

# 50 State Survey on Social Gambling Laws

March 2015

## 50-State Survey of Social Gambling Laws

This 50-State Survey of Social Gambling Laws is intended as an overview of state laws that address social gambling. It does not address laws governing gambling establishments such as casinos, racetracks and similar facilities. State laws on this issue are complex, and this chart is intended to highlight some of the significant provisions rather than provide an exhaustive analysis of each law.

If you have questions about the laws of a particular state, please feel free to contact Salvador Simao, [ssimao@fordharrison.com](mailto:ssimao@fordharrison.com), or Joanna Rich, [jrich@fordharrison.com](mailto:jrich@fordharrison.com). You may also contact the FordHarrison attorney with whom you usually work. For more information regarding the Survey, please contact our Client Service Team at [clientservice@fordharrison.com](mailto:clientservice@fordharrison.com).

**50 STATE SURVEY ON SOCIAL GAMBLING LAWS:  
Are March Madness Brackets Permitted?**

STATE	SHORT ANSWER	STATE LAW PROVISIONS ON GAMBLING GENERALLY	APPLICABLE STATUTE
Alabama	Maybe, if it is a social game in a private place.	The Alabama Constitution prohibits lotteries; however, the Alabama Supreme Court has held that pari-mutuel betting on dog races does not violate this prohibition. <i>Opinion of the Justices</i> , 251 So.2d 751 (Ala. 1971). Contracts founded on gambling consideration are void. Alabama criminal law prohibits gambling but provides that a person charged with simple gambling has a defense if he can show he was engaged in a "social game" in a private place. "Private places" have included lawyers' and doctors' offices.	Ala. Const. art. IV, 65; Code of Ala. §§ 8-1-150; 13A-12-20, <i>et seq.</i> (criminal code)
Alaska	No, social games must take place in a home.	Gambling generally is prohibited; however, there is an exception for "social games" in a home where no house odds, bank, or player exists and no house income is taken. Promoting gambling is a crime.	Alaska Stat. §§ 11.66.200 through 11.66.280 (criminal provisions)
Arizona	Yes, provided players compete on equal terms, no other person benefits from the activity, and no player is under the age of 21.	Gambling generally is prohibited; however, there is an exception for social gambling. "Social gambling" means gambling that is not conducted as a business and that involves players who compete on equal terms with each other if no player receives any benefit other than the player's winnings, no other person benefits from the gambling activity and none of the players is under 21.	Ariz. Rev. Stat. §§ 13-3301, <i>et seq.</i>
Arkansas	No, social gaming is not permitted.	Gambling generally is prohibited; businesses are prohibited from receiving or transmitting information relating to sports for the purpose of gaming. Courts are required to broadly construe the term "gaming." One who loses money or property gambling may sue the winner to recover the money or property lost. There is a 90-day statute of limitations.	Ark. Code Ann. §§ 5-66-101; 5-66-114; 16-118-103
California	No.	Gambling generally is prohibited, specifically including	Cal Const. art. IV § 19; Cal. Bus. &

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		casinos and lotteries (other than the California State Lottery); wagering on horse races may be permitted.	Prof. Code § 19800, <i>et seq.</i> (the Gambling Control Act); Cal. Penal Code §§ 330, <i>et seq.</i>
Colorado	Yes, if only natural persons participate and no participant is involved in professional gambling.	Gambling generally is prohibited. There is an exception for gambling that is incidental to a bona fide social relationship if the only participants are natural persons and no one involved participates in professional gambling (aiding or inducing another to gamble with the intent to derive profit). <i>Leichliter v. State Liquor Licensing Auth.</i> , 9 P.3d 1153 (Colo. Ct. App. 2000) (permitting NCAA pool at a hotel bar because the pool was incidental to a bona fide social relationship). Gambling is a misdemeanor.	Colo. Const. Art. XVIII, §§ 2, 9; Colo. Rev. Stat. §§ 12-47.1-101, <i>et seq.</i> (Limited Gaming Act); Colo. Rev. Stat. § 18-10-102(d) (exclusion from criminal definition of gambling for bona fide social relationships)
Connecticut	Yes, if only natural persons participate and no participant is involved in professional gambling.	Gambling generally is prohibited; however, there are some limited exceptions, including an exception for gambling that is incidental to a bona fide social relationship if only natural persons participate in the gambling and no one involved is participating in professional gambling.	Conn. Gen. Stat. §§ 52-553; 53-278a through 53-278g
Delaware	Likely not permitted.	Gambling generally is prohibited with certain exceptions for state lotteries and pari-mutuel wagering. Social gaming is not expressly allowed by law, but may be acceptable under state legal precedent. <i>State v. Titlemen</i> , 108 A. 92 (Del. 1918); <i>State v. Panaro</i> , 91 A. 1000 (1914).	Del. Const. Art. 2, § 17; 11 Del. C. § 1401 through 11 Del. C. § 1432
District of Columbia	No.	Gambling generally is not permitted, including social gaming. All gaming contracts are void. Losses of \$25 or more may be recovered through a private right of action.	D.C. Code §§ 16-1701 through 16-1704
Florida	No.	Gambling generally is prohibited and is a misdemeanor.	Fla. Stat. § 849.01 through 849.46

