

1 AN ACT relating to gambling.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 528.010 is amended to read as follows:

4 The following definitions apply in this chapter unless the context otherwise requires:

- 5 (1) "Advancing gambling activity" -- A person "advances gambling activity" when,
6 acting other than as a player, he engages in conduct that materially aids any form of
7 gambling activity. The conduct shall include, but is not limited to, conduct directed
8 toward the establishment of the particular game, contest, scheme, device, or activity
9 involved; toward the acquisition or maintenance of premises, paraphernalia,
10 equipment, or apparatus therefor; toward the solicitation or inducement of persons
11 to participate therein; toward the actual conduct of the playing phases thereof;
12 toward the arrangement of any of its financial or recording phases or toward any
13 other phase of its operation. A person who gambles at a social game of chance on
14 equal terms with other participants does not otherwise advance gambling activity by
15 performing acts, without remuneration or fee, directed toward the arrangement or
16 facilitation of the game as inviting persons to play, permitting the use of premises
17 therefor and supplying equipment used therein;
- 18 (2) "Bookmaking" means advancing gambling activity by unlawfully accepting bets
19 upon the outcome of future contingent events from members of the public as a
20 business;
- 21 (3) "Charitable gaming" means games of chance conducted by charitable organizations
22 licensed and regulated under the provisions of KRS Chapter 238;
- 23 (4) (a) "Gambling" means staking or risking something of value upon the outcome of
24 a contest, game, gaming scheme, or gaming device which is based upon an
25 element of chance, in accord with an agreement or understanding that
26 someone will receive something of value in the event of a certain outcome. A
27 contest or game in which eligibility to participate is determined by chance and

1 the ultimate winner is determined by skill shall not be considered to be
2 gambling.

3 (b) Gambling shall not mean charitable gaming which is licensed and regulated
4 under the provisions of KRS Chapter 238.

5 **(c) Card games such as poker in all of its varieties, and blackjack, also known**
6 **as twenty-one (21) are deemed to be games of skill and shall not be**
7 **considered to be gambling under this chapter;**

8 (5) "Gambling device" means:

9 (a) Any so-called slot machine or any other machine or mechanical device an
10 essential part of which is a drum or reel with insignia thereon, and which
11 when operated may deliver, as a result of the application of an element of
12 chance, any money or property, or by the operation of which a person may
13 become entitled to receive, as the result of the application of an element of
14 chance, any money or property;

15 (b) Any mechanical or electronic device permanently located in a business
16 establishment, including a private club, that is offered or made available to a
17 person to play or participate in a simulated gambling program in return for
18 direct or indirect consideration, including but not limited to consideration paid
19 for Internet access or computer time, or a sweepstakes entry, which when
20 operated may deliver as a result of the application of an element of chance,
21 any money or property, or by the operation of which a person may become
22 entitled to receive, as the result of the application of an element of chance, any
23 money or property; or

24 (c) Any other machine or any mechanical or other device, including but not
25 limited to roulette wheels, gambling tables and similar devices, designed and
26 manufactured primarily for use in connection with gambling and which when
27 operated may deliver, as the result of the application of an element of chance,

1 any money or property, or by the operation of which a person may become
2 entitled to receive, as the result of the application of an element of chance, any
3 money or property;

4 (d) But, the following shall not be considered gambling devices within this
5 definition:

- 6 1. Devices dispensing or selling combination or French pools on licensed,
7 regular racetracks during races on said tracks;
- 8 2. Devices dispensing or selling combination or French pools on historical
9 races at licensed, regular racetracks as lawfully authorized by the
10 Kentucky Horse Racing Commission;
- 11 3. Electro-mechanical pinball machines specially designed, constructed, set
12 up, and kept to be played for amusement only. Any pinball machine
13 shall be made to receive and react only to the deposit of coins during the
14 course of a game. The ultimate and only award given directly or
15 indirectly to any player for the attainment of a winning score or
16 combination on any pinball machine shall be the right to play one (1) or
17 more additional games immediately on the same device at no further
18 cost. The maximum number of free games that can be won, registered,
19 or accumulated at one (1) time in operation of any pinball machine shall
20 not exceed thirty (30) free games. Any pinball machine shall be made to
21 discharge accumulated free games only by reactivating the playing
22 mechanism once for each game released. Any pinball machine shall be
23 made and kept with no meter or system to preserve a record of free
24 games played, awarded, or discharged. Nonetheless, a pinball machine
25 shall be a gambling device if a person gives or promises to give money,
26 tokens, merchandise, premiums, or property of any kind for scores,
27 combinations, or free games obtained in playing the pinball machine in

1 which the person has an interest as owner, operator, keeper, or
2 otherwise; or

3 4. Devices used in the conduct of charitable gaming;

4 (6) "Lottery and gift enterprise" means:

5 (a) A gambling scheme in which:

6 1. The players pay or agree to pay something of value for chances,
7 represented and differentiated by numbers or by combinations of
8 numbers or by some other media, one (1) or more of which are to be
9 designated the winning ones; and

10 2. The ultimate winner is to be determined by a drawing or by some other
11 method based upon the element of chance; and

12 3. The holders of the winning chances are to receive something of value;
13 and

14 (b) A gift enterprise or referral sales plan which meets the elements of a lottery
15 listed in paragraph (a) of this subsection is to be considered a lottery under
16 this chapter;

17 (7) "Mutuel" or "the numbers games" means a form of lottery in which the winning
18 chances or plays are not determined upon the basis of a drawing or other act on the
19 part of persons conducting or connected with the scheme, but upon the basis of the
20 outcome or outcomes of a future contingent event or events otherwise unrelated to
21 the particular scheme;

22 (8) "Player" means a person who engages in any form of gambling solely as a
23 contestant or bettor, without receiving or becoming entitled to receive any profit
24 therefrom other than personal gambling winnings, and without otherwise rendering
25 any material assistance to the establishment, conduct, or operation of the particular
26 gambling activity. A person who engages in "bookmaking" as defined in subsection
27 (2) of this section is not a "player." The status of a "player" shall be a defense to any

- 1 prosecution under this chapter;
- 2 (9) "Profiting from gambling activity" -- A person "profits from gambling activity"
- 3 when, other than as a player, he accepts or receives or agrees to accept or receive
- 4 money or other property pursuant to an agreement or understanding with any person
- 5 whereby he participates or is to participate in the proceeds of gambling activity;
- 6 (10) "Simulated gambling program" means any method intended to be used by a person
- 7 playing, participating, or interacting with an electronic device that may, through the
- 8 application of an element of chance, either deliver money or property or an
- 9 entitlement to receive money or property; and
- 10 (11) "Something of value" means any money or property, any token, object, or article
- 11 exchangeable for money or property, or any form of credit or promise directly or
- 12 indirectly contemplating transfer of money or property or of any interest therein, or
- 13 involving extension of a service, entertainment, or a privilege of playing at a game
- 14 or scheme without charge.