



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2342

Introduced 2/4/2025, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 100/5-45.65 new

230 ILCS 45/25-10

720 ILCS 5/28-1

from Ch. 38, par. 28-1

720 ILCS 5/28-3

from Ch. 38, par. 28-3

Creates the Fantasy Sports Consumer Protection Act. Provides that the Illinois Gaming Board may regulate the conduct of fantasy contest operators under the Act. Allows the Board to levy and collect fees, surcharges, civil penalties, and, on adjusted gross fantasy contest receipts imposed under the Act, monthly taxes, and identifies other powers and duties of the Board. Includes restrictions, including requiring licensing, of fantasy contest operators. Includes license requirements and requirements for allowable fantasy contests. Contains provisions relating to denial of a license, independent audits, reporting and investigation of prohibited conduct, taxes, compulsive gambling and voluntary self-exclusion, and supplier diversity goals for fantasy contest operators. Amends the Sports Wagering Act. Excludes fantasy contests from the definition of "sports wagering". Amends the Criminal Code of 2012. Provides that participants in fantasy contest wagering shall not be convicted of the offense of gambling when conducted in accordance with the Fantasy Sports Consumer Protection Act. Excludes any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling under the Fantasy Sports Consumer Protection Act from the definition of "gambling place" under the offense of keeping a gambling place. Amends the Illinois Administrative Procedure Act. Grants the Illinois Gaming Board emergency rulemaking authority to implement the Fantasy Sports Consumer Protection Act. Effective immediately.

LRB104 06315 LNS 16350 b

1 AN ACT concerning gaming.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Fantasy Sports Consumer Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Adjusted gross fantasy contest receipts" means the amount
8 equal to the total of all entry fees that a fantasy contest
9 operator collects from all participants less only the total of
10 all prizes paid out as prizes to all participants multiplied
11 by the location percentage for this State.

12 "Board" means the Illinois Gaming Board.

13 "Entry fee" means a nonrefundable cash or cash equivalent
14 that is paid by a participant and set in advance by a fantasy
15 contest operator granting the participant the right to
16 participate in a fantasy contest.

17 "Fantasy contest" means an online fantasy or simulated
18 game or contest of skill with an entry fee in which:

19 (1) the values of all prizes offered to a winning
20 participant are established and made known to the
21 participant in advance of the contest;

22 (2) all winning outcomes reflect the relative
23 knowledge and skill of the participant;

1 (3) the participant assembles, owns, or manages a
2 fictional entry or roster of actual professional or
3 amateur athletes, in real-world sports events, or an
4 organized video game competition that is regulated by a
5 governing body and that is held between professional
6 players who play individually or as teams;

7 (4) a participant competes for prizes awarded by a
8 fantasy contest operator based on terms and conditions
9 published by the fantasy contest operator and made known
10 to the participant in advance of the contest;

11 (5) winning outcomes are determined solely by clearly
12 established scoring criteria based on one or more
13 statistical results of the performance of an individual
14 athlete, including, but not limited to, a fantasy score;
15 and

16 (6) no winning outcome is entirely based on the score,
17 point spread, or any performance of any single actual team
18 or combination of teams or solely on any single
19 performance of an individual athlete or player in any
20 single actual event.

21 "Fantasy contest" includes both contests wherein participants
22 compete against each other and contests wherein only a single
23 participant competes against a target score set by the fantasy
24 contest operator. "Fantasy contest" does not include any
25 fantasy contest without an entry fee.

26 "Fantasy contest operator" means a person or entity that

1 offers fantasy contests to members of the public. "Fantasy
2 contest operator" does not include an Internet service
3 provider or a provider of mobile data services merely as a
4 result of that entity's transporting general traffic that may
5 include a fantasy contest and does not include a fantasy
6 contest participant by virtue of doing any combination of the
7 following: (i) setting house rules for a contest; (ii)
8 assigning a salary or target score to any eligible athlete or
9 player; (iii) accepting an entry fee from a fantasy contest
10 participant; or (iv) awarding or disbursing prizes in
11 conformance with this Act.

12 "Location percentage" means the percentage rounded to the
13 nearest 0.1% of the total entry fees collected from players
14 located in this State, divided by the total entry fees
15 collected from all players in the fantasy contest.

16 "Participant" means an individual who participates in a
17 fantasy contest offered by a fantasy contest operator.

18 "Prohibited participant" means an individual who has
19 self-excluded under Section 45 or an athlete, coach, referee,
20 trainer, or team staff when there is direct involvement of the
21 athlete, coach, referee, trainer, or staff; the athlete's or
22 staff's team; or the athletes that the coach coaches or the
23 trainer trains.

24 "Qualified applicant" means an applicant for a license
25 under this Act whose application meets the mandatory minimum
26 qualification criteria as required by the Board.

1 Section 10. Board duties and powers.

2 (a) The Board may regulate the conduct of fantasy contest
3 operators under this Act.

4 (b) The Board shall adopt any rules the Board considers
5 necessary for the successful implementation, administration,
6 and enforcement of this Act. The Board shall adopt rules no
7 later than 180 days after the effective date of this Act. Rules
8 proposed by the Board may be adopted as emergency rules under
9 Section 5-45 of the Illinois Administrative Procedure Act.

10 (c) The Board shall levy and collect all fees, surcharges,
11 civil penalties, and, on adjusted gross fantasy contest
12 receipts imposed under this Act, monthly taxes as follows:

13 (1) All registration and renewal fees collected under
14 this Act shall be deposited and distributed as follows:

15 (A) 85% of fees shall be deposited into the State
16 Gaming Fund and used for the administration of this
17 Act; and

18 (B) 15% of fees shall be paid, subject to
19 appropriation by the General Assembly, to the
20 Department of Human Services for administration of
21 programs for the treatment of compulsive gambling.

22 (2) All taxes collected under Section 40 shall be
23 deposited into the Common School Fund.

24 (3) All civil penalties levied as a direct result of
25 violations of this Act, less any costs incurred by the

1 Board during the course of investigation which resulted in
2 the civil penalty, shall be paid, subject to appropriation
3 by the General Assembly, to the Department of Human
4 Services for administration of programs for the treatment
5 of compulsive gambling.

6 (d) The Board shall require fantasy contest operators to
7 comply with the anti-money laundering standards, as defined by
8 the federal Bank Secrecy Act of 1970 and the Anti-Money
9 Laundering Act of 2020.

10 (e) The Board shall verify that fantasy contest operators
11 establish technical and operational measures to prevent
12 underage participation in a fantasy contest.

13 (f) The Board shall verify that fantasy contest operators
14 deploy identity verification procedures, which may require the
15 use of a reputable independent third party that is in the
16 business of verifying an individual's personally identifiable
17 information and can detect potential prohibited participants.

18 (g) The Board shall verify that fantasy contest operators
19 employ mechanisms on the operator's platform that are designed
20 to detect and prevent unauthorized accounts and to detect and
21 prevent fraud, money laundering, and collusion.

22 (h) The Board shall require the use of geolocation
23 technology to verify that a participant is not accessing the
24 platform from a restricted jurisdiction.

25 (i) The Board shall adopt rules establishing compulsive
26 and problem gambling standards for fantasy contest operators

1 that are consistent with this Act.

2 (j) The Board may exercise any other powers necessary to
3 enforce the provisions of this Act that it regulates and the
4 rules of the Board.

5 (k) The Board and fantasy contest operator licensees may
6 cooperate with investigations conducted by law enforcement
7 agencies, including, but not limited to, providing and
8 facilitating the provision of account-level entry and
9 participation information.

10 (l) A fantasy contest operator licensee shall make all
11 reasonable efforts to promptly notify the Board of any
12 information relating to:

13 (1) a confirmed breach of the relevant sport's
14 governing body's internal rules and codes of conduct
15 pertaining to participation in real-money fantasy
16 contests;

17 (2) any conduct that corrupts any outcome related to a
18 sports event or sports events for purposes of financial
19 gain, including match fixing; and

20 (3) confirmed illegal activities, including use of
21 funds derived from illegal activity, entries to conceal or
22 launder funds derived from illegal activity,
23 multi-accounting, and using false identification.

24 Section 15. License.

25 (a) Except as otherwise provided in this Section, a person

1 may not offer fantasy contests in this State unless the person
2 is licensed by the Board as a fantasy contest operator.

3 (b) An applicant for a license issued under this Act shall
4 submit an application to the Board in the form the Board
5 requires. The applicant shall submit fingerprints for a
6 national criminal history record check by a law enforcement
7 agency. The fingerprints shall be furnished by the applicant's
8 owners, officers, and directors (if a corporation), managers
9 and members (if a limited liability company), and partners (if
10 a partnership). The fingerprints shall be accompanied by a
11 signed authorization for the release of information by the law
12 enforcement agency. The Board may require additional
13 background checks on licensees when they apply for license
14 renewal, and an applicant convicted of a disqualifying offense
15 shall not be licensed. This subsection does not require an
16 applicant or individual who has submitted to a national
17 criminal history record check in this State or any other state
18 within the 12 months before submitting the application to
19 resubmit to another criminal history record check if the
20 applicant or individual submits the results of the previous
21 criminal history record check and affirms that there has been
22 no material change in the criminal history since the time of
23 the criminal history record check.

24 (c) The information required by the Board shall include
25 documentation of all of the following:

26 (1) The name of the applicant.

1 (2) The location of the applicant's principal place of
2 business.

3 (3) The applicant's contact information.

4 (4) The applicant's social security number or, if
5 applicable, the applicant's federal tax identification
6 number.

7 (5) The name and address of each individual that holds
8 a 10% or more ownership interest in the applicant or in
9 shares of the applicant.

10 (6) The applicant's criminal record, if any, or, if
11 the applicant is a business entity, on request, any
12 criminal record of an individual who is a director,
13 officer, or key employee of the applicant or any
14 individual who has a 10% or more ownership interest in the
15 applicant.

16 (7) Any ownership interest that a director, officer,
17 key employee, or individual owner of 10% or more of the
18 applicant holds in a business that is or was a fantasy
19 contest operator or similar entity in any jurisdiction.

20 (8) An identification of any business in which an
21 applicant or a director, officer, key employee, or
22 individual owner of 10% or more of the applicant has an
23 equity interest of 5% or more. If a business has been
24 identified under this paragraph, documentation must be
25 provided showing the state in which the business is
26 incorporated or registered, if applicable.

1 (9) Whether an applicant, director, officer, key
2 employee, or individual owner of 10% or more of the
3 applicant has ever applied for or been granted any
4 license, registration, or certificate issued by a
5 licensing authority in this State or any other
6 jurisdiction for a gaming activity.

7 (10) Whether an applicant or a director, officer, key
8 employee, or individual owner of 10% or more of the
9 applicant has filed or been served with a complaint or
10 other notice filed by a public body regarding the
11 delinquency in payment of or dispute over filings
12 concerning the payment of any tax required under federal,
13 State, or local law, including the amount of tax, the type
14 of tax, the taxing agency, and the time periods involved.

15 (11) Information sufficient to show, as determined by
16 the Board, that the applicant can meet the requirements of
17 procedures submitted by the applicant under the Act and
18 under any rules adopted under this Act.

19 (12) The Board may adopt rules to establish additional
20 qualifications and requirements to preserve the integrity
21 and security of fantasy contests in this State and to
22 promote and maintain a competitive fantasy sports market.

23 (d) On receipt of a completed application and the required
24 fee, the Board shall conduct the necessary background
25 investigation to determine if the applicant meets the
26 qualifications for licensure. On completion of the necessary

1 background investigation, the Board shall either issue a
2 license or deny the application. If the application for
3 licensure is denied, a statement setting forth the grounds for
4 denial shall be forwarded to the applicant together with all
5 other documents relied on by the Board, to the extent allowed
6 by law.

7 Section 20. Fantasy contests.

8 (a) Any fantasy contest conducted under this Act does not
9 constitute gambling for any purpose, including under Article
10 28 of the Criminal Code of 1961 or the Criminal Code of 2012.

11 (b) Notwithstanding any provision of law to the contrary,
12 the operation of fantasy contests is only lawful when
13 conducted in accordance with the provisions of this Act.

14 (c) A person participating in a fantasy contest under this
15 Act shall be at least 21 years of age.

16 (d) A licensee under this Act may only accept an entry from
17 a person physically located in the State. A fantasy contest
18 operator must use a geolocation system to ensure that a
19 participant is physically present in the State when
20 participating in the fantasy contest unless otherwise
21 authorized by the Board.

22 (e) This Act shall be construed liberally to promote the
23 general welfare of the public and integrity of the fantasy
24 sports industry. However, the Board may not adopt rules
25 limiting or regulating the rules or administration of an

1 individual fantasy contest, the statistical makeup of a
2 fantasy contest, or the digital platform of a fantasy contest
3 operator.

