The  
217 term includes pari-mutuel wagering on live horse and dog races  
218 and pari-mutuel wagering on historical horse or dog racing  
219 computerized machines as contemplated by Section 65 of the  
220 Constitution of Alabama of 2022.

221 (19) PERSON. An individual, corporation, partnership,  
222 association, or other legal or commercial entity. The term  
223 includes any federally recognized Indian tribe.

224 (20) POARCH BAND OF CREEK INDIANS or PCI. The federally





225 recognized Indian tribe within the State of Alabama known as  
226 the Poarch Band of Creek Indians. The term includes a wholly  
227 owned subsidiary of the tribe.

228 (21) SECURITY. The protection of information that would  
229 provide an unfair advantage to any individual involved in the  
230 operation of the lottery; the protection and preservation of  
231 the integrity of lottery games and operations; and the  
232 measures taken to prevent crimes against the commission and  
233 its retailers.

234 (22) VENDOR. Any person who has entered into a contract  
235 with the commission.

236 §41-30-3. Administration of the state lottery.

237 (a) There is created an official state lottery. The  
238 lottery shall be administered by a commission to be known as  
239 the Alabama Gambling Commission. The state lottery shall be  
240 managed in a manner that enables the people of the State of  
241 Alabama to benefit from its profits and to ensure the  
242 integrity of the lottery.

243 (b) The existence of the commission shall begin upon  
244 the appointment and confirmation by the Senate of all voting  
245 members of the board.

246 §41-30-4

247 (a) The affairs of the commission shall be governed by  
248 a managing board of directors. In addition to the Commissioner  
249 of Revenue and the State Treasurer, who shall serve as ex  
250 officio nonvoting members, the board shall be composed of nine  
251 voting members appointed as follows with the advice and  
252 consent of the Senate:



253 (1) Four members shall be appointed by the Governor.

254 (2) One member shall be appointed by the Lieutenant  
255 Governor.

256 (3) Two members shall be appointed by the President Pro  
257 Tempore of the Senate. One of these members shall be appointed  
258 from a list of two nominees submitted by the Minority Leader  
259 of the Senate.

260 (4) Two members shall be appointed by the Speaker of  
261 the House of Representatives. One of these members shall be  
262 appointed from a list of two nominees submitted by the  
263 Minority Leader of the House of Representatives.

264 (b) The voting members of the board shall be residents  
265 of the State of Alabama and may not be serving as a public  
266 official, as that term is defined in Section 36-25-1. The  
267 appointing authorities shall coordinate their appointments to  
268 assure that diversity of gender, race, and geographical area  
269 is reflective of the makeup of the state.

270 (c) Voting members of the board shall serve at the  
271 pleasure of their respective appointing authority.

272 (d) The initial appointees of the board shall serve  
273 staggered terms as follows: (i) The term of one appointee  
274 shall expire after one year; (ii) the term of two appointees  
275 shall expire after two years; (iii) the term of two appointees  
276 shall expire after three years; (iv) the term of two  
277 appointees shall expire after four years; and (v) the term of  
278 two appointees shall expire after five years. After the  
279 expiration of the initial terms, members of the board shall  
280 serve for terms of five years.



281 (e) A member may not serve beyond the end of his or her  
282 respective term. No member may serve more than two consecutive  
283 five-year terms. The board shall elect a chair from among its  
284 voting members. The board chair shall serve a term of two  
285 years.

286 (f) Appointed members of the board shall be entitled to  
287 per diem compensation paid by the commission and shall be  
288 reimbursed by the commission for necessary travel and other  
289 reasonable expenses incurred in the performance of their  
290 official duties.

291 (g) Each member of the board shall satisfy all of the  
292 following qualifications:

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

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

297 (3) Shall have no conviction for any federal or state  
298 felony offense or any misdemeanor property offense, offense  
299 involving fraud, or offense involving moral turpitude as  
300 provided under Section 17-3-30.1.

301 (4) May not be the executive director of the commission  
302 or an employee of the commission.

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

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

307 (7) May not be actively engaged in the business of a  
308 pari-mutuel wagering establishment or in the operation of



309 lottery games.

310 (8) May not be a supplier of devices or equipment used  
311 in gambling activities.

312 (9) May not have a financial interest in any of the  
313 following:

314 a. A pari-mutuel wagering licensee.

315 b. A contractor doing business or proposing to do  
316 business with the commission.

317 c. A major procurement contract.

318 d. A lottery retailer.

319 e. Any other direct or indirect interest in an  
320 undertaking that puts their personal interest in conflict with  
321 that of the commission

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

324 §41-30-5

325 (a) The board, upon the initial call of the Governor  
326 and the chair thereafter, shall meet each month for the first  
327 18 months following the effective date of this act and at such  
328 other times as the chair may determine. Five voting members of  
329 the board shall constitute a quorum. The board shall also meet  
330 upon the call of five or more of the voting members of the  
331 board. The board shall keep accurate and complete records of  
332 all its meetings.

333 (b) Meetings of the commission shall be subject to the  
334 Alabama Open Meetings Act.

335 §41-30-6

336 All records of the commission shall be deemed public



337 records and subject to public inspection pursuant to the  
338 Alabama Public Records Act, Chapter 25A of Title 36, unless  
339 any of the following apply:

340 (1) The record relates to or was provided by a  
341 confidential source or informant and relates to lottery  
342 security or to applicant, vendor, or retailer qualifications  
343 or conduct.

344 (2) The record involves a trade secret of the  
345 commission or of a vendor.

346 (3) The record pertains to the internal security  
347 operations of the lottery or its lottery retailers or the  
348 record is of such a sensitive nature that its disclosure would  
349 endanger the security of the lottery or its lottery retailers,  
350 including, but not limited to, records containing security  
351 procedures, investigative techniques, or internal security  
352 information.

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

355 §41-30-7

356 (a) From time to time, the board may appoint an  
357 individual to serve as executive director of the commission.  
358 The executive director shall serve at the pleasure of the  
359 board.

360 (b) The executive director shall manage the daily  
361 affairs of the commission and shall have the powers and duties  
362 specified by the board and this chapter and any rules adopted  
363 thereunder.

364 (c) The executive director may employ personnel as he



365 or she deems necessary. All personnel shall serve at the will  
366 and pleasure of the executive director, unless otherwise  
367 specified by the executive director.

368 (d) Following his or her appointment and during his or  
369 her entire employment by the board, the executive director  
370 shall reside in this state.

371 §41-30-8

372 The board shall have the following powers and duties:

373 (1) Approve, disapprove, amend, or modify the budget  
374 recommended by the executive director for the operation of the  
375 commission.

376 (2) Adopt rules as necessary to carry out and implement  
377 the operations of the commission, the conduct of lottery games  
378 in general, and any other matters necessary or desirable for  
379 the efficient and effective operation of the lottery for  
380 convenience of the public.

381 (3) Establish the salary of the executive director.

382 (4) Acquire and hold in its own name real property and  
383 improvements thereon by purchase, gift, lease, lease with the  
384 option to purchase, or other lawful means, except eminent  
385 domain, to carry out its duties; and transfer, sell, or convey  
386 real property and any improvements thereon. Any obligations  
387 created in connection with the purchase or improvement of real  
388 property shall not create debts, obligations, or liabilities  
389 of the State of Alabama.

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

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



- 393           b. The sale price of tickets.
- 394           c. The number and amount of prizes.
- 395           d. The methods that shall be used in selling tickets
- 396 for lottery games.
- 397           e. The methods and location of selecting or validating
- 398 winning tickets.
- 399           f. The manner of payment of prizes.
- 400           g. The frequency of games and drawings.
- 401           h. The manner and amount of compensation to lottery
- 402 retailers, except all compensation shall be uniform.
- 403           i. Any other matters necessary for the efficient and
- 404 effective operation of the lottery.

405           (6) Conduct hearings upon receiving a complaint

406 alleging a violation of this chapter or rules adopted by the

407 commission or as otherwise provided by law.

408           (7) Periodically review the performance of the

409 commission and advise the executive director and make

410 recommendations regarding operations of the commission and

411 identify potential statutory improvements to this chapter, the

412 rules of the commission, and the management of the commission.

413           (8) Request from the commission any information the

414 board determines to be relevant to its duties.

415           (9) Conduct and administer lottery games to result in

416 maximization of revenues to the State of Alabama, ensure the

417 efficient and effective operation of lottery games, ensure the

418 integrity of the lottery, and maintain the dignity of the

419 state and the general welfare of its residents.

420           (10) Supervise and administer the lottery in accordance



421 with this chapter.

422 (11) Submit quarterly and annual reports to the  
423 Governor, the Lieutenant Governor, the President Pro Tempore  
424 of the Senate, the Speaker of the House of Representatives,  
425 the State Treasurer, the State Auditor, the Joint Legislative  
426 Committee on Performance Evaluation and Expenditure Review,  
427 the Director of Finance, and the Commissioner of Revenue  
428 containing financial information and projections which  
429 include, but are not limited to, disclosure of gross revenues,  
430 expenses, and net proceeds for the period.

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

432 (13) Maintain weekly or more frequent records of  
433 lottery transactions, including distribution of tickets to  
434 lottery retailers, revenues received, claims for prizes,  
435 prizes paid, and all other financial transactions of the  
436 commission.

437 (14) Hold patents, copyrights, trademarks, and service  
438 marks and enforce its rights with respect thereto.

439 (15) Enter into written agreements with one or more  
440 other states or sovereigns for the operation, marketing, and  
441 promotion of a joint lottery or joint-lottery games.

442 (16) Make, solicit, and request proposals and offers,  
443 and execute and effectuate any and all agreements or  
444 contracts, including, but not limited to:

445 a. Contracts that provide for the placement of  
446 commercial advertising on tickets.

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





449 lottery.

450 c. Contracts or agreements necessary for the  
451 implementation, operation, and promotion of the lottery and  
452 this chapter.

453 (17) Adopt bylaws and rules as necessary to administer  
454 this chapter.

455 §41-30-9

456 (a) The executive director shall do all of the  
457 following:

458 (1) Direct and supervise all administrative and  
459 technical activities in accordance with this chapter and the  
460 rules adopted thereunder.

461 (2) Supervise and administer the operation of the  
462 commission, the lottery, and its games.

463 (3) Employ, manage, and direct the personnel of the  
464 commission and its facilities and services as necessary to  
465 implement this chapter.

466 (4) Enter into contracts with lottery retailers.

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

470 (6) Advise and make recommendations to the board for  
471 the adoption of rules or other actions to improve the  
472 operation and administration of the lottery and the  
473 commission.

474 (7) Enter into any contract pursuant to this chapter  
475 with any person for the promotion and operation of the lottery  
476 or for the performance of any of the functions as provided in



477 this chapter or rule of the commission unless the contract  
478 constitutes a major procurement. A major procurement shall  
479 require approval from the board.

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

482 (9) Not later than 30 days before the beginning of the  
483 commission's fiscal year, submit the proposed annual budget of  
484 the commission and projected net proceeds to the board for  
485 review and approval.

486 (10) Subject to the approval of the board, amend or  
487 modify the budget at any time in any manner deemed necessary  
488 for the proper operation of the commission.

489 (11) Require bond from employees of the commission as  
490 he or she deems necessary, in an amount determined by the  
491 board; provided, employees with access to corporate funds or  
492 lottery funds shall be required to be bonded.

493 (12) For good cause, suspend, revoke, or refuse to  
494 renew any contract entered into in accordance with this  
495 chapter or rule of the commission.

496 (13) Upon specific or general approval of the board,  
497 conduct hearings and administer oaths to persons for the  
498 purpose of assuring the security or integrity of lottery  
499 operations, or to determine the qualifications or compliance  
500 by vendors and lottery retailers.

501 (14) Upon receiving specific or general approval of the  
502 board, enter into contracts with consultants and technical  
503 assistants as may be required to implement and administer this  
504 chapter.



505           (15) By agreement, secure information, goods, and  
506 services as necessary from any department, agency, or unit of  
507 the federal, state, or local government. To the extent allowed  
508 by federal or state law or rule or regulation, the executive  
509 director may compensate the department, agency, or unit of  
510 government for its information, goods, and services.

511           (16) Supervise ticket validation and lottery drawings.

512           (17) For just cause and subject to the terms of a  
513 vendor contract, inspect the facilities of any vendor in order  
514 to determine the integrity of the vendor's product and in  
515 order to determine whether the vendor is in compliance with  
516 its contract.

517           (18) Report any suspected violations of this chapter to  
518 the Alabama Gambling Enforcement Division and inform either  
519 the local district attorney or the Attorney General.

520           (19) Upon request of the Alabama Gambling Enforcement  
521 Division, the local district attorney or Attorney General  
522 shall assist in an investigation into a violation of this  
523 chapter.

524           (b) The executive director and the board shall conduct  
525 an ongoing examination of the operation and administration of  
526 lotteries in other states and countries, including reviewing  
527 available literature on the subject, federal laws and  
528 regulations which may affect the operation of the lottery, and  
529 the reaction of residents of this state to existing or  
530 proposed features of lottery games with a view toward  
531 implementing improvements that will tend to serve the purposes  
532 of this chapter.



533 (c) The executive director may also establish one or  
534 more market or equipment research centers for lottery products  
535 and may establish lottery player information centers.

536 (d) There shall be no liability on the part of, and no  
537 cause of action shall arise against, the commission or its  
538 governing board, staff, agents, vendors, or employees arising  
539 out of or in connection with their duties and obligations as  
540 provided for under this chapter.

541 §41-30-10

542 (a) The commission may purchase, lease, or  
543 lease-purchase any goods or services as necessary for  
544 implementing and administering this chapter.

545 (b) The commission shall be exempt from the  
546 requirements of the state procurement law, Article 5 of  
547 Chapter 4 of Title 41, and the requirements of Chapter 16 of  
548 Title 41, relating to the design and operation of the lottery  
549 or purchase of lottery equipment, tickets, and related  
550 materials.

551 (c) The commission may make procurements necessary for  
552 the function of the lottery, including procurements for the  
553 design of lottery games, the distribution of lottery tickets  
554 to lottery retailers, the supply of goods and services, and  
555 advertising. In all procurement decisions, the commission  
556 shall take into account the particularly sensitive nature of  
557 the state lottery and shall promote and ensure security,  
558 honesty, fairness, and integrity in the operation and  
559 administration of the lottery and the objectives of raising  
560 net proceeds for the benefit of the state.



561 §41-30-11

562 (a) The commission may enter into intelligence sharing,  
563 reciprocal use, or restricted use agreements with the federal  
564 government, law enforcement agencies, lottery regulation  
565 agencies, and gambling enforcement agencies of other  
566 jurisdictions that provide for and regulate the use of  
567 information provided and received pursuant to the agreement.

568 (b) Records, documents, and information in the  
569 possession of the commission received pursuant to an  
570 intelligence sharing, reciprocal use, or restricted use  
571 agreement entered into by the commission pursuant to  
572 subsection (a) shall be exempt from the Alabama Public Records  
573 Law of Chapter 13 of Title 41. The commission may not release  
574 the record, document, or other information without the written  
575 permission of the person or agency providing the record or  
576 information to the commission.

577 §41-30-12

578 (a) The commission may enter into one or more  
579 commercial advertising contracts with a person for the purpose  
580 of promoting the lottery and the sale of lottery tickets,  
581 subject to the requirements of this section.

582 (b) No commercial advertising conducted for the purpose  
583 of promoting the lottery or the sale of lottery tickets may  
584 have a strong appeal to individuals under 18 years of age.

585 (c) No commercial advertising conducted for the purpose  
586 of promoting the lottery or the sale of lottery tickets may  
587 depict individuals purporting to have won a lottery game or  
588 depict images of any amount of U.S. currency.



589 (d) Except as required as a minimum condition to  
590 participate in a multi-jurisdiction lottery, the commission  
591 may not expend any funds for the purpose of promoting the  
592 lottery or the sale of lottery tickets.

593 (e) The commission shall adopt rules to govern any  
594 advertising conducted pursuant to this section.

595 §41-30-13

596 (a) The Alabama State Bureau of Investigation shall  
597 perform a criminal history background check on potential  
598 vendors, including potential lottery retailers and potential  
599 employees of the commission.

600 (b) The required criminal history background check  
601 shall be conducted prior to the finalization of any contract  
602 with a potential vendor or prior to the employment of any  
603 potential employee.

604 (c) The commission shall reimburse the Alabama State  
605 Bureau of Investigation for the actual costs of conducting the  
606 criminal history background investigations.

607 §41-30-14

608 (a) Any person who knowingly sells a lottery ticket to  
609 an individual under 18 years of age or permits an individual  
610 under 18 years of age to play a lottery game shall be punished  
611 as follows:

612 (1) On a first violation, the person shall be guilty of  
613 a Class C misdemeanor and fined not less than one hundred  
614 dollars (\$100) nor more than five hundred dollars (\$500).

615 (2) On a subsequent violation, the person shall be  
616 guilty of a Class C misdemeanor and fined not less than two



617 hundred dollars (\$200) nor more than one thousand dollars  
618 (\$1,000).

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

623 §41-30-15

624 (a) The proceeds of any lottery prize of five hundred  
625 dollars (\$500) or more shall be subject to the withholding tax  
626 established pursuant to Section 65.02 of the Constitution of  
627 Alabama of 2022. The Department of Revenue shall adopt rules  
628 governing the administration of this subsection. The proceeds  
629 collected pursuant to this section shall be distributed as  
630 follows:

631 (1) Fifty percent for the development and improvement  
632 of state parks and historical sites and tourism grants.

633 (2) Fifty percent for the Sweet Trails Alabama Project  
634 Fund.

635 (b) The commission shall withhold any attachments,  
636 garnishments, or executions authorized and issued pursuant to  
637 law if timely served upon the process agent of the commission.

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

642 (1) No prize, portion of a prize, or right of a person  
643 to a prize shall be assignable. Any prize, or portion thereof,  
644 remaining unpaid at the death of a prizewinner shall be paid



645 to the estate of the deceased prizewinner or to the trustee of  
646 a trust established by the deceased prizewinner if a copy of  
647 the trust document or instrument has been filed with the  
648 commission, along with a notarized letter of direction from  
649 the deceased prizewinner, and no written notice of revocation  
650 has been received by the commission prior to the deceased  
651 prizewinner's death. Following a deceased prizewinner's death  
652 and prior to any payment to a trustee, the commission shall  
653 obtain from the trustee and each trust beneficiary a written  
654 agreement to indemnify and hold the commission harmless with  
655 respect to any claims that may be asserted against the  
656 commission arising from payment to or through the trust.

657 (2) No prize shall be paid arising from a claimed  
658 ticket that is stolen, counterfeit, altered, fraudulent,  
659 unissued, produced or issued in error, unreadable, not  
660 received, unclaimed or not recorded by the commission within  
661 the applicable deadline, lacking in captions that conform and  
662 agree with the play symbols as appropriate to the lottery game  
663 involved, or not in compliance with any additional specific  
664 rules and public or confidential validation and security tests  
665 of the commission appropriate to the particular lottery game  
666 involved.

667 (3) No particular prize in any lottery game shall be  
668 paid more than once, and in the event of a determination by  
669 the commission or a court that more than one claimant is  
670 entitled to a particular prize, the sole remedy of the  
671 claimants shall be to award to each of them an equal share in  
672 the prize.





673 (4) A holder of a winning ticket from an Alabama  
674 lottery game or from a multi-state or multi-jurisdiction  
675 lottery game shall claim a prize within the timeframe provided  
676 for by rule of the board. If a valid claim is not made for a  
677 prize within the applicable period, the prize shall constitute  
678 an unclaimed prize for purposes of this section.

679 (5) The commission shall not disclose the identity of  
680 the person holding a winning lottery ticket where the prize  
681 amount is in excess of one million dollars (\$1,000,000)  
682 without that person's written permission.

683 (6) No prize shall be paid upon a lottery ticket  
684 purchased or sold in violation of this chapter or rule adopted  
685 thereunder. A lottery ticket purchased or sold in violation of  
686 this chapter or rule adopted thereunder shall constitute an  
687 unclaimed prize for purposes of this section.

688 (d) Unclaimed prize money shall not constitute net  
689 lottery proceeds. Unclaimed prize money shall be held in trust  
690 by the commission and used as provided in this section.  
691 Annually, the commission shall distribute a portion of  
692 unclaimed prize money, not to exceed two hundred thousand  
693 dollars (\$200,000) each year, to the State General Fund to the  
694 credit of the Department of Mental Health for the treatment of  
695 compulsive gambling disorders and educational programs related  
696 to the disorder. In addition, unclaimed prize money may be  
697 added to the pool from which future prizes are to be awarded  
698 or used for special prize promotions.

699 (e) The commission is discharged of all liability upon  
700 payment of a prize.



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

703 (1) Any member of the board.

704 (2) The executive director or any employee of the  
705 commission.

706 (3) Any spouse, child, brother, sister, or parent  
707 residing as a member of the same household in the principal  
708 place of abode of any individual listed in this subsection.

709 §41-30-16

710 (a) (1) The board shall coordinate with the Department  
711 of Human Resources to adopt rules providing for the  
712 withholding of lottery prizes of individuals who have  
713 outstanding child support arrearages as reported to the  
714 commission, beginning at prize levels to be determined by the  
715 board. The rules may require any agency reporting current  
716 child support arrearages to the commission to provide  
717 information relating to the arrearages in a manner, format, or  
718 record approved by the commission.

719 (2) The commission shall not be liable for withholding  
720 a lottery prize based upon child support arrearage information  
721 provided to the commission.

722 (b) (1) The commission shall withhold any lottery prize  
723 of an individual who has had a delinquent debt claim reported  
724 by a state agency or a political subdivision of the state. The  
725 Department of Revenue and the commission shall cooperate to  
726 implement this section.

727 (2) The commission shall not be liable for withholding  
728 a lottery prize based upon a delinquent debt claim provided to



729 it by the Department of Revenue.

730 §41-30-17

731 (a) All proceeds received by the commission, including  
732 all monies from the sale of lottery tickets, revenues from  
733 gambling taxes, and all other sources of revenue, shall be  
734 deposited into accounts insured by the Federal Deposit  
735 Insurance Corporation. The commission shall use monies in the  
736 accounts as follows:

737 (1) For the payment of lottery prize money.

738 (2) For the payment of the reasonable administrative  
739 operating expenses of the commission, including the operating  
740 expenses of the enforcement division; provided, the operating  
741 of the commission, including expenses of the enforcement  
742 division, shall be budgeted and allotted pursuant to the  
743 Budget Management Act.

744 (3) All remaining net proceeds shall be transferred as  
745 provided in subsection (b). The commission shall endeavor to  
746 maximize the amount of revenues that may be generated for  
747 transfer under this subdivision.

748 (b) On or before the twentieth day of each month, the  
749 commission shall transfer to the Gambling Proceeds Fund the  
750 amount of all net proceeds described in subsection (a). Upon  
751 their deposit into the fund, any monies representing net  
752 proceeds shall become the unencumbered property of the State  
753 of Alabama and the commission shall have no power to agree or  
754 undertake otherwise. The monies shall be invested by the State  
755 Treasurer in accordance with state investment practices.

756 §41-30-18



757 (a) The commission may enter into contracts to incur  
758 debt in its own name and enter into financing agreements with  
759 the state, agencies or instrumentalities of the state, or with  
760 any commercial bank or credit provider. Any contract or  
761 financing agreement entered into pursuant to this subsection  
762 must be approved by the Finance Director of the Department of  
763 Finance. Any obligations created in connection with any  
764 contracts or financing agreements entered into pursuant to  
765 this section shall solely and exclusively be obligations of  
766 the commission and shall not create debts, obligations, or  
767 liabilities of the State of Alabama.

768 (b) The commission shall be self-sustaining and  
769 self-funded. Monies in the State General Fund or Education  
770 Trust Fund shall not be used or obligated to pay the prizes of  
771 the lottery, and no claim for the payment of an expense of the  
772 lottery or prizes of the lottery may be made against any  
773 monies other than monies in the accounts of the commission  
774 described in Section 41-30-17(a).

775 §41-30-19

776 (a) The commission shall develop, license, and maintain  
777 a statewide network of lottery retailers that will serve the  
778 public convenience and promote the sale of lottery tickets,  
779 while ensuring the integrity of the lottery operations, games,  
780 and activities.

781 (b) A lottery game may not be played except as  
782 authorized by general law and rules adopted by the commission.  
783 A lottery game may not be operated through the use of a video  
784 lottery terminal or any other mechanical, electromechanical,



785 or other electronic device or machine that performs all the  
786 functions of a lottery by itself when networked with other  
787 similar devices or machines, provided this section shall not  
788 apply to the use of a lottery vending machine otherwise  
789 allowed at a licensed lottery retailer which meets any  
790 requirements established by the commission.

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

794 §41-30-20

795 (a) To govern the selection of lottery retailers, the  
796 board shall adopt rules to provide a list of objective  
797 criteria upon which the selection of lottery retailers shall  
798 be based. The criteria shall include, but not be limited to,  
799 the following with regard to the applicant:

800 (1) Financial responsibility.

801 (2) Location and security of place of business or  
802 activity.

803 (3) Character, integrity, and reputation.

804 (4) Whether the applicant is current in the filing of  
805 all applicable tax returns and the payment of all applicable  
806 taxes, interest, and penalties owed to the state or any  
807 political subdivision thereof, excluding items under formal  
808 appeal.

809 (b) No person shall be selected as a lottery retailer  
810 for the sale of lottery tickets if the person has done any of  
811 the following:

812 (1) Has been convicted of a criminal offense related to



813 the security or integrity of the lottery in this state or any  
814 other jurisdiction.

815 (2) Has been convicted of any illegal gambling  
816 activity, false statements, false swearing, fraud, or perjury  
817 in this state or any other jurisdiction.

