



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3872/1
EAW:kjf

2017 SENATE BILL 370

August 3, 2017 - Introduced by Senators RISSER, CRAIG, L. TAYLOR, MILLER and STROEBEL, cosponsored by Representatives HUTTON, JACQUE, ALLEN, BERCEAU, BRANDTJEN, HINTZ, KREMER, MURPHY, NEYLON, POPE, ROHRKASTE, SPIROS, SUBECK and THIESFELDT. Referred to Committee on Revenue, Financial Institutions and Rural Issues.

1 **AN ACT** *to repeal* 565.01 (4r) (b); *to amend* 565.01 (4r) (g); and *to create* 25.75
2 (3) (b) 5., 565.32 (3) (b), 565.32 (4) and 565.32 (5) of the statutes; **relating to:**
3 restrictions on advertising the state lottery.

Analysis by the Legislative Reference Bureau

This bill limits the amount that the state is allowed to spend on advertising for the lottery, and also limits the content of the advertising.

Under current law, the Department of Revenue or any other state agency is prohibited from paying for promotional advertising with lottery proceeds or public funds. Under current law, “promotional advertising” does not include advertising that provides the public with information about the fact that the state has a lottery; the locations that lottery tickets or shares are sold; the price of the tickets or shares; the prize structure; the type of lottery game and explanation of how it works; the time, date, and place of conducting the lottery; the winning numbers, lottery tickets, or lottery shares; the identity of the winners; the amount won; and how the lottery is operated or how the net proceeds of the lottery are used. This bill removes the location where lottery tickets or lottery shares are sold and the identity of the winners as exceptions from “promotional advertising.”

Current law also contains a number of required disclosures for all lottery advertising, tickets, and shares. This bill requires that any broadcast video or audio advertising contain a spoken statement disclosing all of the required information at a normal speaking pace.

Under current law, the state may only spend up to 10 percent of lottery revenues for the administration of the lottery, including the purchase of nonpromotional

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advertising. This bill provides that the state is limited to spending no more than \$5,000,000 per fiscal year on nonpromotional advertising of the lottery.

Finally, the state currently administers an e-mail subscription service known as the “players club.” This bill makes it illegal for DOR or any other state agency to collect e-mail addresses and distribute nonpromotional advertising to those e-mail addresses.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 25.75 (3) (b) 5. of the statutes is created to read:

2 25.75 (3) (b) 5. Advertising in an amount not to exceed \$5,000,000 per fiscal
3 year shall be included.

4 **SECTION 2.** 565.01 (4r) (b) of the statutes is repealed.

5 **SECTION 3.** 565.01 (4r) (g) of the statutes is amended to read:

6 565.01 (4r) (g) The winning numbers, lottery tickets or lottery shares ~~or the~~
7 identity of winners and the amounts won.

8 **SECTION 4.** 565.32 (3) (b) of the statutes is created to read:

9 565.32 (3) (b) All advertising of the lottery that is in a video or audio format
10 shall include a spoken statement containing all of the information required under
11 par. (a) or any other provision of law, read at a normal speaking pace.

12 **SECTION 5.** 565.32 (4) of the statutes is created to read:

13 565.32 (4) ELECTRONIC MAIL-BASED ADVERTISING PROHIBITED. The department or
14 any other state agency may not collect electronic mail addresses for the purpose of
15 sending information or advertising or send information or advertising regarding the
16 lottery directly to individuals via electronic mail.

17 **SECTION 6.** 565.32 (5) of the statutes is created to read:

