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Ann. §§ 59-150-21(D) (prohibiting sales to or prizes unlawfully claimed by minors);  
59-150-230 (allowing unpaid taxes, delinquent child support, and other obligations to

...

Such legal restrictions and adverse consequences could be too easily circumvented by

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question of a present day lottery courier service is an open one, these opinions do not answer that question.

an amendment to Art. XVII, § 7 of the South Carolina Constitution. In pertinent part, such constitutional provision states that “[o]nly the State may conduct lotteries, and these lotteries

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Pursuant to R. 44-20.10, the Lottery Commission has delegated to the Executive Director “the authority to issue lottery retail sales licenses as provided in Section 59-150-150(A). the license “is a privilege and does not create a property interest and is not a legal right.”

As your letter indicates, all lottery ticket purchases must occur “in person at the licensed retailer location, utilizing cash to obtain the tickets in question.” Your argument, however, is that a lottery courier service is not a “retailer” under the Act and that the Act “does not regulate lottery couriers. You argue that there is no “sale” of lottery tickets by the courier service. See Op. S.C. Att’y Gen., 1984 WL 159818 (Jan. 31, 1984) [a “sale” requires “a contract or agreement between two parties by which a seller, in consideration of payment or a promise of payment of a certain price in money, transfers to a buyer the possession of property”]. Again,

rather than selling tickets, you liken a lottery courier to a food delivery service such as UberEats

or Door Dash. See Malzberg v. Josey, 282 A.3d 1109, 1111-12 (N.J. 2022) [“The UberEats app allows food delivery service providers and restaurants to connect with each other so that they can fulfill orders placed by consumers.”]. Your view is that “. . . the courier platforms simply connect willing adult customers with the retailers who are licensed to sell the product that the

electronically or through the courier's website, electronically through the courier's app, or in hard copy through the mail.

According to Lottery documentation, the first company that intended to operate under the courier sales model in Colorado approached the Lottery in 2018, made a presentation to the Lottery Commission in June, 2019, and began operating in November 2019.

See Colorado Office of the State Auditor, Colorado Lottery pp. 11-12 (November 2023).

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**What's the State of Regulatory Activity for Lottery Courier Services Across the US?**  
Much like other forms of gaming, state regulators have the authority to either explicitly regulate or prohibit such lottery courier services. However, such services are unregulated in most states – that is, not addressed by state law or regulations.

As your letter indicates, lottery courier services are currently operating in a number of states.

It is apparent there is presently no express prohibition in the South Carolina Lottery Act or in Lottery Regulations concerning lottery courier services. Such regulation would thus be

within the jurisdiction of the South Carolina Lottery Commission or its Executive Director and a court would afford deference to the Lottery Commission's analysis

### Conclusion

As discussed above, neither the Gossett opinion, nor the Smith opinion, in any way resolves the question of whether lottery courier services are legal or should be authorized in South Carolina. That is a matter for the Lottery Commission to determine, unrelated to our

previous opinions. In order for the Lottery Commission to assess whether lottery courier services are warranted, the South Carolina Education Lottery Act must be examined. That Act did not even exist at the time the Gossett opinion was issued. Thus, these opinions have no bearing on the question you present.

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operating in South Carolina would, in effect, supersede the Lottery Commission's regulatory authority and the state's courts will give deference to the Commission as the agency with enforcement authority under the Act. Logan supports. However, we respectfully request that our 1989 Grossott opinion