818 (3) Has been convicted of any felony in this state,  
819 unless more than five years have elapsed from the date of the  
820 individual's release from incarceration without a subsequent  
821 conviction of a crime described in this subsection.

822 (4) Has been found to have violated this chapter or any  
823 rule adopted under this chapter, unless either 10 or more  
824 years have passed since the violation, or the president and  
825 the board find the violation both minor and unintentional in  
826 nature.

827 (5) Is a vendor or an employee or agent of any vendor  
828 doing business with the commission.

829 (6) Resides in the same household as an officer or  
830 board member of the commission.

831 (7) Has knowingly made a false statement of material  
832 fact to the commission.

833 (c) The board shall not consider the applicant's  
834 political affiliation, political activities, or monetary  
835 contributions to political organizations or candidates for any  
836 public office.

837 §41-30-21

838 (a) Any license issued by the commission with a lottery  
839 retailer pursuant to this chapter shall specify the reasons  
840 for which any license may be canceled, denied, revoked,



841 suspended, renewal rejected, or terminated by the commission,  
842 including, but not limited to, the following:

843 (1) Violation of this chapter or a rule of the  
844 commission.

845 (2) Failure to accurately account for lottery tickets,  
846 revenues, or prizes as required by this chapter and rules  
847 adopted thereunder.

848 (3) Commission of any fraud, deceit, or  
849 misrepresentation.

850 (4) Insufficient sale of tickets.

851 (5) Conduct prejudicial to public confidence in the  
852 lottery in the discretion of the board.

853 (6) Filing for or being placed in bankruptcy or  
854 receivership.

855 (7) Any material change in any matter considered by the  
856 commission in executing the contract with the lottery  
857 retailer.

858 (8) Failure to make available for inspection or copying  
859 any record upon request of the commission.

860 (9) Failure to meet any of the objective criteria  
861 established by the board pursuant to this commission.

862 (b)(1) Following a public hearing on the matter, if the  
863 executive director determines that the cancellation, denial,  
864 revocation, suspension, rejection of renewal, or termination  
865 of a lottery retailer license is in the best interest of the  
866 lottery, the public welfare, or the State of Alabama, the  
867 executive director may cancel, deny, revoke, suspend, reject  
868 the renewal of, or terminate the license.



869           (2) Notwithstanding subdivision (1), the executive  
870 director may temporarily suspend any lottery retailer license  
871 without prior notice, pending any investigation, prosecution,  
872 and public hearing.

873           §41-30-22

874           (a) (1) All proceeds from the sale of lottery tickets  
875 received by a lottery retailer shall be held in trust by the  
876 lottery retailer until paid to the commission either directly  
877 or through the commission's authorized collection  
878 representative.

879           (2) A lottery retailer shall have a fiduciary duty to  
880 preserve and account for lottery proceeds and shall be  
881 personally liable for the lottery proceeds.

882           (3) Lottery proceeds shall include unsold instant  
883 tickets received by a lottery retailer, cash proceeds of the  
884 sale of any lottery products, the net amount of allowable  
885 sales commissions, and credit for lottery prizes to winners by  
886 lottery retailers.

887           (4) Sales proceeds and unused instant tickets shall be  
888 delivered to the commission or its authorized collection  
889 representative upon demand.

890           (b) (1) The board shall require each lottery retailer to  
891 place all lottery proceeds due the commission in a bank  
892 account in an institution insured by the Federal Deposit  
893 Insurance Corporation not later than the close of the next  
894 banking day after the date of collection by the lottery  
895 retailer until the date the proceeds are paid over to the  
896 commission.





897           (2) Each lottery retailer shall establish a separate  
898 bank account for lottery proceeds. The lottery proceeds shall  
899 be kept separate and apart from all other funds and assets and  
900 shall not be commingled with any other funds or assets.

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

903           (d) Whenever any individual who receives proceeds from  
904 the sale of lottery tickets in the capacity of a lottery  
905 retailer becomes insolvent, or dies insolvent, the proceeds  
906 due the commission from the individual or his or her estate  
907 shall have preference over all other debts or demands.

908           §41-30-23

909           (a) A lottery retailer or agent, associate, employee,  
910 or representative of a lottery retailer may not allow any  
911 illegal lottery device to be on the licensed premises of the  
912 lottery retailer. For purposes of this section, an illegal  
913 lottery device is any machine or other device that sells  
914 lottery tickets or otherwise participates in a lottery not  
915 approved by the commission.

916           (b) The commission may assess a fine against a lottery  
917 retailer who violates this section, as follows:

918           (1) For a first offense, a fine of not less than one  
919 hundred dollars (\$100) nor more than five hundred dollars  
920 (\$500).

921           (2) For a subsequent offense, a fine of not less than  
922 two hundred dollars (\$200) nor more than one thousand dollars  
923 (\$1,000). In addition, the commission may suspend, revoke, or  
924 take other disciplinary action against the lottery retailer



925 license of the lottery retailer.

926 (c) (1) Except as provided in subdivision (2), a person  
927 who violates this section is guilty of a Class A misdemeanor.

928 (2) On a second or subsequent violation of this  
929 section, a person is guilty of a Class C felony.

930 §41-30-24

931 (a) A lottery retailer or agent, associate, employee,  
932 or representative of a lottery retailer may not sell a lottery  
933 ticket to any individual unless the individual submits any one  
934 of the following forms of identification to establish that the  
935 individual is 18 years of age or older:

936 (1) A valid and current Alabama driver license  
937 containing a photograph of the individual presenting the  
938 driver license.

939 (2) A valid and current driver license of another state  
940 containing a photograph of the individual presenting the  
941 driver license.

942 (3) A valid and current nondriver identification card  
943 issued by the State of Alabama containing a photograph of the  
944 individual presenting the identification card.

945 (4) A valid and current passport or visa issued by the  
946 federal government or another country or nation which contains  
947 a permanently attached photograph of the individual presenting  
948 the passport or visa.

949 (5) A valid and current military or federal  
950 identification card issued by the federal government  
951 containing a photograph of the individual presenting the  
952 identification card.



953 (6) A valid and current tribal identification card  
954 issued by a federally recognized Indian tribe containing a  
955 photograph of the individual presenting the identification  
956 card.

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

961 (2) No form of identification shall be accepted as  
962 proof of age if it is expired, defaced, mutilated, or altered.  
963 If the form of identification used is a duplicate, the  
964 presenting individual shall submit additional identification  
965 which contains the name, date of birth, and photograph of the  
966 individual.

967 (3) An educational institution identification card,  
968 check-cashing identification card, or employee identification  
969 card shall not be considered as lawful identification for the  
970 purposes of this section.

971 (c) The commission shall assess a fine against any  
972 lottery retailer who sells a lottery ticket to an individual  
973 under 18 years of age in violation of this section, as  
974 follows:

975 (1) For a first offense, a fine of not less than one  
976 hundred dollars (\$100) nor more than five hundred dollars  
977 (\$500).

978 (2) For a subsequent offense, a fine of not less than  
979 two hundred dollars (\$200) nor more than one thousand dollars  
980 (\$1,000). In addition, the commission shall suspend the



981 lottery retailer's privilege to sell lottery tickets for a  
982 minimum of 90 days and take any other action against the  
983 license of the lottery retailer.

984 (d) (1) Except as provided in subdivision (2), a person  
985 who violates this section is guilty of a Class A misdemeanor.

986 (2) On a second or subsequent violation of this  
987 section, a person is guilty of a Class A misdemeanor and shall  
988 serve a minimum of 48 hours in the county jail.

989 §41-30-25

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

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

996 §41-30-26

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

1000 (b) A violation of this section is a Class C felony.

1001 §41-30-27

1002 (a) It shall be unlawful for any person to influence or  
1003 attempt to influence the winning of a lottery prize through  
1004 the use of coercion, fraud, or deception or by tampering with  
1005 lottery equipment or materials.

1006 (b) A violation of this section is a Class B felony.

1007 §41-30-28

1008 (a) A current or former member of the commission, or a



1009 corporation or other entity owned in whole or in part by a  
1010 former member of the commission, may not solicit, accept  
1011 employment, or enter into a contract for compensation of any  
1012 kind with a vendor of the commission during the member's  
1013 service with the commission or within one year after  
1014 termination of service with the commission.

1015 (b) The name of any individual who is a board member or  
1016 an officer or employee of the commission shall not appear upon  
1017 any lottery ticket, lottery game, lottery form, or paper used  
1018 in playing any lottery game.

1019 (c) A board member or an officer or employee of the  
1020 commission who violates this section shall be removed from  
1021 office or dismissed from employment.

1022 (d) The prohibitions of subsection (a) and subsection  
1023 (c) do not apply to ex officio members of the board.

1024 §41-30-29

1025 (a) An individual may not knowingly exclude, or take  
1026 any action in an attempt to exclude, anything or its value  
1027 from the deposit, counting, collection, or computation of  
1028 gross revenues or net proceeds from lottery activities. A  
1029 person who violates this section commits the crime of skimming  
1030 of lottery proceeds.

1031 (b) An individual who commits the crime of skimming of  
1032 lottery proceeds shall be punished as follows:

1033 (1) If the offense involves less than one thousand  
1034 dollars (\$1,000), the individual is guilty of a Class C  
1035 felony.

1036 (2) If the offense involves one thousand dollars



1037 (\$1,000) or more but less than ten thousand dollars (\$10,000),  
1038 the individual shall be guilty of a Class B felony. The  
1039 individual shall serve a minimum period of incarceration of  
1040 not less than three years without benefit of probation,  
1041 parole, or suspension of sentence.

1042 (3) If the offense involves ten thousand dollars  
1043 (\$10,000) or more, the individual shall be guilty of a Class B  
1044 felony and shall serve a period of incarceration of not less  
1045 10 years nor more than 25 years without benefit of probation,  
1046 parole, or suspension of sentence.

1047 §41-30-30

1048 (a) The commission may adopt rules providing for the  
1049 form of lottery tickets sold pursuant to this chapter.

1050 (b) Lottery tickets, including instant tickets, shall  
1051 be printed onto paper, plastic, or other tangible material;  
1052 provided, the form of any multi-jurisdiction lottery ticket  
1053 shall be subject to any requirement to participate in any  
1054 multi-jurisdiction lottery.

1055 §41-30-31

1056 (a) To ensure the financial integrity of the lottery,  
1057 the commission shall do all of the following:

1058 (1) Compile and submit quarterly and annual reports and  
1059 financial statements as provided in Section 41-30-8.

1060 (2) Contract with an independent auditor who is a  
1061 certified public accountant or firm to conduct an annual  
1062 financial audit of the books and records of the commission.  
1063 The cost of this annual financial audit shall be an operating  
1064 expense of the commission. The independent auditor shall have



1065 no financial interest in any vendor with whom the commission  
1066 is under contract.

1067 (b) A contract for an independent auditor under this  
1068 section shall be reviewed by and subject to the approval of  
1069 the Department of Examiners of Public Accounts to ensure that  
1070 the independent auditor is qualified to perform the audit.

1071 (c) The audit shall be completed by January 1 of each  
1072 year.

1073 (d) A contract for audit services may not exceed a  
1074 period of five years and the same firm may not receive two  
1075 consecutive audit contracts.

1076 §41-30-32

1077 Any license or permit awarded under this chapter shall  
1078 be deemed the granting of the privilege to conduct the  
1079 activity. Nothing in this chapter shall be construed as  
1080 awarding to any person any property right or interest.

1081 §41-30-33

1082 The exclusive venue for any action or matter against  
1083 the commission arising out of or in connection with the  
1084 issuance, nonissuance, delivery, or failure to deliver a  
1085 lottery ticket or payment or nonpayment of a lottery prize is  
1086 the county in which the commission is located, and the circuit  
1087 court for that county shall have exclusive jurisdiction over  
1088 the action or matter.

1089 §41-30-34

1090 The Alabama Gambling Commission may adopt rules subject  
1091 to the Alabama Administrative Procedure Act under Chapter 22  
1092 of Title 41 to implement and administer this chapter.



1093 §41-30-35

1094 The State of Alabama, in accordance with 15 U.S.C. §  
1095 1172, hereby declares that any and all lottery and gambling  
1096 activity equipment, and the materials, paraphernalia, and  
1097 supplies thereof, may be transported in interstate commerce  
1098 into or out of the state, including Poarch Band of Creek  
1099 Indians trust land, without violating that section, or any  
1100 other applicable federal law, if the equipment, materials,  
1101 paraphernalia, and supplies are used, to be used, or have been  
1102 used in the conduct of gambling activities on Poarch Band of  
1103 Creek Indians trust land.

1104 §41-30-36

1105 Nothing in this chapter shall be deemed to apply to,  
1106 authorize state or commission regulation or taxation of, or  
1107 require state or commission approval of any activities  
1108 conducted on land held in trust by the United States for the  
1109 Poarch Band of Creek Indians, except to the extent that the  
1110 provision is expressly incorporated into a tribal-state  
1111 compact entered into by the State of Alabama and the Poarch  
1112 Band of Creek Indians.

1113 Article 2

1114 §41-30-100

1115 The Alabama Gambling Enforcement Division is  
1116 established as a division of the Alabama Gambling Commission.  
1117 The enforcement division shall have independent and primary  
1118 authority and jurisdiction to investigate violations of the  
1119 general laws of the state relating to gambling activities  
1120 under this chapter and Article 2 of Chapter 12 of Title 13A,





1121 and may take any means necessary to aid the Alabama Gambling  
1122 Commission in the enforcement of this chapter and rules of the  
1123 commission, and to effectively eradicate any unlawful gambling  
1124 activity or unlawful gambling-related activity in the state.

1125 §41-30-101

1126 (a) The Executive Director of the Alabama Gambling  
1127 Commission shall appoint a director meeting the qualifications  
1128 of this section to supervise and manage the functions and  
1129 duties of the division. The director shall hold office at the  
1130 pleasure of the executive director.

1131 (b) The director shall have general supervision and  
1132 management of the functions and duties of the division,  
1133 subject to approval of the executive director, including the  
1134 power to change the working title of any position in the  
1135 division or organize the division in a manner to efficiently  
1136 administer the duties of the division.

1137 (c) The director shall satisfy all of the following  
1138 qualifications:

1139 (1) Be certified by the Alabama Peace Officers'  
1140 Standards and Training Commission or become certified within  
1141 one year of appointment.

1142 (2) Have a bachelor's or equivalent degree from an  
1143 accredited institution of higher education.

1144 (3) Have a law enforcement background of at least 10  
1145 years, including executive level experience with specific  
1146 participation in complex investigations of financial crimes,  
1147 conspiracy, racketeering, and other related crimes.

1148 (d) The salary of the director shall be set by the



1149 executive director. For purposes of the Merit System Act,  
1150 Article 1 of Chapter 26 of Title 36, the director shall be  
1151 employed in the exempt service.

1152 (e) For purposes of the immunity afforded in Section  
1153 6-5-338, the director shall be deemed a law enforcement  
1154 officer.

1155 (f) The director shall have the power of arrest.

1156 (g) The director may request the Attorney General or  
1157 any local district attorney to issue subpoenas and compel the  
1158 production of documents or items for purposes of carrying out  
1159 the duties of the division.

1160 (h) The director shall establish operational policy and  
1161 procedures for the administration of the duties of the  
1162 division.

1163 §41-30-102

1164 (a) The director shall hire all personnel necessary for  
1165 the operation of the division, subject to approval by the  
1166 secretary. Personnel shall include, but not be limited to, the  
1167 following:

1168 (1) Investigators.

1169 (2) Auditors and forensic accountants.

1170 (3) Compliance officers.

1171 (4) Investigative technology experts.

1172 (5) Administrative staff.

1173 (6) Any other staff necessary for the operation of the  
1174 division.

1175 (b) To assist the director in carrying out his or her  
1176 duties under this article, the director may employ consultants



1177 to render professional services, including, but not limited  
1178 to, reviewing gambling records and other related records or  
1179 items, providing expert testimony in contested cases,  
1180 assisting in audits performed by the enforcement division, and  
1181 conducting technology reviews and implementation. Consultants  
1182 shall be compensated for professional services at rates  
1183 established by the commission.

1184 (c) (1) The personnel of the division shall serve at the  
1185 pleasure of the director.

1186 (2) Notwithstanding any other provision of local or  
1187 general law, a retired state or local law enforcement officer  
1188 may be employed as a law enforcement officer within the  
1189 division without suspension or modification of his or her  
1190 state or local retirement benefits.

1191 (d) The personnel employed by the division who are  
1192 certified by the Alabama Peace Officers' Standards and  
1193 Training Commission shall have the power of arrest.

1194 (e) For purposes of the Alabama Criminal Justice  
1195 Information Center and the National Crime Information Center,  
1196 personnel of the division shall be considered an originating  
1197 agency identifier for the purposes of criminal background  
1198 checks and access to criminal history data.

1199 (f) For purposes of the immunity afforded in Section  
1200 6-5-338, personnel of the division who are certified by the  
1201 Alabama Peace Officers' Standards and Training Commission  
1202 shall be deemed law enforcement officers.

1203 (g) Personnel of the division shall comply with all  
1204 initial and continuing education requirements in Section



1205 41-30-103.

1206 §41-30-103. Continuing education requirements.

1207 (a) By October 1, 2025, the Alabama Peace Officers'  
1208 Standards and Training Commission, in consultation with the  
1209 Executive Director of the Alabama Gambling Commission and the  
1210 Director of the Alabama Gambling Enforcement Division, shall  
1211 develop the following:

1212 (1) An initial training curriculum for law enforcement  
1213 officers relating to enforcement of gambling laws and rules,  
1214 including associated activities.

1215 (2) An annual continuing education curriculum to  
1216 supplement the initial training curriculum relating to  
1217 investigations and enforcement of gambling laws.

1218 (b) The Alabama Peace Officers' Standards and Training  
1219 Commission shall determine the number of hours necessary for  
1220 the required training and shall consult with national gambling  
1221 associations and other entities for inclusion of national  
1222 standards relating to gambling investigations and enforcement  
1223 in the training curriculum.

1224 (c) The director shall identify those individuals  
1225 subject to the training requirements in this section and a  
1226 schedule for completion of the required curriculum by division  
1227 personnel.

1228 §41-30-104

1229 (a) For the protection of the public and in accordance  
1230 with the policy of this state, the division may do any of the  
1231 following:

1232 (1) Inspect and examine any lottery retailer or any



1233 premises where gambling activity is occurring or where  
1234 gambling equipment is manufactured, sold, or distributed.

1235 (2) Inspect all equipment and supplies on the premises  
1236 of a lottery retailer or where gambling activity is occurring.

1237 (3) Enforce compliance with the state gambling laws,  
1238 this chapter, and the rules of the Alabama Gambling  
1239 Commission.

1240 (4) Enforce all laws of this state with respect to  
1241 unlawful gambling activities and unlawful gambling-related  
1242 activities.

1243 (5) Have primary jurisdiction over any violation of  
1244 this chapter or Article 2 of Chapter 12 of Title 13A, relating  
1245 to unlawful gambling activities, that occurs on any premises.

1246 (6) Summarily seize and remove from any premises any  
1247 gambling equipment, lottery equipment, records, or other  
1248 equipment or supplies for the purpose of examination and  
1249 inspection.

1250 (7) Make arrests for any violation of this chapter or  
1251 Article 2 of Chapter 12 of Title 13A, relating to unlawful  
1252 gambling activities, or any other unlawful gambling-related  
1253 activity that occurs on any premises.

1254 (8) Demand access to and inspect, examine, photocopy,  
1255 and audit all papers, books, and records of any person  
1256 conducting any gambling activities in the state, including all  
1257 activities regulated by the Alabama Gambling Commission.

1258 (9) Conduct investigations of applicants for licensure  
1259 under this chapter.

1260 (10) Take any other action deemed necessary and



1261 appropriate by the enforcement division in the administration  
1262 of its duties under this chapter.

1263 (11) Conduct criminal investigations into any unlawful  
1264 gambling activity conducted in this state and make arrests  
1265 where appropriate for violations.

1266 (b) No less than on an annual basis, and upon request  
1267 of the commission or the Legislative Council, the enforcement  
1268 division shall provide to the commission and Legislative  
1269 Council reports of all investigative and enforcement activity  
1270 conducted by the division.

1271 §41-30-105

1272 All of the following shall be privileged and  
1273 confidential, unless presented as evidence at a public hearing  
1274 of the commission:

1275 (1) All reports of investigations by the enforcement  
1276 division.

1277 (2) Documents subpoenaed by the commission in  
1278 furtherance of an investigation or other activity of the  
1279 enforcement division.

1280 (3) Reports of any investigative action by the  
1281 enforcement division.

1282 (4) Memoranda of the personnel of the enforcement  
1283 division relating to an investigation.

1284 (5) Statements of individuals interviewed by the  
1285 enforcement division.

1286 (6) All information, interviews, reports, statements,  
1287 or memoranda of any nature furnished to the enforcement  
1288 division.



1289 (7) Any findings, conclusions, or recommendations  
1290 resulting from proceedings of the enforcement division.

1291 (8) All information containing proprietary trade secret  
1292 information.

1293 §41-30-106

1294 The enforcement division may request assistance from  
1295 the Attorney General, district attorneys, or other prosecuting  
1296 attorneys of this state. The Attorney General, district  
1297 attorneys, or other prosecuting attorneys, upon request, shall  
1298 assist in any action for injunction or any prosecution based  
1299 on a violation of this chapter, any gambling law, or a rule of  
1300 the commission.

1301 Article 3

1302 §41-30-150

1303 The Alabama Gambling Commission, as an executive branch  
1304 agency of the state, shall license and regulate the conduct of  
1305 all lawful pari-mutuel wagering activities in the state, as  
1306 authorized by the Constitution of Alabama of 2022, and this  
1307 chapter, and shall effectively eradicate any unlawful gambling  
1308 activity and unlawful gambling-related activity in this state.

1309 §41-30-151

1310 The commission shall adopt, amend, or repeal rules in  
1311 accordance with the Alabama Administrative Procedure Act and  
1312 shall have all powers necessary and convenient to fulfilling  
1313 its duties with respect to gambling activities,  
1314 gambling-related activities, traditional raffles, and  
1315 traditional bingo. These powers shall include all of the  
1316 following:



1317 (1) To issue subpoenas and compel the production of  
1318 documents or items and the attendance of witnesses, to  
1319 administer oaths, to require testimony under oath, and to  
1320 enforce its orders.

1321 (2) To appoint impartial hearing examiners who may  
1322 administer oaths and receive evidence and testimony under oath  
1323 and make recommendations to the commission.

1324 (3) To demand access to or inspect, examine, photocopy,  
1325 and audit papers, books, records, equipment, supplies, and  
1326 premises necessary to carry out its duties.

1327 (4) To seize and impound any equipment, supplies, or  
1328 premises used in violation of laws or commission rules  
1329 governing the conduct of gambling activities, subject to the  
1330 procedures provided under Section 20-2-93.

1331 (5) To procure goods and services as provided under the  
1332 state procurement code, Article 5 of Chapter 4 of Title 41.

1333 (6) To impose reasonable civil penalties on any person  
1334 for violations of this chapter or violations of rules adopted  
1335 by the commission.

1336 (7) To provide for the issuance of licenses for the  
1337 operation of pari-mutuel wagering activities, as authorized by  
1338 the Constitution of Alabama of 2022, and to provide for the  
1339 renewal, modification, extension, suspension, revocation, or  
1340 forfeiture of a license.

1341 (8) To regulate and supervise the conduct and operation  
1342 of gambling activities authorized in the Constitution of 2022.

1343 (9) To adopt rules and procedures to address the  
1344 failure of a licensee to timely remit taxes, fees, and fines





1345 and penalties.

1346 (10) To adopt rules limiting access to gambling  
1347 activities by minors and other susceptible individuals,  
1348 including a program of voluntary self-exclusion for  
1349 individuals struggling with problem gaming.

1350 §41-30-152

1351 (a) To ensure the financial integrity of the operation  
1352 of gambling establishments in this state, the commission shall  
1353 do all of the following:

1354 (1) Not later than the second legislative day of each  
1355 regular session, submit an annual report to the Governor and  
1356 the Legislature disclosing the total gambling revenues,  
1357 operating and administrative expenses of the commission, and  
1358 information relating to the number of licenses issued,  
1359 suspended, revoked, or transferred during the reporting  
1360 period. The annual report shall additionally describe the  
1361 organizational structure of the commission and summarize the  
1362 functions performed by each organizational division within the  
1363 commission. The annual report shall be displayed on the  
1364 website of the commission.

1365 (2) Adopt a system of internal audits and audits of  
1366 licensees.

1367 (3) Contract with a certified public accountant or firm  
1368 for an annual financial audit of the commission. The certified  
1369 public accountant or firm shall have no financial interest in  
1370 any vendor with whom the commission is under contract or any  
1371 licensee of the commission. The certified public accountant or  
1372 firm shall present an audit report not later than four months



1373 after the end of the fiscal year. The certified public  
1374 accountant or firm shall evaluate the internal auditing  
1375 controls in effect during the audit period. The cost of this  
1376 annual financial audit shall be an operating expense of the  
1377 commission.

1378 (b) The Department of Examiners of Public Accounts  
1379 shall perform an audit or examination of the commission on an  
1380 annual basis or more frequently as deemed necessary by the  
1381 Chief Examiner.

1382 §41-30-153

1383 Pari-mutuel wagering activities may only be operated,  
1384 carried on, conducted, maintained, or exposed for play by a  
1385 person licensed by the commission to conduct such activities  
1386 in accordance with the Constitution of Alabama of 2022.

1387 §41-30-154

1388 (a) A person desiring to operate, carry on, conduct,  
1389 maintain, or expose for play pari-mutuel wagering at a  
1390 location authorized by the Constitution of Alabama of 2022,  
1391 shall apply to be considered for licensure by the commission.

