

SENATE BILL NO. 290

BY SENATOR CORTEZ

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AN ACT

To amend and reenact the introductory paragraph of R.S. 27:27.1(C) and 27.1(C)(1), (3), and (8), (D)(1), (3), and (4), (E), (F), (J), the introductory paragraph of (L), and (M), 627, and 628(B), relative to sports wagering; to specifically include operators and electronic wagering in compulsive and problem gambling programs; to add certain parties to the exception from liability for certain disclosure of information; to allow the division of a licensee's promotional play credit between platforms; to provide a method of proportionate distribution of revenue dedicated to local government; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 27:27.1(C) and 27.1(C)(1), (3), and (8), (D)(1), (3), and (4), (E), (F), (J), the introductory paragraph of (L), and (M), 627, and 628(B) are hereby amended and reenacted to read as follows:

§27.1. Uniform compulsive and problem gambling program

* * *

C. Within one hundred twenty days from the adoption of the rules provided for in Subsection B of this Section, each holder of a license **and operator** as defined in R.S. 27:44, 353, and 602, and the casino gaming operator shall submit for approval to the board a comprehensive program that provides policies and procedures that, at a minimum, shall cover the following areas of concern and are

1 designed to:

2 (1) Provide procedures designed to prevent employees from willfully
3 permitting a person identified on a self-exclusion list from engaging in gaming
4 activities at the licensed establishment or facility or electronically on a sports
5 wagering platform.

6 * * *

7 (3) Provide procedures for the development of programs to address issues of
8 underage gambling and unattended minors at ~~gaming facilities~~ the licensed
9 establishment or facility or electronically on a sports wagering platform.

10 * * *

11 (8) Provide procedures for the distribution or posting within the gaming
12 establishment or facility and on the sports wagering platform, including all
13 gaming websites and mobile applications, of information that promotes public
14 awareness about problem gambling and provides information on available services
15 and resources to those who have a gambling problem.

16 * * *

17 D.(1) The board shall provide by rule for the establishment of a list of self-
18 excluded persons from gaming activities ~~at all gaming establishments~~ with a
19 licensee, operator, or casino gaming operator. Any person may request placement
20 on the list of self-excluded persons by acknowledging in a manner to be established
21 by the board that the person wishes to be excluded and by agreeing that, during any
22 period of voluntary exclusion, the person may not collect any winnings or recover
23 any losses resulting from any such gaming activity ~~at such gaming establishments.~~

24 * * *

25 (3) The rules shall establish procedures for the transmittal ~~to all gaming~~
26 ~~establishments~~ of identifying information concerning self-excluded persons, ~~and to~~
27 any entity licensed or permitted under the provisions of this Title that is
28 responsible for ascertaining the identity of gaming patrons. The rules shall
29 require all ~~such gaming establishments~~ licensees, operators, and the casino gaming
30 operator to establish procedures designed, at a minimum, to remove self-excluded

1 persons from targeted mailings or other forms of advertising or promotions and deny
 2 self-excluded persons access to credit, complimentaries, check-cashing privileges,
 3 and other club benefits.

4 (4) The rules shall provide that notwithstanding the provision of R.S. 27:21
 5 or any other law to the contrary, the board's list of self-excluded persons shall not be
 6 open to public inspection. The board, division, any licensee, permittee, or casino
 7 gaming operator and any employee or agent thereof shall not be liable to any self-
 8 excluded person or to any other party in any judicial proceeding for any monetary
 9 damages or other remedy which may arise as a result of disclosure or publication in
 10 any manner other than a willfully unlawful disclosure to a third party that is not an
 11 employee, **agent**, affiliated company, **patron identification service entity**, or
 12 employee or agent of the board or division, of the identity of any self-excluded
 13 person.

14 E. A person who is prohibited from ~~any gaming establishment~~ **participating**
 15 **in any gaming activity** by any provision of this Title or pursuant to any self-
 16 exclusion rules adopted by the board shall not collect in any manner or proceeding
 17 any winnings or recover any losses arising as a result of any prohibited gaming
 18 activity.

