

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5048

Introduced 2/10/2026, by Rep. Lisa Davis

SYNOPSIS AS INTRODUCED:

230 ILCS 40/35	
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-2	from Ch. 38, par. 28-2
815 ILCS 525/10	
815 ILCS 525/33 new	
815 ILCS 525/45 new	

Amends the Video Gaming Act. Provides that an applicant or licensee is not in violation of the Act or any rule of the Board and the applicant or licensee is not subject to disciplinary action, delay of Board consideration, or denial of any license based solely upon the ownership, operation, or possession of a game device if the game device is in compliance with specified Sections of the Criminal Code of 2012. Amends the Criminal Code of 2012. Provides that, notwithstanding any other gambling offense provisions, a gambling offense involving a specified vending or other electronic machine or device connected to the Internet is a Class 4 felony. Prohibits any municipality from imposing any restriction or prohibition on permitted gambling activities. Makes changes to the definition of "gambling device". Amends the Prizes and Gifts Act. Makes changes to defined terms. Sets forth provisions concerning the operation of a prize and gift kiosk. Requires each business operating a prize and gift kiosk to be registered with the Department of Revenue and to register each prize and gift kiosk as a Coin-Operated Amusement Device. Provides that filing for a device other than a prize and gift kiosk shall be considered filing a false report or form with the State, and violators shall be subject to any and all penalties for that violation. Provides that the Department of Revenue and the Illinois Liquor Control Commission or its designee shall have jurisdiction. Effective immediately.

LRB104 18591 LNS 32034 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 5. The Video Gaming Act is amended by changing
5 Section 35 as follows:

6 (230 ILCS 40/35)

7 Sec. 35. Display of license; confiscation; violation as
8 felony.

9 (a) Each video gaming terminal shall be licensed by the
10 Board before placement or operation on the premises of a
11 licensed establishment, licensed truck stop establishment,
12 licensed large truck stop establishment, licensed fraternal
13 establishment, or licensed veterans establishment. The license
14 of each video gaming terminal shall be maintained at the
15 location where the video gaming terminal is operated. Failure
16 to do so is a petty offense with a fine not to exceed \$100. Any
17 licensed establishment, licensed truck stop establishment,
18 licensed large truck stop establishment, licensed fraternal
19 establishment, or licensed veterans establishment used for the
20 conduct of gambling games in violation of this Act shall be
21 considered a gambling place in violation of Section 28-3 of
22 the Criminal Code of 2012. Every gambling device found in a
23 licensed establishment, licensed truck stop establishment,

1 licensed large truck stop establishment, licensed fraternal
2 establishment, or licensed veterans establishment operating
3 gambling games in violation of this Act shall be subject to
4 seizure, confiscation, and destruction as provided in Section
5 28-5 of the Criminal Code of 2012. Any license issued under the
6 Liquor Control Act of 1934 to any owner or operator of a
7 licensed establishment, licensed truck stop establishment,
8 licensed large truck stop establishment, licensed fraternal
9 establishment, or licensed veterans establishment that
10 operates or permits the operation of a video gaming terminal
11 within its establishment in violation of this Act shall be
12 immediately revoked. No person may own, operate, have in his
13 or her possession or custody or under his or her control, or
14 permit to be kept in any place under his or her possession or
15 control, any device that awards credits and contains a
16 circuit, meter, or switch capable of removing and recording
17 the removal of credits when the award of credits is dependent
18 upon chance.