4 (f) No licensed fantasy contest operator shall be forced
5 to surrender or terminate its license prior to the date of
6 expiration of the license solely by virtue of a change in the
7 rules adopted under this Act.

8 Section 25. Issuance and denial of license.

9 (a) The initial license fee for a fantasy contest operator
10 that operated in Illinois before the effective date of this
11 Act shall be 8% of its adjusted gross fantasy contest receipts
12 from the preceding calendar year or \$1,000,000, whichever is
13 less. The initial license fee for a fantasy contest operator
14 that did not operate in Illinois for at least 12 months before
15 the effective date of this Act shall be \$10,000, except, if a
16 fantasy contest operator has 10,000 or more fantasy contest
17 participants in Illinois with an active account who
18 participated in at least one fantasy contest with an entry
19 fee, then the fantasy contest operator shall notify the Board
20 and remit an application fee in the amount of \$990,000 within
21 10 days of notifying the Board.

22 (b) A fantasy contest operator that was offering contests
23 to persons located in Illinois before the effective date of
24 this Act pursuant to a bona fide attorney opinion letter may
25 continue to offer contests to persons located in Illinois

1 until the fantasy contest operator's application for licensure
2 has been approved or denied under this Act if the fantasy
3 contest operator files an application for licensure with the
4 Board within 90 days after the adoption of rules to effectuate
5 this Act.

6 (c) Licenses issued by the Board shall remain in effect
7 for 4 years. The Board shall establish a process for renewal
8 with a renewal fee being 1% of the adjusted gross fantasy
9 contests receipts for the preceding 4 years.

10 (d) A fantasy contest operator that allows its license to
11 lapse, without requesting an extension of time to file, shall
12 resubmit an initial application. An extension may be granted
13 by the Board upon receipt of a written request.

14 (e) A fantasy contest operator applying for a license or
15 renewal of a license may operate during the application period
16 unless the Board has reasonable cause to believe that the
17 fantasy contest operator is or may be in violation of the
18 provisions of this Act and the Board requires the fantasy
19 contest operator to suspend the operation of any fantasy
20 contest until the license or renewal of a license is issued.

21 Section 30. Independent audits.

22 (a) As part of its submission for licensure or renewal, an
23 applicant shall: (i) contract with a certified public
24 accountant to conduct an independent audit, consistent with
25 generally accepted accounting principles; (ii) annually

1 contract with a testing laboratory recognized by the Board to
2 verify compliance with the provisions of this Act; and (iii)
3 submit to the Board a copy of the audit report and a report of
4 the testing laboratory.

5 (b) An initial applicant is not required to submit an
6 audit report and report of the testing laboratory until the 24
7 months following the issuance of a license to the licensee.

8 Section 35. Reporting prohibited conduct; investigations
9 of prohibited conduct.

10 (a) The Board shall investigate all reasonable allegations
11 of prohibited conduct and refer any allegations it deems
12 credible to the appropriate law enforcement entity.

13 (b) The identity of any reporting person shall remain
14 confidential unless that person authorizes disclosure of the
15 person's identity or until the allegation of prohibited
16 conduct is referred to law enforcement.

17 (c) If the Board receives a complaint of prohibited
18 conduct by an athlete, the Board shall notify the appropriate
19 sports governing body of the athlete to review the complaint
20 as provided by rule of the Board.

21 (d) The Board shall adopt rules governing investigations
22 of prohibited conduct and referrals to law enforcement
23 entities.

24 Section 40. Tax. Beginning on July 1, 2025, for the

1 privilege of holding a license to operate fantasy contests
2 under this Act, this State shall impose and collect a tax at a
3 rate of at least 10% but not more than 15%, as determined by
4 rule of the Board, of the fantasy contest operator's adjusted
5 gross fantasy contests receipts. The accrual method of
6 accounting shall be used for purposes of calculating the
7 amount of the tax owed by the licensee. The fantasy contest
8 operator shall submit to the Board, on or before the last day
9 of each calendar month, a return indicating the amount of tax
10 due under this Section for the previous calendar month as well
11 as any other information the Board shall require by rule and
12 shall remit to the Board payment of the tax due under this
13 Section with that return.

14 Section 45. Compulsive gaming; voluntary self-exclusion.

15 (a) Each licensee shall include a statement regarding
16 obtaining assistance with real-money gaming problems on the
17 licensee's portal, website, or computer or mobile application
18 and on all marketing materials and advertisements of the
19 licensee.