1392 (b) An applicant shall meet the following minimum  
1393 requirements in addition to any requirement established by the  
1394 commission by rule:

1395 (1) The applicant's facility for conducting the  
1396 licensed activities must be not less than 40,000 square feet  
1397 as of February 6, 2024.

1398 (2) Except for the operator of an existing racetrack as  
1399 provided in Section 65 of the Constitution of Alabama of 2022,  
1400 the applicant has conducted pari-mutuel wagering or bingo



1401 activities in the applicable county or municipality for not  
1402 less than three years.

1403 (3) The applicant, or principal owners thereof, must be  
1404 a citizen of the United States.

1405 (4) The applicant, or principal owners thereof, must  
1406 have resided in this state for not less than five years.

1407 (5) The applicant must submit its financial records  
1408 with respect to the location for the past three fiscal years.

1409 (6) The applicant must be in good standing with the  
1410 Department of Revenue with respect to paid taxes.

1411 (c) The commission shall by rule establish a  
1412 non-refundable application fee that must be paid as an  
1413 application requirement.

1414 (d) The commission may adopt rules prescribing the  
1415 information an applicant is required to submit to the  
1416 commission prior to the consideration of the person as  
1417 eligible for potential licensure under this section,  
1418 including, but not limited to, all of the following by sworn  
1419 affidavit:

1420 (1) The names and addresses of the principal owners and  
1421 investors of the applicant, showing the ownership percentage  
1422 of each.

1423 (2) Any business records required by the commission.

1424 (3) The types of games to be offered at the location.

1425 (4) The number of gambling machines or other devices  
1426 used to conduct the gambling activities.

1427 (5) The physical location of the establishment.

1428 (6) For purposes of a criminal history background



1429 check, a set of fingerprints for accounting, auditing,  
1430 managerial, executive, or recordkeeping personnel and any  
1431 other employee required by the commission. The following  
1432 individuals shall not be subject to the criminal history  
1433 background check requirement: (i) Any employee, contractor, or  
1434 other individual whose duties do not involve gambling  
1435 activities; (ii) any individual engaged exclusively in  
1436 preparing or serving food or beverages; or (iii) any  
1437 individual involved solely in the resort or hotel functions of  
1438 a licensee. The commission shall submit the information  
1439 collected pursuant to this subdivision to the State Bureau of  
1440 Investigation for purposes of conducting the required criminal  
1441 history background check. The applicant shall pay the cost of  
1442 conducting the criminal history background check.

1443 (7) Information, documentation, and assurances  
1444 concerning the financial background and resources as may be  
1445 required to establish the financial stability, integrity, and  
1446 responsibility of the applicant, including bank references,  
1447 business and personal income and disbursement schedules, tax  
1448 returns and other financial reports filed with governmental  
1449 agencies, and business and personal accounting and check  
1450 records and ledgers. To meet the requirements of this  
1451 subdivision, each applicant, in writing, shall authorize the  
1452 examination of all bank accounts and records as may be deemed  
1453 necessary by the commission. The applicant shall be presumed  
1454 to be financially stable if the applicant establishes that it  
1455 meets each of the following:

1456 a. The ability to assure the financial integrity of the



1457 applicant's operations by the maintenance of a bankroll or  
1458 equivalent provisions adequate to pay winnings when due.

1459 b. The ability to meet ongoing operating expenses that  
1460 are essential to the maintenance of continuous and stable  
1461 business operations.

1462 c. The ability to pay, as and when due, all state and  
1463 federal taxes.

1464 (8) Information, documentation, and assurances as may  
1465 be required to establish that the applicant has sufficient  
1466 business ability and experience as to establish the likelihood  
1467 of the creation and maintenance of a successful, efficient  
1468 operation.

1469 (9) Any other information required by the commission.

1470 §41-30-155

1471 (a) The commission shall issue licenses for an initial  
1472 10-year term. License fees shall be not less than five million  
1473 dollars (\$5,000,000), as determined by the commission with  
1474 respect to each applicant, based upon the following factors:

1475 (1) The number of pari-mutuel wagering machines and  
1476 type of pari-mutuel wagering activities at the location.

1477 (2) The proposed capital investment plan of the  
1478 location.

1479 (3) The amount of any previous gross and net gambling  
1480 revenues generated at the location.

1481 (4) The business plan of the applicant.

1482 (5) The market conditions of the location.

1483 (6) Any other factors deemed relevant by the  
1484 commission.



1485 (b) The applicant shall pay a minimum of one-half of  
1486 the license fee prior to issuance of the license and shall pay  
1487 any remaining portion of the license fee within one year of  
1488 licensure.

1489 §41-30-156

1490 (a) The commission may not issue a license to an  
1491 applicant pursuant to this article until the applicant has  
1492 demonstrated suitability for licensure.

1493 (b) For purposes of this section, "suitability" of an  
1494 applicant means consideration of all of the following with  
1495 respect to the applicant and any principal owner or investor  
1496 of the applicant:

1497 (1) The moral character, honesty, and integrity of the  
1498 applicant.

1499 (2) The reputation, experience, and financial integrity  
1500 of the applicant.

1501 (3) The financial ability of the applicant to purchase  
1502 and maintain adequate liability and casualty insurance and to  
1503 provide a surety bond as required by rule of the commission,  
1504 based on cost of licensure, annual revenue, and other  
1505 financial factors.

1506 (4) The past and present compliance of the applicant,  
1507 including whether the applicant has a history of noncompliance  
1508 with the gambling licensing requirements of any other  
1509 jurisdiction or racing commission.

1510 (5) Whether the applicant has filed, or had filed  
1511 against it, a proceeding for bankruptcy or has ever been  
1512 involved in any formal process to adjust, defer, suspend, or



1513 otherwise work out the payment of any debt.

1514 (6) Whether the applicant is or has been a defendant in  
1515 litigation involving its business practices.

1516 (7) Whether awarding a license would undermine the  
1517 public's confidence in the gambling industry in this state.

1518 (8) Prior activities, arrests, or criminal records, if  
1519 any, and the general reputation, habits, and associations of  
1520 any principal owner or investor of an applicant which may: (i)  
1521 pose a threat to the public interest of this state or to the  
1522 effective regulation of gambling in this state; or (ii) create  
1523 or enhance the dangers of unsuitable, unfair, or unlawful  
1524 practices, methods, and operations in the activities  
1525 authorized by this chapter and the financial arrangements and  
1526 activities incidental to the gambling activities authorized by  
1527 this chapter. For purposes of this subdivision, evidence of or  
1528 relating to an arrest, summons, charge, or indictment of an  
1529 applicant, or the dismissal thereof, shall be considered by  
1530 the commission where applicable, even if the arrest, summons,  
1531 charge, or indictment resulted in an acquittal, deferred  
1532 adjudication such as participation in a pretrial diversion  
1533 program, probation, parole, or pardon.

1534 (9) The likelihood of the applicant to conduct business  
1535 in complete compliance with this chapter.

1536 (10) Whether the applicant has a tax lien assessed  
1537 against it or owes any delinquent taxes, or penalties or  
1538 interest thereon, excluding items under formal appeal or  
1539 protest as provided by law.

1540 (11) Any other factor or consideration deemed relevant



1541 by the commission.

1542 (c) Each applicant for a license under this article  
1543 shall bear the obligation to establish its suitability for a  
1544 license.

1545 (d) The executive director shall conduct a suitability  
1546 analysis of each applicant for licensure. Each applicant shall  
1547 provide any information and documentation requested by the  
1548 executive director. The executive director shall report in  
1549 writing his or her findings to the members of the commission,  
1550 detailing the information supporting the determination,  
1551 including a formal recommendation of whether the applicant is  
1552 suitable or not suitable for licensure. The members of the  
1553 commission, by majority vote, shall determine whether the  
1554 applicant is suitable for licensure.

1555 §41-30-157

1556 (a) Upon application to and approval of the commission,  
1557 any license granted to an applicant under this article may be  
1558 serially renewed as provided by this section.

1559 (b) A licensee that has paid all applicable taxes and  
1560 has continued to meet the suitability and other minimum  
1561 licensing criteria established under this article shall be  
1562 eligible for licensure renewal upon payment of any applicable  
1563 license renewal fee. License renewal fees and license terms  
1564 shall be set by the commission one year prior to the  
1565 expiration of the license term as provided by rule of the  
1566 commission. In determining the renewal fee, the commission  
1567 shall consider the licensing criteria under this article.

1568 (c) Upon making its determination under subsection (b),





1569 the commission shall provide written notice to the licensee of  
1570 the renewal fee and the new term of the license, which shall  
1571 be for a period of not less than 10 years. The commission  
1572 shall specify in the notice the timeframe in which the  
1573 licensed gaming establishment may apply for renewal of the  
1574 license.

1575 (d) The entire amount of the licensure renewal fee  
1576 shall be paid prior to the renewal of the license.

1577 §41-30-158

1578 The commission shall approve any proposed transfer of a  
1579 license issued pursuant to this article, including any change  
1580 of principal owner or investor of the licensee, prior to the  
1581 proposed transfer. License transfers shall be subject to the  
1582 application for licensure procedures set out under this  
1583 article. The commission may approve or deny the transfer in  
1584 accordance with rules adopted by the commission.

1585 §41-30-159

1586 (a) Each licensee under this article shall have written  
1587 rules of play for each type of gambling activity operated by  
1588 the licensee, which must be approved by the commission before  
1589 the game is offered to the public. Rules of play proposed by a  
1590 licensee may be approved, amended, or rejected by the  
1591 commission.

1592 (b) All gambling activity shall be conducted according  
1593 to the specific rules of play approved by the commission. All  
1594 wagers and pay-offs of winning wagers shall be made according  
1595 to those rules of play, which shall establish any limitations  
1596 necessary to assure the vitality of the game operations.



1597 (c) Each licensee shall make available in printed or  
1598 electronic form to any patron, upon request of the patron, the  
1599 complete text of the rules of play of any gambling activity in  
1600 operation, pay-offs of winning wagers, and any other notice to  
1601 the patron required by the commission.

1602 (d) Patrons are deemed to have agreed that the  
1603 determination of whether the patron is a valid winner is  
1604 subject to the game play rules and, in the case of any  
1605 dispute, shall be determined by the commission. The  
1606 determination by the commission shall be final and binding  
1607 upon all patrons and licensees and shall not be subject to  
1608 further review or appeal.

1609 §41-30-160

1610 (a) A licensee under this chapter, in the exercise of  
1611 its business judgment, may determine and establish with the  
1612 approval of the commission, all of the following relating to  
1613 its licensed gambling activities:

- 1614 (1) Minimum and maximum wagers.
- 1615 (2) Promotions subject to rules of the commission.
- 1616 (3) Hours of operation.
- 1617 (4) Currency denominations accepted by any mechanical  
1618 or electronic bill acceptors.

1619 (b) The commission may establish the following  
1620 parameters for any licensed gambling activity of any kind:

- 1621 (1) Minimum and maximum payout percentages.
- 1622 (2) Any probability limits of obtaining the maximum  
1623 payout for a particular play in conformance with industry  
1624 standards.



1625 (3) Limitations on the types and amounts of financial  
1626 transactions which a licensee may enter into with its patrons.

1627 §41-30-161

1628 (a) A licensee under this chapter accepting bets or  
1629 wagers shall post in a conspicuous location the permissible  
1630 minimum and maximum wagers pertaining to that location.

1631 (b) A licensee may not require any wager to be greater  
1632 than the stated minimum or less than the stated maximum.  
1633 However, any wager actually made by a patron and not rejected  
1634 by a licensee prior to the commencement of play shall be  
1635 treated as a valid wager.

1636 §41-30-162

1637 (a) An individual under 21 years of age may not play or  
1638 engage in any licensed activity under this article.

1639 (b) This section does not prohibit individuals under 21  
1640 years of age from being allowed on the premises of a licensed  
1641 establishment where licensed gambling activity is being  
1642 conducted, so long as those individuals are restricted to  
1643 areas of the establishment in which gambling activity is not  
1644 being conducted.

1645 (c) An individual who is under 21 years of age but 18  
1646 or more years of age may be employed at a licensed  
1647 establishment in a non-gambling area of the licensed  
1648 establishment. The individual may not serve alcoholic  
1649 beverages.

1650 (d) The commission shall adopt rules to implement and  
1651 administer this section.

1652 §41-30-163



1653           The holder of a license under this article shall  
1654 maintain daily records showing the gross receipts and adjusted  
1655 gross receipts of the licensed activities and shall timely  
1656 file with the commission any additional reports required by  
1657 the commission by rule.

1658           §41-30-164

1659           (a) No commercial advertising conducted for the purpose  
1660 of promoting a licensee under this article or pari-mutuel  
1661 wagering activities may have a strong appeal to individuals  
1662 under 18 years of age.

1663           (b) No commercial advertising conducted for the purpose  
1664 of promoting a licensee under this article or pari-mutuel  
1665 wagering activities may depict individuals purporting to have  
1666 won a pari-mutuel wager or depict images of any amount of U.S.  
1667 currency.