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		There are certain exceptions including penny-ante games conducted in dwellings. Money and prizes obtained through gambling are subject to forfeiture. Gambling contracts are void.	
Georgia	No.	Gambling generally is prohibited; money paid for a gambling consideration can be recovered by lawsuit. Social gambling is not permitted.	O.C.G.A. §§ 13-8-3; 16-12-20 through 16-12-62
Hawaii	No. The social gambling exception does not apply where the game is conducted in a business establishment of any kind.	Gambling generally is prohibited. There is an affirmative defense for "social gambling." Social gambling means the players compete on equal terms with each other, no player receives anything of value other than his or her winnings, no one other than the players is entitled to receive anything of value, and the game is not conducted in a public place or area such as a hotel, bar, nightclub, business establishment of any kind, park, any public building or church. <i>State v. Allen</i> , 638 P.2d 338 (1981) (players failed to establish affirmative defense).	Haw. Rev. Stat. §§ 712-1220 through 712-1231
Idaho	No.	Gambling generally is prohibited and is a misdemeanor. Social gambling is also not permitted, but the state permits bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or owners of entrants; bona fide business transactions; games which award only additional play; and promotional contests.	Idaho Const. art. III, § 20; Idaho Code Ann. §§ 18-3801 through 18- 3802
Illinois	No.	Gambling generally is prohibited and is a misdemeanor. Second or subsequent violations of certain provisions are a felony. Exceptions include, among others, lotteries conducted by the state in accordance with state law,	720 Ill. Comp. Stat. Ann. 5/28-1 through 5/28-9

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		gambling games conducted on riverboats in accordance with state law, and games of skill or chance when money or things of value can be won but no payment or purchase is required. Money lost gambling (if \$50 or more) can be recovered in a civil lawsuit.	
Indiana	No.	Gambling generally is prohibited; however, the law does not apply to the sale of lottery tickets pursuant to Indiana Code § 4-30. Indiana law also prohibits "professional gambling," which includes engaging in "pool-selling."	Ind. Code Ann. §§ 35-45-5-1 through 35-45-5-12
Iowa	Yes, if limited to \$50 won or lost in any 24-hour period.	Gaming and betting are prohibited, including participating in any game for money or property. The law also prohibits selling pools. Social gambling is permitted where: the gambling is incidental to a bona fide social relationship between all participants; it does not occur at schools; all participants are individual; and any player cannot win or lose more than \$50 in all games and activities at any one time during a period of 24 consecutive hours. The law permits an annual "game night" where there is a bona fide social or employment relationship between the sponsor and participants and other requirements are met, including obtaining a license.	Iowa Code §§ 725.7; 725.10; 99B.1 through 99G.42
Kansas	No.	Gambling, other than lotteries and tribal gaming, generally is prohibited. Gambling is making a bet or entering or remaining in a gambling place with intent to make a bet, participate in a lottery or play a gambling device.	Kan. Const. Art. 15; Kan. Stat. Ann. §§ 21-6403, <i>et seq.</i>
Kentucky	Yes.	Gambling generally is prohibited and gaming contracts are void; losses from gambling can be recovered through a	Ky. Rev. Stat. §§ 238.500, <i>et seq.</i> (charitable gambling); 372.010;