19 Nothing in this Section shall be deemed to prohibit the
20 use of a game device only if the game device is used in an
21 activity that is not gambling under subsection (b) of Section
22 28-1 of the Criminal Code of 2012. An applicant or licensee is
23 not in violation of this Act or any rule of the Board and the
24 applicant or licensee is not subject to disciplinary action,
25 delay of Board consideration, or denial of any license based
26 solely upon the ownership, operation, or possession of a game

1 device if the game device is in compliance with, and not
2 considered gambling under, subsection (b) of Section 28-1 or
3 item (iii) of subsection (a) of Section 28-2 of the Criminal
4 Code of 2012, so long as the device is not connected to the
5 Internet in a manner prohibited by paragraph (12) of
6 subsection (a) of Section 28-1 of the Criminal Code of 2012.
7 Any applicant previously denied a license by the Board based
8 in whole or in part on the participation in or operation of
9 game devices, including devices characterized by the Board as
10 sweepstakes devices, that were otherwise lawful under
11 subsection (b) of Section 28-1 or item (iii) of subsection (a)
12 of Section 28-2 of the Criminal Code of 2012 shall have the
13 denial rescinded and a license shall be issued as soon as
14 possible, so long as the applicant otherwise meets the
15 requirements of this Act. For any application for a license
16 under this Act that discloses participation in or operation of
17 game devices lawful under subsection (b) of Section 28-1 or
18 item (iii) of subsection (a) of Section 28-2 of the Criminal
19 Code of 2012, the Board shall process the application within
20 90 days after the date the application is filed.

21 A violation of this Section is a Class 4 felony. All
22 devices that are owned, operated, or possessed in violation of
23 this Section are hereby declared to be public nuisances and
24 shall be subject to seizure, confiscation, and destruction as
25 provided in Section 28-5 of the Criminal Code of 2012.

26 The provisions of this Section do not apply to devices or

1 electronic video game terminals licensed pursuant to this Act.
2 A video gaming terminal operated for amusement only and
3 bearing a valid amusement tax sticker shall not be subject to
4 this Section until 30 days after the Board establishes that
5 the central communications system is functional.

6 (b) (1) The odds of winning each video game shall be posted
7 on or near each video gaming terminal. The manner in which the
8 odds are calculated and how they are posted shall be
9 determined by the Board by rule.

10 (2) No video gaming terminal licensed under this Act may
11 be played except during the legal hours of operation allowed
12 for the consumption of alcoholic beverages at the licensed
13 establishment, licensed fraternal establishment, or licensed
14 veterans establishment. A licensed establishment, licensed
15 fraternal establishment, or licensed veterans establishment
16 that violates this subsection is subject to termination of its
17 license by the Board.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 Section 10. The Criminal Code of 2012 is amended by
20 changing Sections 28-1 and 28-2 as follows:

21 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

22 Sec. 28-1. Gambling.

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

24 (1) knowingly plays a game of chance or skill for

1 money or other thing of value, unless excepted in
2 subsection (b) of this Section;

3 (2) knowingly makes a wager upon the result of any
4 game, contest, or any political nomination, appointment or
5 election;

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

9 (4) contracts to have or give himself or herself or
10 another the option to buy or sell, or contracts to buy or
11 sell, at a future time, any grain or other commodity
12 whatsoever, or any stock or security of any company, where
13 it is at the time of making such contract intended by both
14 parties thereto that the contract to buy or sell, or the
15 option, whenever exercised, or the contract resulting
16 therefrom, shall be settled, not by the receipt or
17 delivery of such property, but by the payment only of
18 differences in prices thereof; however, the issuance,
19 purchase, sale, exercise, endorsement or guarantee, by or
20 through a person registered with the Secretary of State
21 pursuant to Section 8 of the Illinois Securities Law of
22 1953, or by or through a person exempt from such
23 registration under said Section 8, of a put, call, or
24 other option to buy or sell securities which have been
25 registered with the Secretary of State or which are exempt
26 from such registration under Section 3 of the Illinois

1 Securities Law of 1953 is not gambling within the meaning
2 of this paragraph (4);

3 (5) knowingly owns or possesses any book, instrument
4 or apparatus by means of which bets or wagers have been, or
5 are, recorded or registered, or knowingly possesses any
6 money which he has received in the course of a bet or
7 wager;

8 (6) knowingly sells pools upon the result of any game
9 or contest of skill or chance, political nomination,
10 appointment or election;

11 (7) knowingly sets up or promotes any lottery or
12 sells, offers to sell or transfers any ticket or share for
13 any lottery;