20 (b) A resident, or nonresident if allowed to participate
21 in fantasy contests, may voluntarily prohibit the resident or
22 nonresident from establishing a fantasy contest account with a
23 fantasy contest operator under this Act. The Board shall
24 incorporate the voluntary self-exclusion program for fantasy
25 contests into any existing self-exclusion program that it

1 operates on the effective date of this Act.

2 (c) If a self-excluded person participates in a fantasy
3 contest, the fantasy contest operator shall report to the
4 Board, at a minimum, the name of the self-excluded person, the
5 date of participation, the amount or value of any money,
6 prizes, or awards forfeited, if any, and any other action
7 taken.

8 (d) A fantasy contest operator may not pay any prize or
9 award to a person who is on the Board's self-exclusion list.
10 Any prize or award won by a person on the self-exclusion list
11 is forfeited and shall be donated by the fantasy contest
12 operator to the problem gaming charities or programs as
13 identified and directed by the Board on a quarterly basis by
14 the twenty-fifth day of the following month.

15 (e) A fantasy contest operator shall develop and maintain
16 a program to mitigate compulsive play and curtail compulsive
17 play, which may be in conjunction with the Board.

18 Section 50. Supplier diversity goals for fantasy contest
19 operators.

20 (a) The Board shall require licensees under this Act to
21 submit an annual report, in a searchable Adobe PDF format, on
22 all procurement goals and actual spending for businesses owned
23 by women, minorities, veterans, tribal and indigenous persons,
24 and persons with disabilities and for all small business
25 enterprises in the previous calendar year. These goals shall

1 be expressed as a percentage of the total work performed by the
2 entity submitting the report, and the actual spending for all
3 businesses owned by women, minorities, veterans, tribal and
4 indigenous persons, and persons with disabilities and for all
5 small business enterprises shall also be expressed as a
6 percentage of the total work performed by the entity
7 submitting the report. The initial report shall be due one
8 year after the effective date of this Act and once every 2
9 years thereafter.

10 (b) Each licensee in its annual report shall include the
11 following information:

12 (1) an explanation of the plan for the next year to
13 increase participation;

14 (2) an explanation of the plan to increase the goals;

15 (3) the areas of procurement each licensee shall be
16 actively seeking more participation in the next year;

17 (4) an outline of the plan to alert and encourage
18 potential vendors in that area to seek business from the
19 licensee;

20 (5) an explanation of the challenges faced in finding
21 quality vendors and offer any suggestions for what the
22 Board could do to be helpful to identify those vendors;

23 (6) a list of the certifications the licensee
24 recognizes;

25 (7) the point of contact for any potential vendor who
26 wishes to do business with the licensee and explain the

1 process for a vendor to enroll with the licensee as a
2 businesses owned by women, minorities, veterans, tribal
3 and indigenous persons, or persons with disabilities; and

4 (8) any particular success stories to encourage other
5 licensees to emulate best practices.

6 (c) Each annual report shall include as much
7 State-specific data as possible. If the submitting entity does
8 not submit State-specific data, then the licensee shall
9 include any national data it does have and explain why it could
10 not submit State-specific data and how it intends to do so in
11 future reports, if possible.

12 (d) Each annual report shall include the rules,
13 regulations, and definitions used for the procurement goals in
14 the licensee's annual report.

15 Section 100. The Illinois Administrative Procedure Act is
16 amended by adding Section 5-45.65 as follows:

17 (5 ILCS 100/5-45.65 new)

18 Sec. 5-45.65. Emergency rulemaking; Illinois Gaming Board.
19 To provide for the expeditious and timely implementation of
20 this amendatory Act of the 104th General Assembly, emergency
21 rules implementing the Fantasy Sports Consumer Protection Act
22 may be adopted in accordance with Section 5-45 by the Illinois
23 Gaming Board. The adoption of emergency rules authorized by
24 Section 5-45 and this Section is deemed to be necessary for the

1 public interest, safety, and welfare.

2 This Section is repealed one year after the effective date
3 of this amendatory Act of the 104th General Assembly.

4 Section 105. The Sports Wagering Act is amended by
5 changing Section 25-10 as follows:

6 (230 ILCS 45/25-10)

7 Sec. 25-10. Definitions. As used in this Act:

8 "Adjusted gross sports wagering receipts" means a master
9 sports wagering licensee's gross sports wagering receipts,
10 less winnings paid to wagerers in such games.