1668           §41-30-165

1669           (a) Pursuant to the Constitution of Alabama of 2022,  
1670 the commission, by rule, shall establish a rate of taxation  
1671 for the net gambling revenues for each licensee operating  
1672 pari-mutuel wagering activities under this article. The rate  
1673 shall be subject to the amounts authorized by the Constitution  
1674 of Alabama of 2022, based on the following factors:

1675           (1) The type of activity being conducted.

1676           (2) The number of pari-mutuel wagering historical  
1677 racing machines at the location.

1678           (3) The amount of any previous net gambling revenues  
1679 generated at the location.

1680           (4) The crime rate in the local jurisdiction.



1681 (5) The frequency with which law enforcement is  
1682 requested to respond to an incident at the location.

1683 (6) The needs of the local jurisdiction.

1684 (7) Any other factor deemed relevant by the commission.

1685 Article 4

1686 §41-30-200

1687 As used in this article, the following terms have the  
1688 following meanings:

1689 (1) CHARITABLE FUNDRAISER PERMIT. A permit issued by  
1690 the commission to a charitable organization to conduct a  
1691 charitable game in accordance with this chapter.

1692 (2) CHARITABLE GAME. A traditional raffle or  
1693 traditional bingo that is operated by a charitable  
1694 organization in accordance with this chapter and pursuant to a  
1695 permit issued by the commission. The term does not include any  
1696 casino-style game or sports wagering.

1697 (3) CHARITABLE ORGANIZATION. An organization to which  
1698 all of the following apply:

1699 a. The organization is either of the following:

1700 1. Organized and operated exclusively for exempt  
1701 purposes set forth under 26 U.S.C. § 501(c)(3), including  
1702 charitable, religious, veterans, educational, scientific,  
1703 literary, public safety, and the prevention of cruelty to  
1704 children or animals.

1705 2. An elementary or secondary school or nonprofit  
1706 elementary or secondary school-sponsored club or organization,  
1707 or any nonprofit elementary or secondary school-affiliated  
1708 group, including a parent-teacher organization or booster



1709 club, whose membership may be composed of individuals other  
1710 than students.

1711 3. A domestic fraternal society, order, or association  
1712 under 26 U.S.C. § 501(c)(10) that devotes its net earnings  
1713 exclusively to religious, charitable, scientific, literary,  
1714 educational, or fraternal purposes.

1715 b. None of the organization's net proceeds or earnings  
1716 inure to any private shareholder or person.

1717 c. The organization does not attempt to influence  
1718 legislation as a substantial part of its activities and does  
1719 not participate in any campaign activity for or against  
1720 political candidates.

1721 (4) TRADITIONAL BINGO. A game in which players provide  
1722 something of value to receive a prize according to the rules  
1723 of the game commonly known as bingo, which includes each of  
1724 the following elements:

1725 a. The game requires human interaction and skill,  
1726 including attentiveness and discernment and physical, visual,  
1727 auditory, and verbal interaction by and between those persons  
1728 who are playing and a person, commonly known as the  
1729 "announcer" or "caller," who is responsible for calling out  
1730 the randomly drawn designations and allowing time between each  
1731 call for the players to check their cards and to physically  
1732 mark them accordingly.

1733 b. The game requires the player to use actual physical  
1734 cards made of cardboard, paper, or some functionally similar  
1735 material that is flat and is preprinted with the grid and the  
1736 designations referenced above.



1737 (5) TRADITIONAL RAFFLE. A means of raising money by  
1738 selling numbered paper tickets where one or more numbered  
1739 paper tickets are subsequently drawn at random and the holder  
1740 or holders of a matching ticket wins a prize. The term does  
1741 not include bingo, electronic bingo, or any game similar to  
1742 bingo, including pull-tabs, lottery games, punch boards, tip  
1743 jars, or instant bingo, whether or not played with an  
1744 electronic, computer, or other technological aid. The term  
1745 does not include any other form of gambling activity.

1746 §41-30-201

1747 (a) Notwithstanding any provision of this chapter, a  
1748 person desiring to conduct a traditional raffle or traditional  
1749 bingo for charity fundraising shall apply to the commission  
1750 for a charity fundraising permit under this article.

1751 (b) A permit issued under this article shall be valid  
1752 for the duration of a single fundraising event described in  
1753 the application.

1754 (c) The applicant shall pay a reasonable fee, not to  
1755 exceed twenty-five dollars (\$25), for the charity fundraising  
1756 permit, to be established by the commission by rule.

1757 (d) The fair market or cash value of any prize awarded  
1758 pursuant to a charitable game conducted pursuant to this  
1759 article may not exceed ten thousand dollars (\$10,000).

1760 (e) The commission shall adopt rules relating to the  
1761 conduct, operation, and reporting requirements of permitted  
1762 charitable games conducted under this article, including the  
1763 production of a form for submission of applications for a  
1764 permit under this article.



1765 (f) A person issued a permit under this article shall  
1766 comply with all rules adopted by the commission.

1767 (g) The commission shall ensure that a permit may only  
1768 be awarded to a bona fide charitable organization, as defined  
1769 under Section 41-30-2, acting as an amateur fundraiser that is  
1770 raising money for charitable purposes only.

1771 (h) All fees collected under this section shall be  
1772 remitted to the Gaming Trust Fund.

1773 §41-30-202

1774 (a) The commission shall issue a charitable fundraising  
1775 permit to an applicant who meets all of the requirements of  
1776 this section.

1777 (b) An applicant for a charitable fundraising permit  
1778 shall submit to the commission a sworn application in writing  
1779 containing all of the following:

1780 (1) The name, address, and nature of the organization.

1781 (2) Proof, in a manner sufficient to the commission, to  
1782 establish that the organization meets the definition of  
1783 "charitable organization" as defined in this chapter.

1784 (3) The names of the officers or principals of the  
1785 organization, and of any person responsible for the  
1786 management, administration, or supervision of the  
1787 organization's charitable game and associated activities.

1788 (4) An affirmation that the charitable game is to be  
1789 conducted for a charitable purpose.

1790 (5) A description of any prize offered to be awarded  
1791 for participation in the charitable game, including the cash  
1792 or fair market value of the prize, and the names of any person





1793 who donated or otherwise provided the prize.

1794 (6) A description of the intended use of any net gaming  
1795 proceeds of the charitable game operated by the organization.

1796 (7) Any other information necessary to maintain the  
1797 integrity of the authorized gaming activities conducted within  
1798 the state at the sole discretion of the commission.

1799 (c) At the conclusion of a charitable game, the  
1800 charitable organization shall file a sworn financial report on  
1801 the charitable game, stating both of the following:

1802 (1) The expenses incurred in the operation of the  
1803 charitable game.

1804 (2) The amount and use of the net proceeds of the  
1805 charitable game.

1806 (d) The commission shall adopt rules providing for an  
1807 online or other convenient method to register a traditional  
1808 raffle or traditional bingo conducted pursuant to this  
1809 article.

1810 §41-30-203

1811 (a) A charitable game permitted under this article may  
1812 not be operated out of this state or through the use of a  
1813 video lottery terminal or any other mechanical,  
1814 electromechanical, or other electronic device or machine that  
1815 performs all the functions of a lottery by itself when  
1816 networked with other similar devices or machines.

1817 (b) All traditional raffle ticket sales shall be  
1818 limited to individuals who are physically located in this  
1819 state at the time of purchase.

1820 (c) A permit holder under this article may not do



1821 either of the following:

1822 (1) Compensate any person for the provision of supplies  
1823 or prizes used in the operation of a charitable game, except  
1824 to pay the actual fair market value of the prizes or supplies  
1825 necessary for the operation of the charitable game.

1826 (2) Provide any additional compensation to an  
1827 individual who is a regular employee of the organization for  
1828 the individual's services in organizing or operating a  
1829 charitable game.

1830 §41-30-204

1831 A person who knowingly violates this article shall be  
1832 guilty of a Class C misdemeanor.

1833 Article 5

1834 §41-30-250

1835 (a) There is no license requirement or tax levied on a  
1836 social game that meets all of the following requirements, and  
1837 such games are deemed lawful activity:

1838 (1) The game takes place pursuant to a bona fide social  
1839 or employment relationship.

1840 (2) No person makes a profit or any other gain for  
1841 operating or facilitating the game, except for an individual's  
1842 winnings as a player.

1843 (3) The game is not tangential to any commercial  
1844 activity.

1845 (4) The game is not played or operated with any gaming  
1846 equipment, including any electronic form of bingo or a slot  
1847 machine.

1848 (5) Each player competes on equal terms with one



1849 another.

1850 (6) The game is not operated through a sports wagering  
1851 platform.

1852 (b) The commission may adopt rules to interpret the  
1853 definition of social gaming and to implement and administer  
1854 this section.

1855 §41-30-251

1856 (a) There is no license requirement or gambling tax  
1857 levied on a coin-operated game or device designed and  
1858 manufactured for bona fide amusement purposes which, by  
1859 application of some skill, only entitles the player to replay  
1860 the game or device at no additional cost if a single play of  
1861 the bona fide coin-operated amusement machine or device can  
1862 reach no more than 25 free replays or can be discharged of  
1863 accumulated free replay, or rewards the player exclusively  
1864 with merchandise limited to noncash merchandise, prizes, toys,  
1865 gift certificates, or novelties. This section shall not apply  
1866 to any game or device classified by the United States  
1867 government as requiring a federal gaming tax stamp under  
1868 applicable provisions of the Internal Revenue Code.

1869 (b) There is no license requirement or gaming tax  
1870 levied on a self-redeeming merchandiser machine or device that  
1871 meets all of the following requirements:

1872 (1) The merchandiser machine or device is designed and  
1873 manufactured only for bona fide amusement purposes and  
1874 involves at least some skill in its operation.

1875 (2) For a single play of the merchandiser machine or  
1876 device, the winning player is rewarded exclusively with



1877 merchandise contained within the machine itself and the  
1878 merchandise is limited to noncash merchandise, prizes, toys,  
1879 gift certificates, or novelties.

1880 (3) The player of the merchandiser machine or device is  
1881 able to control the timing of the use of the claw or grasping  
1882 device to attempt to pick up or grasp a prize, toy, or  
1883 novelty.

1884 (4) The player of the merchandiser machine or device is  
1885 made aware of the total time that the merchandiser machine or  
1886 device allows during a game for the player to maneuver the  
1887 claw or grasping device into a position to attempt to pick up  
1888 or grasp a prize, toy, or novelty.

1889 (5) The claw or grasping device is not of a size,  
1890 design, or shape that prohibits picking up or grasping a  
1891 prize, toy, or novelty contained within the merchandiser  
1892 machine or device.

1893 (6) The merchandiser machine or device is not  
1894 classified by the United States government as requiring a  
1895 federal gaming stamp under the Internal Revenue Code.

1896 (c) A player of a bona fide coin-operated amusement  
1897 machine may accumulate winnings for the successful play of a  
1898 bona fide coin-operated amusement machine through either  
1899 tokens or tickets, and may redeem these tokens or tickets for  
1900 merchandise.

1901 (d) (1) For purposes of this section, "bona fide  
1902 coin-operated amusement machine" means a machine of any kind  
1903 or character used by the public to provide amusement or  
1904 entertainment whose operation requires the payment of or the



1905 insertion of a coin, bill, other money, token, ticket, or  
1906 similar object, and the result of whose operation depends in  
1907 whole or in part upon the skill of the player, whether or not  
1908 it affords an award to a successful player, and which can be  
1909 legally shipped interstate according to federal law. The term  
1910 includes, but is not limited to, the following:

- 1911 a. Pinball machines.
- 1912 b. Console machines.
- 1913 c. Video games.
- 1914 d. Crane machines.
- 1915 e. Claw machines.
- 1916 f. Pusher machines.
- 1917 g. Bowling machines.
- 1918 h. Novelty arcade games.
- 1919 i. Foosball or table soccer machines.
- 1920 j. Miniature racetrack or football machines.
- 1921 k. Target or shooting gallery machines.
- 1922 l. Basketball machines.
- 1923 m. Shuffleboard games.
- 1924 n. Kiddie ride games.
- 1925 o. Skeeball machines.
- 1926 p. Air hockey machines.
- 1927 q. Roll down machines.
- 1928 r. Coin-operated pool tables or coin-operated billiard  
1929 tables.
- 1930 s. Any other similar amusement machine that can be  
1931 legally operated in this state.
- 1932 t. A machine of any kind or character used by the



1933 public to provide music whose operation requires the payment  
1934 of or the insertion of a coin, bill, other money, token,  
1935 ticket, or similar object, such as jukeboxes or other similar  
1936 types of music machines.

1937 u. Virtual reality games.

1938 v. Merchandiser machines.

1939 (2) The term "bona fide coin-operated amusement  
1940 machine" does not include any of the following:

1941 a. Coin-operated washing machines or dryers.

1942 b. Vending machines which for payment of money dispense  
1943 products or services.

1944 c. Gas and electric meters.

1945 d. Pay telephones.

1946 e. Cigarette vending machines.