14 (8) knowingly sets up or promotes any policy game or
15 sells, offers to sell or knowingly possesses or transfers
16 any policy ticket, slip, record, document or other similar
17 device;

18 (9) knowingly drafts, prints or publishes any lottery
19 ticket or share, or any policy ticket, slip, record,
20 document or similar device, except for such activity
21 related to lotteries, bingo games and raffles authorized
22 by and conducted in accordance with the laws of Illinois
23 or any other state or foreign government;

24 (10) knowingly advertises any lottery or policy game,
25 except for such activity related to lotteries, bingo games
26 and raffles authorized by and conducted in accordance with

1 the laws of Illinois or any other state;

2 (11) knowingly transmits information as to wagers,
3 betting odds, or changes in betting odds by telephone,
4 telegraph, radio, semaphore or similar means; or knowingly
5 installs or maintains equipment for the transmission or
6 receipt of such information; except that nothing in this
7 subdivision (11) prohibits transmission or receipt of such
8 information for use in news reporting of sporting events
9 or contests; or

10 (12) knowingly establishes, maintains, or operates an
11 Internet site that permits a person to play a game of
12 chance or skill for money or other thing of value by means
13 of the Internet or to make a wager upon the result of any
14 game, contest, political nomination, appointment, or
15 election by means of the Internet. This item (12) does not
16 apply to activities referenced in items (6), (6.1), (8),
17 (8.1), and (15) of subsection (b) of this Section.

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

20 (1) Agreements to compensate for loss caused by the
21 happening of chance including without limitation contracts
22 of indemnity or guaranty and life or health or accident
23 insurance.

24 (2) Offers of prizes, award or compensation to the
25 actual contestants in any bona fide contest for the
26 determination of skill, speed, strength or endurance or to

1 the owners of animals or vehicles entered in such contest.

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

4 (4) Manufacture of gambling devices, including the
5 acquisition of essential parts therefor and the assembly
6 thereof, for transportation in interstate or foreign
7 commerce to any place outside this State when such
8 transportation is not prohibited by any applicable Federal
9 law; or the manufacture, distribution, or possession of
10 video gaming terminals, as defined in the Video Gaming
11 Act, by manufacturers, distributors, and terminal
12 operators licensed to do so under the Video Gaming Act.

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

15 (6) Lotteries when conducted by the State of Illinois
16 in accordance with the Illinois Lottery Law. This
17 exemption includes any activity conducted by the
18 Department of Revenue to sell lottery tickets pursuant to
19 the provisions of the Illinois Lottery Law and its rules.

20 (6.1) The purchase of lottery tickets through the
21 Internet for a lottery conducted by the State of Illinois
22 under the program established in Section 7.12 of the
23 Illinois Lottery Law.

24 (7) Possession of an antique slot machine that is
25 neither used nor intended to be used in the operation or
26 promotion of any unlawful gambling activity or enterprise.

1 For the purpose of this subparagraph (b)(7), an antique
2 slot machine is one manufactured 25 years ago or earlier.

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

5 (8.1) The purchase of raffle chances for a raffle
6 conducted in accordance with the Raffles and Poker Runs
7 Act.

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

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

12 (11) Gambling games when authorized by the Illinois
13 Gambling Act.

14 (12) Video gaming terminal games at a licensed
15 establishment, licensed truck stop establishment, licensed
16 large truck stop establishment, licensed fraternal
17 establishment, or licensed veterans establishment when
18 conducted in accordance with the Video Gaming Act.

19 (13) Games of ~~skill or~~ chance where money or other
20 things of value can be won but no payment or purchase is
21 required to participate as provided for in Section 10 of
22 the Prizes and Gifts Act, except if participation in that
23 game of chance is accomplished using a gambling device
24 prohibited by item (iii) of subsection (a) of Section
25 28-2.

26 (14) Savings promotion raffles authorized under

1 Section 5g of the Illinois Banking Act, Section 7008 of
2 the Savings Bank Act, Section 42.7 of the Illinois Credit
3 Union Act, Section 5136B of the National Bank Act (12
4 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12
5 U.S.C. 1463).