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		lawsuit. Gambling is defined as staking or risking something of value on the outcome of a contest or game which is based on an element of chance, in accordance with an agreement that someone will receive something of value in the event of a certain outcome. Social games of chance are permitted. A contest or game in which eligibility to participate is determined by chance and the ultimate winner is determined by skill is not considered gambling. A person who provides a place and equipment for a social game of chance does not advance gambling activity under the penal code.	372.020; 528.010 (penal code)
Louisiana	Yes, if not conducted by or as a business.	Gambling generally is prohibited. However, social gambling is permitted if not conducted by or as a business.	La. Const. Art. XII, § 6; La. Rev. Stat. §§ 14:90, <i>et seq.</i> (criminal provisions); 18:1300.21 through 18:1300.23; 27:1, <i>et seq.</i> (gaming control board); 33:4851 through 33:4854
Maine	Yes.	Gambling generally is prohibited. However, social gambling is permitted.	8 Maine Rev. Stat. Ann. § 1001 through § 1064 (gambling control board); 17-A Maine Rev. Stat. Ann. §§ 951, <i>et seq.</i> (criminal code)
Maryland	No, although online fantasy competitions are permitted.	Betting, wagering and gambling generally are prohibited. Lotteries are also prohibited, except for the state lottery established under Maryland law. Online fantasy competitions are excluded from the prohibitions against betting, gambling and wagering. Specific counties have enacted provisions regarding gaming. These are located in Title 13 of the Maryland Criminal Code. Maryland's Unfair or Deceptive	Md. Code Ann., Crim. Law §§ 12-102, <i>et seq.</i> (criminal law, gaming); 12-114 (permitting fantasy competitions); 13-101, <i>et seq.</i> (gaming, local provisions); Md. Code Ann. Com. Law § 13-305(a)(4)(unfair deceptive trade practice)

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		Trade Practices Act does not apply to “games of skill or competition not involving sales promotion efforts.”	
Massachusetts	No.	Money or goods lost at gaming can be recovered in contract or tort. Anyone convicted of winning by gaming or betting will be required to forfeit double the amount won. Illegal gaming does not include a lottery conducted by the state lottery commission or a game conducted under Chapter 23K of the Massachusetts Code (relating to professional gaming).	Mass. Stat. ch. 137, § 1, <i>et seq.</i> ; ch. 4, § 7; ch. 271, § 1, <i>et seq.</i> (crimes)
Michigan	No.	Gambling generally is prohibited. The law specifically prohibits selling pools and registering bets.	Mich. Comp. Law Svc. §§ 750.301-315a (penal code)
Minnesota	Yes, under certain conditions.	Gambling generally is prohibited, including bets where the chance is accompanied by an element of skill. However, law does not prohibit private social bets not part of or incidental to organized, commercialized, or systematic gambling, and allows certain social games under certain conditions.	Minn. Stat. §§ 349.11, <i>et seq.</i> (regulation of lawful gambling); 609.75, <i>et seq.</i> (criminal code gambling)
Mississippi	No.	Gambling generally is prohibited with exceptions for cruise vessels and in certain counties that have approved gambling on certain types of vessels. An individual convicted of winning in gaming or gambling must pay a fine in the amount won. Pool selling is also prohibited, other than on cruise vessels and in certain counties.	Miss. Code Ann. §§ 97-33-1 <i>et seq.</i> (crimes – gambling and lottery)
Missouri	No.	Gambling generally is prohibited, other than casino gambling on licensed excursion boats as defined in the Missouri Code. Money lost gambling can be recovered in a civil action.	Mo. Rev. Stat. Ann. §§ 434.030; 572.010
Montana	Yes, sports pools, fantasy sports leagues	Gambling generally is prohibited; however, there are some exceptions to this including social card games played solely	Mont. Const., Art. III § 9; Mont. Code Ann. §§ 23-5-501 through 23-5-503



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	and sports tab games are legal.	for prizes of minimal value and sports pools. Permissible sports pools must comply with statutory and administrative regulations including limits on the amount that can be wagered (no more than \$25) and the prize value (not to exceed \$2,500). The winners of a sports pool must receive 100% payout. The person or organization conducting the sports pool may not retain any portion of the wagers (with exceptions for certain charitable purposes).	(sports pools); Mont. Admin. R. 23.16.1705 (authorized sports pools); Montana Dept. of Justice Gambling Laws & Administrative Rules, <a href="https://dojmt.gov/gaming/gambling-laws-administrative-rules/">https://dojmt.gov/gaming/gambling-laws-administrative-rules/</a> .
Nebraska	No.	Gambling generally is prohibited with exceptions for bingo and certain types of lotteries as set forth in the Code.	Neb. Const. Art. III, § 24; Neb. Rev. Stat. Ann. §§ 28-1101, <i>et seq.</i> (criminal provisions relating to gambling)
Nevada	No. Social gaming is only permitted in private residences.	Gambling/gaming by anyone not licensed is prohibited. Sports pools by anyone who is not licensed are prohibited. A sports pool is defined as the business of accepting wagers on sporting events or other events by any system or method of wagering. Online poker is permitted. Social gambling in private homes or residences in which no person makes money for operating the game is permitted.	Nev. Rev. Stat. Ann. §§ 463.010, <i>et seq.</i> ; Nev. Gaming Comm. Reg. 22 (race and sports pools)
New Hampshire	No.	Gambling generally is prohibited with some exceptions, but there is no formal exception for social gambling.	N.H. Rev. Stat. Ann. § 647:2 (gambling offenses)
New Jersey	Yes, if all proceeds go to players and no cut is taken by the house.	Gambling generally is prohibited, other than activity authorized under the Casino Control Act. The state also permits internet gaming for a ten-year period between 2013 and 2023, subject to certain restrictions such as that all activity must occur within the state and websites must be	N.J. Const., Art. IV, Sec. VII, Para. 2; N.J. Stat. §§ 2C:37-1 <i>et seq.</i> (gambling offenses); 2a:40-1, <i>et seq.</i> (civil liabilities and penalties); 5:12-1, <i>et seq.</i> (Casino Control Act)