1947 f. Coin-operated scales.

1948 g. Coin-operated gumball machines.

1949 h. Coin-operated parking meters.

1950 i. Coin-operated television sets that provide cable or  
1951 network programming.

1952 j. Machines that are not legally permitted to be  
1953 operated in Alabama.

1954 k. Slot machines.

1955 l. Video poker games.

1956 Section 2. (a) The Court of Civil Appeals shall have  
1957 and exercise original jurisdiction in all cases where the  
1958 Alabama Gambling Commission is made a party to the case and in  
1959 all appeals of a final order or decision of the Alabama  
1960 Gambling Commission under Chapter 30 of Title 41, Code of



1961 Alabama 1975.

1962 (b) When exercising its original jurisdiction under  
1963 this section, the Court of Civil Appeals may appoint, from  
1964 time to time, a hearing officer for the purpose of presiding  
1965 over and conducting hearings as may be necessary to the  
1966 orderly conduct of the cases that arise under this section.  
1967 The hearing officer shall be an attorney in good standing with  
1968 the Alabama State Bar. The hearing officer may not have an  
1969 interest in or be related to any of the parties. The  
1970 compensation of the hearing officer shall be fixed by the  
1971 Court of Civil Appeals and all expenses associated with the  
1972 compensation shall be paid out of the Gambling Proceeds Fund  
1973 as operating expenses of the Alabama Gambling Commission.

1974 (c) The general duties of the hearing officer shall be  
1975 to preside over and direct the course of cases arising under  
1976 this section for the purpose of preparing a report as  
1977 described in subsection (d). The hearing officer may do the  
1978 following on behalf of the Court of Civil Appeals:

1979 (1) Issue procedural orders setting dates, deadlines,  
1980 and timetables by which parties must submit or disclose  
1981 evidentiary material or notices related to the orderly conduct  
1982 of a contested case. The hearing officer may grant  
1983 continuances or postponements of hearings at his or her  
1984 discretion.

1985 (2) Issue subpoenas, protective orders, and discovery  
1986 orders upon application of a party. The hearing officer may  
1987 impose reasonable conditions and limitations on discovery in a  
1988 contested case through limited written interrogatories,



1989 document production, and depositions.

1990 (3) Impose reasonable conditions and limitations on the  
1991 parties' presentations during a contested case including, but  
1992 not limited to, prescribing reasonable limitations on  
1993 argument, prescribing the length of time allotted for the  
1994 presentation of a party's case, directing that evidence  
1995 relevant to the general character and reputation of the  
1996 licensee be submitted in writing by affidavit, prescribing  
1997 reasonable limitations upon the number of witnesses permitted  
1998 to testify as to the character and reputation of the licensee,  
1999 and requiring the parties to submit briefs or memoranda on  
2000 issues put forth before the court.

2001 (4) Issue orders and rulings related to the attendance  
2002 of parties, attorneys, and witnesses at hearings and  
2003 conferences.

2004 (5) Hold and preside over pre-conferences of parties as  
2005 may be necessary to the orderly conduct of the case.

2006 (6) Issue orders and rulings on all other matters of  
2007 procedure and law necessary to the orderly conduct of the  
2008 case. Dismissal of a complaint may only occur upon order of  
2009 the Court of Civil Appeals.

2010 (7) Administer oaths and certify the authenticity of  
2011 documents when required in the discharge of their duties as  
2012 the hearing officer in the case.

2013 (d) The hearing officer shall prepare a report upon the  
2014 matters submitted to the hearing officer by the order of  
2015 reference and, if required to make findings of fact and  
2016 conclusions of law, the hearing officer shall set them forth





2017 in the report. The hearing officer shall file the report with  
2018 the clerk of the court and serve on all parties notice of the  
2019 filing. The hearing officer shall include with the report a  
2020 transcript of the proceedings and of the evidence of the  
2021 original exhibits. The hearing officer shall serve a copy of  
2022 the report on each party.

2023 (e) Where no hearing officer is appointed by the Court  
2024 of Civil Appeals, the presiding judge of the court shall  
2025 preside during hearings and perform all other duties of the  
2026 hearing officer.

2027 (f) All proceedings under this section shall be  
2028 conducted insofar as practicable in the same manner as a civil  
2029 action in accordance with the applicable Alabama Rules of  
2030 Civil Procedure.

2031 Section 3. Sections 13A-12-20, 13A-12-21, 13A-12-22,  
2032 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27,  
2033 13A-12-28, 13A-12-30, Code of Alabama 1975, and Section  
2034 13A-11-9, Code of Alabama 1975, as last amended by Act  
2035 2023-245, 2023 Regular Session, are amended to read as  
2036 follows:

2037 "§13A-12-20

2038 The following definitions apply to this article:

2039 (1) ADVANCE GAMBLING ACTIVITY. A person "advances  
2040 gambling activity" if he engages in conduct that materially  
2041 aids any form of gambling activity. Conduct of this nature  
2042 includes,    but is not limited to,    conduct directed toward the  
2043 creation or establishment of the particular game, contest,  
2044 scheme, device,    or activity involved, toward the acquisition



2045 or maintenance of premises, paraphernalia, equipment or  
2046 apparatus therefor, toward the solicitation or inducement of  
2047 persons to participate therein, toward the actual conduct of  
2048 the playing phases thereof, toward the arrangement of any of  
2049 its financial or recording phases, or toward any other phase  
2050 of its operation. A person advances gambling activity if,  
2051 having substantial proprietary control or other authoritative  
2052 control over premises being used with his or her knowledge for  
2053 purposes of gambling activity, he or she permits that activity  
2054 to occur or continue or makes no effort to prevent its  
2055 occurrence or continuation.

2056 (2) BOOKMAKING. Advancing gambling activity by  
2057 unlawfully accepting bets from members of the public as a  
2058 business, rather than in a casual or personal fashion, upon  
2059 the outcome of future contingent events.

2060 (3) CASINO-STYLE GAME. Any commercial or house banked  
2061 game that is played with cards, dice, equipment, or any other  
2062 mechanical or electronic device or machine, and that is played  
2063 for money, property, checks, credit, or any other  
2064 representative of value.

2065 a. The term includes, but is not limited to, any of the  
2066 following:

2067 1. Table games, including, but not limited to,  
2068 blackjack, baccarat, roulette, craps, twenty-one, poker, Texas  
2069 hold'em, cassino, five-card draw, three-card draw, chemin de  
2070 fer (shimmy), pai gow poker, yablon (red dog), let it ride  
2071 poker, caribbean stud, casino war, video poker, or any  
2072 variation thereof.



2073           2. Gambling machines, including, but not limited to,  
2074 any slot machines as defined in 15 U.S.C. § 1171(a)(1),  
2075 pachinko, video lottery terminals, and video poker.

2076           3. Pari-mutuel wagering, whether electronic, simulcast,  
2077 or otherwise.

2078           4. Any other house banked game or game of chance in  
2079 which the house takes a fee.

2080           b. The term does not include any non-commercial social  
2081 game.

2082           (4) COMMISSION. The Alabama Gambling Commission.

2083           ~~(3)~~ (5) CONTEST OF CHANCE. Any contest, game, ~~gaming~~  
2084 gambling scheme, or ~~gaming~~gambling device in which the outcome  
2085 depends in a material degree upon an element of chance,  
2086 notwithstanding that skill of the contestants may also be a  
2087 factor therein.

2088           ~~(4)~~ (6) GAMBLING. A person engages in gambling if he or  
2089 she stakes or risks something of value upon the outcome of a  
2090 contest of chance or a future contingent event not under his  
2091 or her control or influence, upon an agreement or  
2092 understanding that he or she or someone else will receive  
2093 something of value in the event of a certain outcome. ~~Gambling~~  
2094 The term does not include bona fide business transactions  
2095 valid under the law of contracts, including, but not limited  
2096 to, contracts for the purchase or sale at a future date of  
2097 securities or commodities, and agreements to compensate for  
2098 loss caused by the happening of chance, including, but not  
2099 limited to, contracts of indemnity or guaranty and life,  
2100 health, or accident insurance. The term does not include any



2101 activity licensed and authorized by the Alabama Gambling  
2102 Commission and conducted in accordance with its rules.

2103 ~~(5)~~ (7) GAMBLING DEVICE. Any device, machine,  
2104 paraphernalia, or equipment that is normally used or usable in  
2105 the playing phases of any gambling activity, whether that  
2106 activity consists of gambling between persons or gambling by a  
2107 person involving the playing of a machine. ~~However,~~ The term  
2108 does not include lottery tickets, policy slips and other items  
2109 used in the playing phases of lottery ~~and policy schemes are~~  
2110 ~~not gambling devices within this definition,~~ or antique slot  
2111 machines authorized under existing law. The term does not  
2112 include any device, machine, paraphernalia, or equipment that  
2113 is approved and operated in accordance with rules of the  
2114 Alabama Gambling Commission.

2115 ~~(6)~~ (8) LOTTERY ~~or POLICY~~. a. An unlawful gambling  
2116 scheme in which:

2117 ~~a.~~ 1. The players pay or agree to pay something of value  
2118 for chances, represented and differentiated by numbers or by  
2119 combinations of numbers or by some other medium, one or more  
2120 of which chances are to be designated by the winning ones; and

2121 ~~b.~~ 2. The winning chances are to be determined by a  
2122 drawing or by some other fortuitous method; and

2123 ~~c.~~ 3. The holders of the winning chances are to receive  
2124 something of value.

2125 b. The term does not include lottery games approved and  
2126 operated in accordance with the rules of the Alabama Gambling  
2127 Commission.

2128 ~~(7)~~ (9) PARI-MUTUEL WAGERING, ~~MUTUEL or THE NUMBERS~~



2129 ~~GAME. A form of lottery.~~ Wagering in which the winning chances  
2130 or plays are not determined upon the basis of a drawing or  
2131 other act on the part of persons conducting or connected with  
2132 the scheme, but upon the basis of the outcome of a future  
2133 contingent event or events otherwise unrelated to the  
2134 particular scheme.

2135 ~~(8)~~ (10) PLAYER. A person who engages in any form of  
2136 gambling solely as a contestant or bettor, without receiving  
2137 or becoming entitled to receive any profit therefrom other  
2138 than personal gambling winnings, and without otherwise  
2139 rendering any material assistance to the establishment,  
2140 conduct, or operation of the particular gambling activity.

2141 ~~(9)~~ (11) PROFIT FROM GAMBLING ACTIVITY. ~~A person~~  
2142 ~~"profits from gambling activity" if he accepts or receives~~ The  
2143 acceptance or receipt of money or other property pursuant to  
2144 an agreement or understanding with any person whereby he or  
2145 she shares or is to share in the proceeds of gambling  
2146 activity.

2147 ~~(10)~~ (12) SLOT MACHINE. A gambling device that, as a  
2148 result of the insertion of a coin or other object, operates,  
2149 either completely automatically or with the aid of some  
2150 physical act by the player, in ~~such~~ a manner that, depending  
2151 upon elements of chance, ~~it~~ the gambling device may eject  
2152 something of value. A device so constructed or readily  
2153 adaptable or convertible to such use is no less a slot machine  
2154 because it is not in working order or because some mechanical  
2155 act of manipulation or repair is required to accomplish its  
2156 adaptation, conversion, or workability. Nor is it any less a



2157 slot machine because apart from its use or adaptability as  
2158 such it may also sell or deliver something of value on a basis  
2159 other than chance. The term includes any gambling device that  
2160 meets the definition of slot machine as defined under 15  
2161 U.S.C. § 1171(a)(1).

2162 ~~(11)~~ (13) SOMETHING OF VALUE. Any money or property, any  
2163 token, object, or article exchangeable for money or property, or  
2164 or any form of credit or promise, directly or indirectly,  
2165 contemplating a transfer of money or property or of any  
2166 interest therein, or involving extension of a service  
2167 entertainment or a privilege of playing at a game or scheme  
2168 without charge.

2169 ~~(12)~~ (14) UNLAWFUL GAMBLING ACTIVITY. ~~Not~~ Gambling  
2170 activity that is not specifically authorized by the  
2171 Constitution of Alabama of 2022, general law, or rule of the  
2172 Alabama Gambling Commission."

2173 "§13A-12-21

2174 (a) A person commits the crime of ~~simple~~ unlawful  
2175 gambling if he or she knowingly ~~advances or~~ profits from or  
2176 participates in unlawful gambling activity as a player.

2177 (b) It is a defense to a prosecution under this section  
2178 that a person charged ~~with being a player~~ with violating this  
2179 section was engaged in playing a social game ~~in a private~~  
2180 ~~place. The burden of injecting the issue is on the defendant,~~  
2181 ~~but this does not shift the burden of proof.~~

2182 (c) ~~Simple gambling~~ Unlawful gambling is a Class ~~C~~ A  
2183 misdemeanor."