6 (15) Sports wagering when conducted in accordance with
7 the Sports Wagering Act.

8 (c) Sentence.

9 (1) Gambling is a Class A misdemeanor. A second or
10 subsequent conviction under subsections (a)(3) through
11 (a)(12), is a Class 4 felony.

12 (2) Notwithstanding paragraph (1) or any other
13 provision of this Section, a gambling offense involving a
14 device described in item (iii) of subsection (a) of
15 Section 28-2 is a Class 4 felony.

16 (d) Circumstantial evidence.

17 In prosecutions under this Section circumstantial evidence
18 shall have the same validity and weight as in any criminal
19 prosecution.

20 Municipal restrictions prohibited.

21 No municipality shall impose any restriction or
22 prohibition related to an activity that is lawful under
23 subsection (b) of this Section. Any restriction or prohibition
24 in place by any municipality before the effective date of this
25 amendatory Act of the 104th General Assembly shall be void and
26 unenforceable.

1 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
2 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
3 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

4 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

5 Sec. 28-2. Definitions.

6 (a) A "gambling device" is (i) any clock, tape machine,
7 slot machine or other machines or device for the reception of
8 money or other thing of value on chance or skill or upon the
9 action of which money or other thing of value is staked,
10 hazarded, bet, won, or lost; (ii) ~~or~~ any mechanism, furniture,
11 fixture, equipment, or other device designed primarily for use
12 in a gambling place; or (iii) any vending or other electronic
13 machine or device, including, without limitation, a machine or
14 device that awards credits and contains a circuit, meter, or
15 switch capable of removing and recording the removal of
16 credits or that is connected directly or indirectly to the
17 Internet, by cellular modem, hardwired, or wireless
18 connection, or to a set of interconnected networked devices in
19 order to participate in the game or contest or to receive or
20 retrieve any data related to the device, except if the
21 connected device is a redemption vault that is for the sole
22 purpose of redeeming a prize or award or a prize and gift kiosk
23 as defined in Section 10 of the Prizes and Gifts Act. A
24 "gambling device" does not include:

25 (1) A coin-in-the-slot operated mechanical device

1 played for amusement which rewards the player with the
2 right to replay such mechanical device, which device is so
3 constructed or devised as to make such result of the
4 operation thereof depend in part upon the skill of the
5 player and which returns to the player thereof no money,
6 property, or right to receive money or property.

7 (2) Except as otherwise provided in this subsection
8 (a), a vending machine ~~vending machines~~ by which full and
9 adequate return is made for the money invested and in
10 which there is no element of chance or hazard; or a prize
11 and gift kiosk as described in Sections 10 and 33 of the
12 Prizes and Gifts Act.

13 (3) A crane game. For the purposes of this paragraph
14 (3), a "crane game" is an amusement device involving
15 skill, if it rewards the player exclusively with
16 merchandise contained within the amusement device proper
17 and limited to toys, novelties, and prizes other than
18 currency, each having a wholesale value which is not more
19 than \$25.

20 (4) A redemption machine. For the purposes of this
21 paragraph (4), a "redemption machine" is a single-player
22 or multi-player amusement device involving a game, the
23 object of which is throwing, rolling, bowling, shooting,
24 placing, or propelling a ball or other object that is
25 either physical or computer generated on a display or with
26 lights into, upon, or against a hole or other target that

1 is either physical or computer generated on a display or
2 with lights, or stopping, by physical, mechanical, or
3 electronic means, a moving object that is either physical
4 or computer generated on a display or with lights into,
5 upon, or against a hole or other target that is either
6 physical or computer generated on a display or with
7 lights, provided that all of the following conditions are
8 met:

9 (A) The outcome of the game is predominantly
10 determined by the skill of the player.

11 (B) The award of the prize is based solely upon the
12 player's achieving the object of the game or otherwise
13 upon the player's score.

14 (C) Only merchandise prizes are awarded.