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		operated by one of Atlantic City's 11 casinos. In <i>National Collegiate Athletic Ass'n v. Christie</i> , 2014 WL 6611529 (D.N.J.), a federal district court held that a 2014 New Jersey law partially repealing the state's ban on commercial betting on sports events was preempted by the Professional and Amateur Sports Protection Act and issued an injunction prohibiting the state from giving effect to the law. Social gambling is allowed if a person performs, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefore or supplying cards or other equipment used therein.	
New Mexico	No.	Gambling generally is prohibited.	N.M. Stat. Ann. §§ 30-19-1, <i>et seq.</i> (criminal offenses, gambling); 60-2E-1, <i>et seq.</i> (gaming control)
New York	Yes.	The New York Constitution prohibits gambling other than lotteries operated by the state as prescribed by the legislature and pari-mutuel betting on horse races as prescribed by the legislature. The state appears to allow for social, private gambling. <i>See e.g., Watts v. Malatesta</i> , 262 N.Y. 80, 186 N.E. 210, 88 A.L.R. 1072 (1933) ("casual betting or gaming by individuals, as distinguished from betting or gambling as a business or profession, is not a crime"). Anyone who loses \$25 or more gambling can sue the winner to recover the amount lost.	N.Y. Const. art. I, § 9; N.Y. Gen. Mun. Law §§ 185 through 195-r (local options for games of chance); N.Y. Gen. Oblig. Law § 5-401; 5-421; N.Y. Penal Law §§ 225.00 through 225.35
North Carolina	No.	Gambling generally is prohibited other than lotteries lawfully	N.C. Gen. Stat. §§ 14-292; N.D. Gen.

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		conducted in any state and the North Carolina state lottery.	Stat. § 16-1
North Dakota	Yes, if the total amount wagered by an individual player does not exceed \$25 per hand, game or event.	Gambling generally is prohibited; there is an exception for "public-spirited organizations" but only if all proceeds go to charity. Public spirited organizations with proper permits can conduct sport pools for professional sports only, subject to limits on wagers and prizes. Engaging in gambling is a misdemeanor; participating in the "business of gambling," which includes conducting a wagering pool or lottery, is a felony. An exception exists for social gambling on private premises where the total amount wagered by an individual player does not exceed \$25 per individual hand, game or event.	N.D. Cent. Code §§ 12.1-28-01 through 12.1-28-02 (criminal provisions); 53-06.1-01, <i>et seq.</i> (local option for games of chance)
Ohio	Yes, provided the game is not operated for profit.	Gambling generally is prohibited. Money or other things of value lost through gambling can be recovered through a lawsuit. Social gambling is only permitted if the game is conducted privately and not for profit.	Ohio Rev. Code Ann. §§ 2915.02; 3763.02
Oklahoma	No.	Gambling generally is prohibited. Gambling is a misdemeanor, while opening, conducting or carrying on a gambling game is a felony.	3A Okla. St. §§ 200 through 210; 261 through 282; 21 Okla. Stat. §§ 941 through 996.3; Okla. Admin. Code §§ 325:1-1-1 through 325:90-7-1
Oregon	No, unless authorized by county or city and the house does not share in winnings.	Gambling generally is prohibited with certain exceptions. Social games are excluded from the definition of gambling. A social game is a game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and, if authorized pursuant to	Or. Rev. Stat. §§ 167.108, <i>et seq.</i>