11 "Athlete" means any current or former professional athlete
12 or collegiate athlete.

13 "Board" means the Illinois Gaming Board.

14 "Covered persons" includes athletes; umpires, referees,
15 and officials; personnel associated with clubs, teams,
16 leagues, and athletic associations; medical professionals
17 (including athletic trainers) who provide services to athletes
18 and players; and the family members and associates of these
19 persons where required to serve the purposes of this Act.

20 "Department" means the Department of the Lottery.

21 "Gaming facility" means a facility at which gambling
22 operations are conducted under the Illinois Gambling Act,
23 pari-mutuel wagering is conducted under the Illinois Horse
24 Racing Act of 1975, or sports wagering is conducted under this

1 Act.

2 "Official league data" means statistics, results,
3 outcomes, and other data related to a sports event obtained
4 pursuant to an agreement with the relevant sports governing
5 body, or an entity expressly authorized by the sports
6 governing body to provide such information to licensees, that
7 authorizes the use of such data for determining the outcome of
8 tier 2 sports wagers on such sports events.

9 "Organization licensee" has the meaning given to that term
10 in the Illinois Horse Racing Act of 1975.

11 "Owners licensee" means the holder of an owners license
12 under the Illinois Gambling Act.

13 "Person" means an individual, partnership, committee,
14 association, corporation, or any other organization or group
15 of persons.

16 "Personal biometric data" means an athlete's information
17 derived from DNA, heart rate, blood pressure, perspiration
18 rate, internal or external body temperature, hormone levels,
19 glucose levels, hydration levels, vitamin levels, bone
20 density, muscle density, and sleep patterns.

21 "Prohibited conduct" includes any statement, action, and
22 other communication intended to influence, manipulate, or
23 control a betting outcome of a sporting contest or of any
24 individual occurrence or performance in a sporting contest in
25 exchange for financial gain or to avoid financial or physical
26 harm. "Prohibited conduct" includes statements, actions, and

1 communications made to a covered person by a third party, such
2 as a family member or through social media. "Prohibited
3 conduct" does not include statements, actions, or
4 communications made or sanctioned by a team or sports
5 governing body.

6 "Qualified applicant" means an applicant for a license
7 under this Act whose application meets the mandatory minimum
8 qualification criteria as required by the Board.

9 "Sporting contest" means a sports event or game on which
10 the State allows sports wagering to occur under this Act.

11 "Sports event" means a professional sport or athletic
12 event, a collegiate sport or athletic event, a motor race
13 event, or any other event or competition of relative skill
14 authorized by the Board under this Act.

15 "Sports facility" means a facility that hosts sports
16 events and holds a seating capacity greater than 17,000
17 persons, except in a municipality with a population of more
18 than 1,000,000, a seating capacity greater than 10,000
19 persons.

20 "Sports governing body" means the organization that
21 prescribes final rules and enforces codes of conduct with
22 respect to a sports event and participants therein.

23 "Sports wagering" means accepting wagers on sports events
24 or portions of sports events, or on the individual performance
25 statistics of athletes in a sports event or combination of
26 sports events, by any system or method of wagering, including,

1 but not limited to, in person or over the Internet through
2 websites and on mobile devices. "Sports wagering" includes,
3 but is not limited to, single-game bets, teaser bets, parlays,
4 over-under, moneyline, pools, exchange wagering, in-game
5 wagering, in-play bets, proposition bets, and straight bets.
6 "Sports wagering" does not include fantasy contests as that
7 term is defined in Section 5 of the Fantasy Sports Consumer
8 Protection Act.

9 "Sports wagering account" means a financial record
10 established by a master sports wagering licensee for an
11 individual patron in which the patron may deposit and withdraw
12 funds for sports wagering and other authorized purchases and
13 to which the master sports wagering licensee may credit
14 winnings or other amounts due to that patron or authorized by
15 that patron.

16 "Tier 1 sports wager" means a sports wager that is
17 determined solely by the final score or final outcome of the
18 sports event and is placed before the sports event has begun.

19 "Tier 2 sports wager" means a sports wager that is not a
20 tier 1 sports wager.

21 "Wager" means a sum of money or thing of value risked on an
22 uncertain occurrence.

23 "Winning bidder" means a qualified applicant for a master
24 sports wagering license chosen through the competitive
25 selection process under Section 25-45.