15 (D) The wholesale value of prizes awarded in lieu
16 of tickets or tokens for single play of the device does
17 not exceed \$25.

18 (E) The redemption value of tickets, tokens, and
19 other representations of value, which may be
20 accumulated by players to redeem prizes of greater
21 value, for a single play of the device does not exceed
22 \$25.

23 (5) Video gaming terminals at a licensed
24 establishment, licensed truck stop establishment, licensed
25 large truck stop establishment, licensed fraternal
26 establishment, or licensed veterans establishment licensed

1 in accordance with the Video Gaming Act.

2 (a-5) "Internet" means an interactive computer service or
3 system or an information service, system, or access software
4 provider that provides or enables computer access by multiple
5 users to a computer server, and includes, but is not limited
6 to, an information service, system, or access software
7 provider that provides access to a network system commonly
8 known as the Internet, or any comparable system or service and
9 also includes, but is not limited to, a World Wide Web page,
10 newsgroup, message board, mailing list, or chat area on any
11 interactive computer service or system or other online
12 service.

13 (a-6) "Access" has the meaning ascribed to the term in
14 Section 17-55.

15 (a-7) "Computer" has the meaning ascribed to the term in
16 Section 17-0.5.

17 (b) A "lottery" is any scheme or procedure whereby one or
18 more prizes are distributed by chance among persons who have
19 paid or promised consideration for a chance to win such
20 prizes, whether such scheme or procedure is called a lottery,
21 raffle, gift, sale, or some other name, excluding savings
22 promotion raffles authorized under Section 5g of the Illinois
23 Banking Act, Section 7008 of the Savings Bank Act, Section
24 42.7 of the Illinois Credit Union Act, Section 5136B of the
25 National Bank Act (12 U.S.C. 25a), or Section 4 of the Home
26 Owners' Loan Act (12 U.S.C. 1463).

1 (c) A "policy game" is any scheme or procedure whereby a
2 person promises or guarantees by any instrument, bill,
3 certificate, writing, token, or other device that any
4 particular number, character, ticket, or certificate shall in
5 the event of any contingency in the nature of a lottery entitle
6 the purchaser or holder to receive money, property, or
7 evidence of debt.

8 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;
9 102-558, eff. 8-20-21.)

10 Section 15. The Prizes and Gifts Act is amended by
11 changing Section 10 and by adding Sections 33 and 45 as
12 follows:

13 (815 ILCS 525/10)

14 Sec. 10. Definitions. As used in this Act:

15 "Bona fide product" means any item of real value,
16 including gift certificates to be used for or toward the
17 purchase of a retail item. "Bona fide product" does not
18 include a discount coupon, an item with Internet access, a
19 telephone card, a calling card, or a phone card.

20 "Catalog seller" means an entity (and its subsidiaries) or
21 a person at least 50% of whose annual revenues are derived from
22 the sale of products sold in connection with the distribution
23 of catalogs of at least 24 pages, which contain written
24 descriptions or illustrations and sale prices for each item of

1 merchandise and which are distributed in more than one state
2 with a total annual distribution of at least 250,000.

3 "Discount coupon" means a coupon that has a value worth
4 double the amount inserted into the electronic product
5 promotion kiosk and is used to offset the price of a retail
6 item at a store with a physical location or ecommerce website.

7 "No Payment or Purchase option" means the option to
8 participate in a prize and gift kiosk without inserting
9 anything of value and limited to obtaining a code that will
10 allow for free participation through the mail pursuant to
11 instructions contained within the prize and gift kiosk.

12 "Person" means a corporation, partnership, limited
13 liability company, sole proprietorship, or natural person.

14 "Prize" means a gift, award, or other item or service of
15 value that is offered or awarded to a participant in a real or
16 purported contest, competition, sweepstakes, scheme, plan, or
17 other selection process that involves an element of chance.

