

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 111
HOUSE BILL 2312

AN ACT

AMENDING SECTION 13-3301, ARIZONA REVISED STATUTES; RELATING TO GAMBLING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 13-3301, Arizona Revised Statutes, is
4 amended to read:

5 13-3301. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Amusement gambling" means gambling involving a device, game or
8 contest which is played for entertainment if all of the following apply:

9 (a) The player or players actively participate in the game or contest
10 or with the device.

11 (b) The outcome is not in the control to any material degree of any
12 person other than the player or players.

13 (c) The prizes are not offered as a lure to separate the player or
14 players from their money.

15 (d) Any of the following:

16 (i) No benefit is given to the player or players other than an
17 immediate and unrecorded right to replay which is not exchangeable for value.

18 (ii) The gambling is an athletic event and no person other than the
19 player or players derives a profit or chance of a profit from the money paid
20 to gamble by the player or players.

21 (iii) The gambling is an intellectual contest or event, the money paid
22 to gamble is part of an established purchase price for a product, no
23 increment has been added to the price in connection with the gambling event
24 and no drawing or lottery is held to determine the winner or winners.

25 (iv) Skill and not chance is clearly the predominant factor in the
26 game and the odds of winning the game based upon chance cannot be altered,
27 provided the game complies with any licensing or regulatory requirements by
28 the jurisdiction in which it is operated, no benefit for a single win is
29 given to the player or players other than a merchandise prize which has a
30 wholesale fair market value of less than ~~four (4)~~ TEN dollars or coupons
31 which are redeemable only at the place of play and only for a merchandise
32 prize which has a fair market value of less than ~~four (4)~~ TEN dollars and,
33 regardless of the number of wins, no aggregate of coupons may be redeemed for
34 a merchandise prize with a wholesale fair market value of greater than five
35 hundred fifty ~~(550)~~ dollars.

36 2. "Conducted as a business" means gambling that is engaged in with
37 the object of gain, benefit or advantage, either direct or indirect, realized
38 or unrealized, but not when incidental to a bona fide social relationship.

39 3. "Crane game" means an amusement machine which is operated by player
40 controlled buttons, control sticks or other means, or a combination of the
41 buttons or controls, which is activated by coin insertion into the machine
42 and where the player attempts to successfully retrieve prizes with a
43 mechanical or electromechanical claw or device by positioning the claw or
44 device over a prize.

45 4. "Gambling" or "gamble" means one act of risking or giving something
46 of value for the opportunity to obtain a benefit from a game or contest of

1 chance or skill or a future contingent event but does not include bona fide
2 business transactions which are valid under the law of contracts including
3 contracts for the purchase or sale at a future date of securities or
4 commodities, contracts of indemnity or guarantee and life, health or accident
5 insurance.

6 5. "Player" means a natural person who participates in gambling.

7 6. "Regulated gambling" means either:

8 (a) Gambling conducted in accordance with a tribal-state gaming
9 compact or otherwise in accordance with the requirements of the Indian gaming
10 regulatory act of 1988 (P.L. 100-497; 102 Stat. 2467; 25 United States Code
11 sections 2701 through 2721 and 18 United States Code sections 1166 through
12 1168); or

13 (b) Gambling to which all of the following apply:

14 (i) It is operated and controlled in accordance with a statute, rule
15 or order of this state or of the United States.

16 (ii) All federal, state or local taxes, fees and charges in lieu of
17 taxes have been paid by the authorized person or entity on any activity
18 arising out of or in connection with the gambling.

19 (iii) If conducted by an organization which is exempt from taxation of
20 income under section 43-1201, the organization's records are open to public
21 inspection.

22 (iv) Beginning on June 1, 2003, none of the players is under
23 twenty-one years of age.

24 7. "Social gambling" means gambling that is not conducted as a
25 business and that involves players who compete on equal terms with each other
26 in a gamble if all of the following apply:

27 (a) No player receives, or becomes entitled to receive, any benefit,
28 directly or indirectly, other than the player's winnings from the gamble.

29 (b) No other person receives or becomes entitled to receive any
30 benefit, directly or indirectly, from the gambling activity, including
31 benefits of proprietorship, management or unequal advantage or odds in a
32 series of gambles.

33 (c) Until June 1, 2003, none of the players is below the age of
34 majority. Beginning on June 1, 2003, none of the players is under twenty-one
35 years of age.

36 (d) Players "compete on equal terms with each other in a gamble" when
37 no player enjoys an advantage over any other player in the gamble under the
38 conditions or rules of the game or contest.

39 Sec. 2. Requirements for enactment; three-fourths vote

40 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
41 sections 13-3301, Arizona Revised Statutes, as amended by this act, is
42 effective only on the affirmative vote of at least three-fourths of the
43 members of each house of the legislature.

H.B. 2312

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.