26 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

1 Section 110. The Criminal Code of 2012 is amended by
2 changing Sections 28-1 and 28-3 as follows:

3 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

4 Sec. 28-1. Gambling.

5 (a) A person commits gambling when he or she:

6 (1) knowingly plays a game of chance or skill for
7 money or other thing of value, unless excepted in
8 subsection (b) of this Section;

9 (2) knowingly makes a wager upon the result of any
10 game, contest, or any political nomination, appointment or
11 election;

12 (3) knowingly operates, keeps, owns, uses, purchases,
13 exhibits, rents, sells, bargains for the sale or lease of,
14 manufactures or distributes any gambling device;

15 (4) contracts to have or give himself or herself or
16 another the option to buy or sell, or contracts to buy or
17 sell, at a future time, any grain or other commodity
18 whatsoever, or any stock or security of any company, where
19 it is at the time of making such contract intended by both
20 parties thereto that the contract to buy or sell, or the
21 option, whenever exercised, or the contract resulting
22 therefrom, shall be settled, not by the receipt or
23 delivery of such property, but by the payment only of
24 differences in prices thereof; however, the issuance,

1 purchase, sale, exercise, endorsement or guarantee, by or
2 through a person registered with the Secretary of State
3 pursuant to Section 8 of the Illinois Securities Law of
4 1953, or by or through a person exempt from such
5 registration under said Section 8, of a put, call, or
6 other option to buy or sell securities which have been
7 registered with the Secretary of State or which are exempt
8 from such registration under Section 3 of the Illinois
9 Securities Law of 1953 is not gambling within the meaning
10 of this paragraph (4);

11 (5) knowingly owns or possesses any book, instrument
12 or apparatus by means of which bets or wagers have been, or
13 are, recorded or registered, or knowingly possesses any
14 money which he has received in the course of a bet or
15 wager;

16 (6) knowingly sells pools upon the result of any game
17 or contest of skill or chance, political nomination,
18 appointment or election;

19 (7) knowingly sets up or promotes any lottery or
20 sells, offers to sell or transfers any ticket or share for
21 any lottery;

22 (8) knowingly sets up or promotes any policy game or
23 sells, offers to sell or knowingly possesses or transfers
24 any policy ticket, slip, record, document or other similar
25 device;

26 (9) knowingly drafts, prints or publishes any lottery

1 ticket or share, or any policy ticket, slip, record,
2 document or similar device, except for such activity
3 related to lotteries, bingo games and raffles authorized
4 by and conducted in accordance with the laws of Illinois
5 or any other state or foreign government;

6 (10) knowingly advertises any lottery or policy game,
7 except for such activity related to lotteries, bingo games
8 and raffles authorized by and conducted in accordance with
9 the laws of Illinois or any other state;

10 (11) knowingly transmits information as to wagers,
11 betting odds, or changes in betting odds by telephone,
12 telegraph, radio, semaphore or similar means; or knowingly
13 installs or maintains equipment for the transmission or
14 receipt of such information; except that nothing in this
15 subdivision (11) prohibits transmission or receipt of such
16 information for use in news reporting of sporting events
17 or contests; or

18 (12) knowingly establishes, maintains, or operates an
19 Internet site that permits a person to play a game of
20 chance or skill for money or other thing of value by means
21 of the Internet or to make a wager upon the result of any
22 game, contest, political nomination, appointment, or
23 election by means of the Internet. This item (12) does not
24 apply to activities referenced in items (6), (6.1), (8),
25 (8.1), ~~and~~ (15), and (16) of subsection (b) of this
26 Section.

1 (b) Participants in any of the following activities shall
2 not be convicted of gambling:

3 (1) Agreements to compensate for loss caused by the
4 happening of chance including without limitation contracts
5 of indemnity or guaranty and life or health or accident
6 insurance.

7 (2) Offers of prizes, award or compensation to the
8 actual contestants in any bona fide contest for the
9 determination of skill, speed, strength or endurance or to
10 the owners of animals or vehicles entered in such contest.

11 (3) Pari-mutuel betting as authorized by the law of
12 this State.

13 (4) Manufacture of gambling devices, including the
14 acquisition of essential parts therefor and the assembly
15 thereof, for transportation in interstate or foreign
16 commerce to any place outside this State when such
17 transportation is not prohibited by any applicable Federal
18 law; or the manufacture, distribution, or possession of
19 video gaming terminals, as defined in the Video Gaming
20 Act, by manufacturers, distributors, and terminal
21 operators licensed to do so under the Video Gaming Act.

22 (5) The game commonly known as "bingo", when conducted
23 in accordance with the Bingo License and Tax Act.

24 (6) Lotteries when conducted by the State of Illinois
25 in accordance with the Illinois Lottery Law. This
26 exemption includes any activity conducted by the

1 Department of Revenue to sell lottery tickets pursuant to
2 the provisions of the Illinois Lottery Law and its rules.

3 (6.1) The purchase of lottery tickets through the
4 Internet for a lottery conducted by the State of Illinois
5 under the program established in Section 7.12 of the
6 Illinois Lottery Law.

7 (7) Possession of an antique slot machine that is
8 neither used nor intended to be used in the operation or
9 promotion of any unlawful gambling activity or enterprise.
10 For the purpose of this subparagraph (b)(7), an antique
11 slot machine is one manufactured 25 years ago or earlier.

12 (8) Raffles and poker runs when conducted in
13 accordance with the Raffles and Poker Runs Act.

14 (8.1) The purchase of raffle chances for a raffle
15 conducted in accordance with the Raffles and Poker Runs
16 Act.

17 (9) Charitable games when conducted in accordance with
18 the Charitable Games Act.

19 (10) Pull tabs and jar games when conducted under the
20 Illinois Pull Tabs and Jar Games Act.

21 (11) Gambling games when authorized by the Illinois
22 Gambling Act.

23 (12) Video gaming terminal games at a licensed
24 establishment, licensed truck stop establishment, licensed
25 large truck stop establishment, licensed fraternal
26 establishment, or licensed veterans establishment when

1 conducted in accordance with the Video Gaming Act.

2 (13) Games of skill or chance where money or other
3 things of value can be won but no payment or purchase is
4 required to participate.

5 (14) Savings promotion raffles authorized under
6 Section 5g of the Illinois Banking Act, Section 7008 of
7 the Savings Bank Act, Section 42.7 of the Illinois Credit
8 Union Act, Section 5136B of the National Bank Act (12
9 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12
10 U.S.C. 1463).

11 (15) Sports wagering when conducted in accordance with
12 the Sports Wagering Act.

13 (16) Fantasy contest wagering when conducted in
14 accordance with the Fantasy Sports Consumer Protection
15 Act.

16 (c) Sentence.

17 Gambling is a Class A misdemeanor. A second or subsequent
18 conviction under subsections (a)(3) through (a)(12), is a
19 Class 4 felony.

20 (d) Circumstantial evidence.

21 In prosecutions under this Section circumstantial evidence
22 shall have the same validity and weight as in any criminal
23 prosecution.

24 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
25 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
26 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

1 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

2 Sec. 28-3. Keeping a gambling place. A "gambling place" is
3 any real estate, vehicle, boat, or any other property
4 whatsoever used for the purposes of gambling other than
5 gambling conducted in the manner authorized by the Illinois
6 Gambling Act, the Sports Wagering Act, ~~or~~ the Video Gaming
7 Act, or the Fantasy Sports Consumer Protection Act. Any person
8 who knowingly permits any premises or property owned or
9 occupied by him or under his control to be used as a gambling
10 place commits a Class A misdemeanor. Each subsequent offense
11 is a Class 4 felony. When any premises is determined by the
12 circuit court to be a gambling place:

13 (a) Such premises is a public nuisance and may be
14 proceeded against as such, and

15 (b) All licenses, permits or certificates issued by
16 the State of Illinois or any subdivision or public agency
17 thereof authorizing the serving of food or liquor on such
18 premises shall be void; and no license, permit or
19 certificate so cancelled shall be reissued for such
20 premises for a period of 60 days thereafter; nor shall any
21 person convicted of keeping a gambling place be reissued
22 such license for one year from his conviction and, after a
23 second conviction of keeping a gambling place, any such
24 person shall not be reissued such license, and

25 (c) Such premises of any person who knowingly permits

1 thereon a violation of any Section of this Article shall
2 be held liable for, and may be sold to pay any unsatisfied
3 judgment that may be recovered and any unsatisfied fine
4 that may be levied under any Section of this Article.

5 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
6 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
7 102-558, eff. 8-20-21.)

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.