18 "Prize and gift kiosk" means a device that: (i) is used to
19 promote the purchase of a bona fide product and offers or
20 awards a prize, including cash, without requiring payment or
21 purchase to participate in compliance with paragraph (12) of
22 subsection (a) and paragraph (13) of subsection (b) of Section
23 28-1 of the Criminal Code of 2012; (ii) contains a fill system
24 that permits the operation of the device solely determined on
25 a fee basis or the amount of revenue generated, excluding a
26 system based on time, the number of spins or equivalents to

1 spins, or any other nonrevenue-based system; (iii)
2 automatically ceases to operate upon the completion of a
3 predetermined cycle; and (iv) contains a route boost plus
4 internal monitoring system. "Prize and gift kiosk" does not
5 include a device that is connected directly or indirectly to
6 the Internet, by cellular modem, hardwired, or wireless
7 connection, or to a set of interconnected networked devices in
8 order to participate in the game or contest or to receive or
9 retrieve any data related to the device, unless the connected
10 device is a redemption vault that is for the sole purpose of
11 redeeming a prize or award.

12 "Retail value" of a prize means:

13 (1) a price at which the sponsor can substantiate that
14 a substantial quantity of the item or service offered as a
15 prize has been sold to the public; or

16 (2) if the sponsor is unable to satisfy the
17 requirement in subdivision (1), no more than 3 times the
18 amount the sponsor paid for the prize in a bona fide
19 purchase from an unaffiliated seller.

20 "Route boost plus" means an internal monitoring system
21 that accounts and records: (i) cash in; (ii) winnings; (iii)
22 entries utilized; (iv) power failures, disconnections from the
23 monitoring system and malfunctions; and (v) remote activations
24 and disabling. However, the monitoring system shall not be
25 able to control or in any way alter the play of the prize and
26 gift kiosk and shall not provide for the monitoring or reading

1 of personal or financial information concerning patrons.

2 "Sponsor" means a person on whose behalf a promotion is
3 conducted to promote or advertise goods, services, or property
4 of that person. "Sponsor" includes a person who conducts a
5 promotion on behalf of another sponsor.

6 (Source: P.A. 92-436, eff. 1-1-02.)

7 (815 ILCS 525/33 new)

8 Sec. 33. Prize and gift kiosk operation.

9 (a) No person may operate on any premises a prize and gift
10 kiosk that fails to meet the technical standard set in Section
11 10.

12 (b) No prize and gift kiosk may be connected directly or
13 indirectly to the Internet, by cellular modem, hardwired or
14 wireless connection, or to a set of interconnected networked
15 devices in order to participate in the game or contest or to
16 receive or retrieve any data related to the kiosk or device
17 unless the connected device is a redemption vault.

18 (c) No prize and gift kiosk may offer the sale of anything
19 other than a bona fide product.

20 (d) No person may operate a prize and gift kiosk without a
21 self-contained fill system that permits the operation of the
22 device solely determined on a fee basis or the amount of
23 revenue generated, excluding a system based on time, the
24 number of spins or equivalents to spins, or other
25 nonrevenue-based system and automatically ceases to operate

1 upon the completion of a predetermined cycle.

2 (e) No person may operate a prize and gift kiosk without a
3 route boost plus internal monitoring system.

4 (f) A prize and gift kiosk may not offer No Payment or
5 Purchase options other than those provided for in Section 10.

6 (815 ILCS 525/45 new)

7 Sec. 45. Fee. Each person or business operating a prize
8 and gift kiosk shall be registered with the Department of
9 Revenue under the Department of Revenue Form REG-1-A and shall
10 register each prize and gift kiosk as a Coin-Operated
11 Amusement Device under Section 8i of the Form RCOA-1. Each
12 person or business operating a prize and gift kiosk shall
13 remit the annual fees for registration as set by the
14 Department. Filing for a device other than a prize and gift
15 kiosk shall be considered filing a false report or form with
16 the State. Violators shall be subject to any and all penalties
17 for that violation, including, but not limited to, the seizure
18 of the device. The Department of Revenue and the Illinois
19 Liquor Control Commission or its designee, including any
20 public private task force, shall have jurisdiction.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.