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		Ore. Rev. Stat. § 167.121 (which permits local authorization of social games), a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.	
Pennsylvania	Unclear.	The Pennsylvania Games of Chance Law was enacted in 2013 to permit certain volunteer, social and charitable organizations to operate small games of chance, including sports pools, as long as there are no more than 100 participants in the pool, entrance fees are capped at \$20 and all of the money generated goes to the winners. However, Pennsylvania state police continue to treat such games as illegal because they conflict with federal law. Legislation has been introduced to amend the law to permit private monetized sports pools, but had not been enacted as of the date of publication of this summary.	10 Pa. St. §§ 328.101, <i>et seq.</i> 18 Pa. Con. Stat. Ann. §§ 5513; 5514
Rhode Island	No.	Gambling generally is prohibited. However, legislation has been introduced (H-5244) that would permit social gambling, specifically including sports pools, if the law's requirements are met.	R.I. Const. Art. VI, § 22; R.I. Gen. Laws §§ 11-19-1, <i>et seq.</i> ; 11-50-1 through 11-51-2
South Carolina	No.	Betting, pool selling, and bookmaking are all prohibited. Violation of the law is a misdemeanor.	S.C. Code Ann. § 16-19-10, <i>et seq.</i>
South Dakota	No.	Gambling is prohibited and is a class 2 misdemeanor. Statutory exceptions exist for certain types of lottery and bingo.	S.D. Const. Art. III, § 25; S.D. Codified Laws §§ 22-25-1, <i>et seq.</i> ; 22-25A-1, <i>et seq.</i> ; 42-7B-1 through 42-7B-71

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Tennessee	No.	Gambling generally is prohibited. Gambling is "risking anything of value for a profit whose return is to any degree contingent on chance." Gambling is a Class C misdemeanor.	Tenn. Code Ann. §§ 4-36-101 through 4-36-402; 39-17-501 through 39-17-509
Texas	Maybe. A defense to gambling is available where the gambling occurred in a private place.	Gambling generally is prohibited, including making a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest. Gambling is a misdemeanor. A defense is available where gambling was in a private place, the only economic benefit was personal winnings, and the odds were same for all participants.	Tex. Penal Code Ann. §§ 47.01 through 47.10
Utah	No.	Gambling generally is prohibited, including online, where gambling means risking anything of value upon the outcome of a contest or game when the return or outcome has an element of chance.	Utah Const. Art. VI, § 27; Utah Code Ann. §§ 76-10-1101, <i>et seq.</i>
Vermont	No.	Gambling generally is prohibited. Money or valuables lost gambling can be recovered in a lawsuit. A person who wins or loses money or other valuables gambling is subject to a fine of not less than \$10 or more than \$200. Book making and pool selling are also prohibited.	Vt. Stat. Ann. tit. 13, §§ 2133, <i>et seq.</i> tit. 32, §§ 10201, <i>et seq.</i>
Virginia	No. Social gambling must take place in a private residence.	Betting or wagering on a game, event or contest, the outcome of which is uncertain or a matter of chance, is prohibited. Illegal gambling is a misdemeanor; operating a gambling operation is a felony. Social gambling is permitted where it is shown that the persons involved are participating in a game of chance conducted in a private residence, provided such private residence is not commonly used for such games of chance and there is no operator as defined by	Va. Code Ann. §§ 18.2-325 through 18.2-340

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		the Virginia legislator.	
Washington	No. Social gaming is limited to social card games.	Gambling generally is prohibited, even if consideration was not monetary but a thing of value. Social gaming is limited only to social card games subject to the state's restrictions.	Wash. Rev. Code Ann. § 9.46.010, <i>et seq.</i>
West Virginia	No.	Betting or wagering on games of chance is prohibited.	W. Va. Code §§ 61-10-5
Wisconsin	No.	Making bets and conducting lotteries is a misdemeanor. A bet is a bargain in which the parties agree that, dependent upon chance even though accompanied by some skill, one stands to win or lose something of value specified in the agreement. There are exceptions for certain activities as permitted by Wisconsin law, including bingo, pari-mutuel wagering, a lottery and offers of purses or prizes to participants in a bona fide contest for the determination of skill. Additionally, there is an exception for an agreement under which an employee is given an opportunity to win a prize, the award of which is determined by chance, in return for the employee making a referral as set forth in the law.	Wis. Const. Art. IV, § 24; Wis. Stat. Ann. §§ 945.01, <i>et seq.</i>
Wyoming	Yes, if only natural persons participate and no participant is involved in professional gambling.	Gambling generally is prohibited; gambling means risking property for gain contingent upon chance or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control. Social gambling is permitted where it is incidental to a bona fide social relationship, only natural persons participate, and in which no person participating, directly or indirectly, in professional gambling.	Wyo. Stat. Ann. § 6-7-101 through 6-7-104