2184 "§13A-12-22



2185 (a) A person commits the crime of promoting unlawful  
2186 gambling activity if he or she knowingly ~~advances or~~ profits  
2187 from unlawful gambling activity otherwise than as a player, or  
2188 if having substantial proprietary control or other  
2189 authoritative control over premises being used to conduct  
2190 unlawful gambling activity, he or she permits that unlawful  
2191 gambling activity to occur or makes no effort to prevent its  
2192 occurrence or continuation.

2193 (b) (1) Promoting ~~gambling~~ unlawful gambling activity is  
2194 a ~~Class A misdemeanor~~ Class D felony.

2195 (2) Notwithstanding subdivision (1), on a second or  
2196 subsequent conviction of this section, promoting unlawful  
2197 gambling activity is a Class B felony and all equipment,  
2198 money, and premises used to facilitate the offense shall be  
2199 subject to forfeiture pursuant to the procedures set forth in  
2200 Section 20-2-93."

2201 "§13A-12-23

2202 (a) A person commits the crime of conspiracy to promote  
2203 unlawful gambling activities if ~~he~~ the person conspires to  
2204 advance or profit from gambling activity otherwise than as a  
2205 player.

2206 (b) ~~"Conspire"~~ For the purposes of this section,  
2207 "conspire" means to engage in activity constituting a criminal  
2208 conspiracy as defined in Section 13A-4-3.

2209 (c) (1) Conspiracy to promote unlawful gambling  
2210 activities is a ~~Class A misdemeanor~~ Class D felony.

2211 (2) Notwithstanding subdivision (1), on a second or  
2212 subsequent conviction of this section, conspiracy to promote



2213 unlawful gambling activities is a Class B felony and all  
2214 equipment, money, and premises used to facilitate the offense  
2215 shall be subject to forfeiture pursuant to the procedures set  
2216 forth in Section 20-2-93."

2217 "§13A-12-24

2218 (a) A person commits the crime of unlawful possession  
2219 of gambling records in the first degree if, with knowledge of  
2220 the contents thereof, ~~he~~the person possesses any writing,  
2221 paper, instrument, or article commonly used in any of the  
2222 following:

2223 (1) ~~Of a kind commonly used in the operation or~~  
2224 ~~promotion of a bookmaking scheme or enterprise,~~The operation  
2225 or promotion of any sports wagering activity~~and~~ constituting,  
2226 reflecting, or representing more than five ~~bets, wagers~~ or more  
2227 than ~~\$500.00; or~~five thousand dollars (\$5,000).

2228 (2) ~~Of a kind commonly used in the operation, promotion~~  
2229 ~~or playing of a lottery or mutuel scheme or enterprise,~~The  
2230 operation, promotion, or playing of a lottery game not  
2231 authorized by the Constitution of Alabama of 2022, general  
2232 law, or rule of the Alabama Gambling Commission~~and~~  
2233 constituting, reflecting, or representing more than five plays  
2234 or chances ~~therein~~.

2235 (3) The operation, promotion, or playing of a  
2236 casino-style game not authorized by the Constitution of  
2237 Alabama of 2022, general law, or rule of the Alabama Gambling  
2238 Commission.

2239 (b) (1) ~~Possession of gambling~~Unlawful possession of  
2240 gambling records in the first degree is a ~~Class A~~





2241 ~~misdemeanor~~Class D felony.

2242 (2) Notwithstanding subdivision (1), on a second or  
2243 subsequent conviction of this section, unlawful possession of  
2244 gambling records in the first degree is a Class B felony and  
2245 all equipment, money, and premises used to facilitate the  
2246 offense shall be subject to forfeiture pursuant to the  
2247 procedures set forth in Section 20-2-93."

2248 "§13A-12-25

2249 (a) A person commits the crime of unlawful possession  
2250 of gambling records in the second degree if, with knowledge of  
2251 the contents thereof, he or she possesses any writing, paper,  
2252 instrument, or article commonly used in either of the  
2253 following:

2254 (1) ~~Of a kind commonly and peculiarly used in the~~The  
2255 operation or promotion of ~~a bookmaking scheme or enterprise;~~  
2256 ~~or~~sports wagering.

2257 (2) ~~Of a kind commonly and peculiarly used in the~~The  
2258 operation, promotion, or playing of a lottery or casino-style  
2259 ~~or mutuel scheme or enterprise~~ game not authorized the  
2260 Constitution of Alabama of 2022, general law, or rule of the  
2261 Alabama Gambling Commission.

2262 (b) (1) ~~Possession~~Unlawful possession of gambling  
2263 records in the second degree is a ~~Class A misdemeanor~~Class D  
2264 felony.

2265 (2) Notwithstanding subdivision (1), on a second or  
2266 subsequent conviction of this section, unlawful possession of  
2267 gambling records in the second degree is a Class B felony and  
2268 all equipment, money, and premises used to facilitate the



2269 offense shall be subject to forfeiture pursuant to the  
2270 procedures set forth in Section 20-2-93."

2271 "§13A-12-26

2272 A person does not commit the crime of unlawful  
2273 possession of gambling records ~~in either degree~~ pursuant to  
2274 Sections 13A-12-24 or 13A-12-25 if the writing, paper,  
2275 instrument, or article possessed by the defendant is neither  
2276 used nor intended to be used in the operation or promotion of  
2277 a bookmaking scheme or enterprise, unlawful sports wagering,  
2278 or in the operation, promotion, or playing of ~~a~~ an unlawful  
2279 lottery ~~or mutuel scheme or enterprise~~ as described under  
2280 Section 13A-12-24(a) (2). ~~The burden of injecting the issue is~~  
2281 ~~on the defendant, but this does not shift the burden of~~  
2282 ~~proof."~~

2283 "§13A-12-27

2284 (a) A person commits the crime of unlawful possession  
2285 of a gambling device if, with knowledge of the character  
2286 ~~thereof~~ of the gambling device, he or she manufactures, sells,  
2287 transports, places, or possesses, or conducts or negotiates  
2288 any transaction affecting or designed to affect ownership,  
2289 custody, or use of, either of the following:

2290 (1) A slot machine, unless exempted pursuant to  
2291 subsection (c) ~~;~~ or.

2292 (2) Any other gambling device, with the intention that  
2293 it be used in the advancement of unlawful gambling activity.

2294 (b) (1) Possession Unlawful possession of a gambling  
2295 device is a Class ~~A misdemeanor~~ D felony.

2296 (2) Notwithstanding subdivision (1), on a second or



2297 subsequent conviction of this section, unlawful possession of  
2298 a gambling device is a Class B felony and all equipment,  
2299 money, and premises used to facilitate the offense shall be  
2300 subject to forfeiture pursuant to the procedures set forth in  
2301 Section 20-2-93.

2302 (c) The crime of unlawful possession of a gambling  
2303 device does not apply to a slot machine manufactured before  
2304 1960, with the intention that the slot machine be used only  
2305 for the personal and private use of the owner or for public  
2306 display as a historical artifact in a manner that the slot  
2307 machine is not accessible to the public."

2308 "§13A-12-28

2309 (a) Proof of possession of any gambling device, as  
2310 defined ~~by subdivision (5) of~~ in Section 13A-12-20, or any  
2311 unlawful gambling record, as specified in Sections 13A-12-24  
2312 and 13A-12-25, is prima facie evidence of possession ~~thereof~~  
2313 with knowledge of its character or contents.

2314 (b) In any prosecution under this article in which it  
2315 is necessary to prove the occurrence of a sporting event,  
2316 either of the following shall be admissible and shall be prima  
2317 facie proof of the occurrence of the event:

2318 (1) ~~a~~ A published report of its occurrence in any daily  
2319 newspaper, magazine, or other periodically printed publication  
2320 of general circulation, ~~or~~.

2321 (2) ~~evidence~~ Evidence that a description of some aspect  
2322 of the event was written, printed, or otherwise noted at the  
2323 place in which a violation of this chapter is alleged to have  
2324 been committed, ~~shall be admissible in evidence and shall~~



2325 ~~constitute prima facie proof of the occurrence of the event."~~

2326 "§13A-12-30

2327 (a) Any gambling device or gambling record unlawfully  
2328 possessed or used in violation of this article ~~is forfeited to~~  
2329 ~~the state, and shall by court order be destroyed or otherwise~~  
2330 ~~disposed of as the court directs~~shall be subject to forfeiture  
2331 pursuant to the procedures set forth in Section 20-2-93.

2332 (b) Any vehicle possessed or used in violation of this  
2333 article ~~may be forfeited to the state and disposed of by court~~  
2334 ~~order as authorized by law~~shall be subject to forfeiture  
2335 pursuant to the procedures set forth in Section 20-2-93.

2336 (c) Money used as ~~bets~~wagers or stakes in gambling  
2337 activity in violation of this article ~~is forfeited to the~~  
2338 ~~state and by court order shall be transmitted to the General~~  
2339 ~~Fund of the state~~shall be subject to forfeiture pursuant to  
2340 the procedures set forth in Section 20-2-93."

2341 "§13A-11-9

2342 (a) A person commits the crime of loitering if he or  
2343 she does any of the following:

2344 (1) Loiters, remains, or wanders about in a public  
2345 place for the purpose of begging.

2346 (2) Loiters or remains in a public place for the  
2347 purpose of unlawful gambling.

2348 (3) Loiters or remains in a public place for the  
2349 purpose of engaging or soliciting another person to engage in  
2350 prostitution or sodomy, as defined under Section 13A-6-60.

2351 (4) Being masked, loiters, remains, or congregates in a  
2352 public place.



2353 (5) Loiters or remains in or about a school, college,  
2354 or university building or grounds after having been told to  
2355 leave by any authorized official of the school, college, or  
2356 university, not having any reason or relationship involving  
2357 custody of or responsibility for a pupil or any other  
2358 specific, legitimate reason for being there, and not having  
2359 written permission from a school, college, or university  
2360 administrator.

2361 (6) Loiters or remains in any transportation facility,  
2362 unless specifically authorized to do so, for the purpose of  
2363 soliciting or engaging in any business, trade, or commercial  
2364 transactions involving the sale of merchandise or services.

2365 (7) Loiters or remains in any place with one or more  
2366 persons for the purpose of unlawfully using or possessing a  
2367 dangerous drug.

2368 (8) Loiters, or remains, on a public roadway maintained  
2369 by the state or the right-of-way of a public roadway  
2370 maintained by the state.

2371 (b) A person does not commit a crime under subdivision  
2372 (a) (4) if he or she is going to or from or staying at a  
2373 masquerade party, or is participating in a public parade or  
2374 presentation of an educational, religious, or historical  
2375 character or in an event as defined in Section 13A-11-140.

2376 ~~(c) Sodomy in subdivision (a) (3) is defined as in~~  
2377 ~~Section 13A-6-60.~~

2378 ~~(d) (c) Dangerous drug in subdivision (a) (7)~~ As used in  
2379 this section, "dangerous drug" means any narcotic, drug, or  
2380 controlled substance as defined in Chapter 2 of Title 20 and



2381 any schedule incorporated therein.

2382 ~~(e)~~ (d) Loitering is a violation. A second or subsequent  
2383 violation of this section in the same jurisdiction is a Class  
2384 C misdemeanor.

2385 ~~(f)~~ ~~(1)~~ (e) (1) Prior to making an arrest for a violation  
2386 of subdivision (a) (1), a law enforcement officer may instruct  
2387 any person in violation of subdivision (a) (1) to immediately  
2388 and peaceably exit the public roadway maintained by the state  
2389 or the right-of-way of the public roadway maintained by the  
2390 state.

2391 (2)a. Prior to making an arrest for an initial  
2392 violation of subdivision (a) (1), a law enforcement officer may  
2393 offer to transport any person in violation of subdivision  
2394 (a) (1) to a location in the jurisdiction that offers emergency  
2395 housing, if applicable.

2396 b. If a person accepts an offer made pursuant to  
2397 subdivision (1), a law enforcement officer may transport the  
2398 person accordingly.

2399 ~~(g)~~ (f) Any actions undertaken by a law enforcement  
2400 officer pursuant to this section shall be subject to Section  
2401 36-1-12."

2402 Section 4. The provisions of Division 3 of Article 2 of  
2403 Chapter 12 of Title 13A, Code of Alabama 1975, do not apply to  
2404 any lottery game authorized by and operating in accordance  
2405 with rules of the Alabama Gambling Commission.

2406 Section 5. Section 13A-12-29, Code of Alabama 1975,  
2407 relating to lotteries drawn outside of the state, is hereby  
2408 repealed.



2409           Section 6. In the event the proposed constitutional  
2410 amendment in House Bill 151 of the 2024 Regular Session is not  
2411 ratified at a referendum called for that purpose, this act  
2412 shall be repealed.

2413           Section 7. Although this bill would have as its purpose  
2414 or effect the requirement of a new or increased expenditure of  
2415 local funds, the bill is excluded from further requirements  
2416 and application under Section 111.05 of the Constitution of  
2417 Alabama of 2022, because the bill defines a new crime or  
2418 amends the definition of an existing crime.

2419           Section 8. This act shall become effective upon  
2420 ratification of the amendment to the Constitution of Alabama  
2421 of 2022 proposed in House Bill 151 of the 2024 Regular  
2422 Session.