19 F. In any proceeding brought against any licensee, permittee, or casino
 20 gaming operator and any employee thereof for a willful violation of the self-
 21 exclusion rules of the board, the board may order the forfeiture of any money or
 22 thing of value obtained by the licensee, **permittee**, or the casino gaming operator
 23 from any self-excluded person. Any money or thing of value so forfeited shall be
 24 deposited into the Compulsive and Problem Gaming Fund established pursuant to
 25 R.S. 28:842.

26 * * *

27 J.(1) The board may impose sanctions on a licensee, permittee, or casino
 28 gaming operator under this Title, if the licensee, permittee, or casino gaming
 29 operator willfully fails to exclude **a person placed on the self-exclusion list** from
 30 the licensed gaming establishment ~~a person placed on the self-exclusion list~~ **or**

1 facility or sports wagering platform or from participating in gaming activity.

2 (2) The board may seek revocation or suspension of a license, permit, or
3 casino operating contract if the licensee, permittee, or casino gaming operator
4 engages in a pattern of willful failure to exclude persons placed on the self-
5 exclusion list from the licensed gaming establishment ~~persons placed on the self-~~
6 ~~exclusion list~~ or facility or sports wagering platform or from participating in
7 gaming activity.

8 * * *

9 L. A licensee, operator, or casino gaming operator conducting gaming
10 pursuant to the provisions of this Title can demonstrate to the board compliance with
11 the education and training provisions of this Section by providing proof of
12 attendance by all employees when they are hired and annually thereafter at one of the
13 following education programs:

14 * * *

15 M. Except for the provisions of Subsection I, the provisions of this Section
16 shall not apply to persons licensed pursuant to the provisions of the Video Draw
17 Poker Devices Control Law as provided in Chapter 8 of this Title unless also
18 licensed pursuant to the provisions of the Louisiana Sports Wagering Act as
19 provided in Chapter 10 of this Title.

20 * * *

21 §627. Promotional play

22 A. Eligible promotional play shall be equal to the amount of dollars directly
23 attributable to promotional play wagers related to sports wagering and actually
24 redeemed by players and patrons.

25 **B.** Eligible promotional play shall not exceed an amount of five million
26 dollars per calendar year.

27 **C.** The maximum amount of eligible promotional play provided by ~~this~~
28 Subsection **B of this Section** shall apply per licensee.

29 ~~B. Notwithstanding the provisions provided by Subsection A of this Section~~
30 ~~in the event a licensee pools its wagers with other Louisiana sports wagering~~

1 licensees, the maximum amount of eligible promotional play shall apply per pool,
 2 and the amount of eligible promotional play per participating licensee shall be
 3 allocated in accordance with an agreement among licensees participating in the pool.
 4 Pooling and the corresponding agreement among the licensees shall be subject to the
 5 approval of the board.

6 ~~C.(1)~~ In no event shall a pool stack eligible promotional play of participating
 7 licensees to exceed the maximum amount provided by Subsection A of this Section.

8 ~~(2)~~ D.(1) In no event shall a licensee claim eligible promotional play from
 9 more than one sports wagering platform in a calendar year.

10 (2) Notwithstanding Paragraph (1) of this Subsection, on and after
 11 January 1, 2023, a licensee may allocate, by contract, all or a portion of its
 12 eligible promotional play to its contracted sports wagering platform provider.
 13 In no event shall the combined eligible promotional play claimed by a sports
 14 wagering licensee and its contracted sports wagering platform provider exceed
 15 the total maximum amount of eligible promotional play per licensee as provided
 16 in this Section.

17 E. If a sports wagering platform provider contracts with more than one
 18 sports wagering licensee, it may not claim more than the maximum amount of
 19 eligible promotional play per licensee as provided in this Section in any calendar
 20 year, regardless of the amount allocated to it by multiple sports wagering
 21 licensees.

22 §628. Sports Wagering Local Allocation Fund

23 * * *

24 B. Monies in the fund shall be remitted monthly, by proportionate
 25 distribution, to each parish governing authority in which the taxable conduct
 26 pursuant to R.S. 27:625 occurred. The distribution shall be proportionate to the
 27 population percentage of each parish that approved a proposition to allow
 28 sports wagering compared to the total population of such parishes based on the
 29 latest federal decennial census.

30 Section 2. This Act shall become effective on July 1, 2022; if vetoed by the governor

1 and subsequently approved by the legislature, this Act shall become effective on the day
2 following such approval by the legislature or July 1, 2022, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____