

GREEN SHEET REDIGEST

HB 357

2020 Regular Session

Magee

GAMING: Provides for a proposition election to authorize sports wagering in Louisiana

DIGEST

Present law provides for the "Louisiana Fantasy Sports Contests Act", which called for a proposition election held on Nov. 6, 2018, to determine whether fantasy sports contests were to be permitted in a particular parish.

Present law provides for a definition of "fantasy sports contests", which means any fantasy or simulation sports game or contest played through the internet or mobile device with all of the following elements:

- (1) Participants create a simulation sports team based on the current membership of actual amateur or professional sports organizations.
- (2) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest, and the value of the prizes or awards is not determined by the number of participants or the amount of any fees paid by those participants.
- (3) All winning outcomes reflect the relative knowledge and skill of the participant and are predominantly determined by accumulated statistical results of the performance of the individuals, including athletes in the case of sporting events.
- (4) No winning outcome is based on either of the following:
 - (a) On the score, point-spread, or any performance or performances of any single real-world team or any combination of such teams.
 - (b) Solely on any single performance of an individual athlete in any single real-world sporting or other event.

Proposed law retains present law and adds definitions for the terms "confidential information", "entry fee", "fantasy sports contest operator", "fantasy sports contest player", "gross fantasy sports contests revenues", "location percentage", and "net revenue".

Present law authorizes the La. Gaming Control Board to adopt rules in accordance with the Administrative Procedure Act to implement, administer, and regulate fantasy sports contests.

Proposed law provides that the rules shall include but not be limited to:

- (1) The issuance of any license, contract, or permit, subject to regulation of the board.
- (2) The methods of and forms and procedures for making an application for a license, contract, or permit to be considered by the board.
- (3) The methods of and forms for providing to the board information concerning a person's family, habits, character, associates, criminal record, business activities, and financial affairs.

Proposed law requires a fantasy sports contest operator to be licensed by the La. Gaming Control Board. Provides that a fantasy sports contest operator must:

- (1) Be a person domiciled in La. or a domestic business entity with a certificate of existence from the secretary of state and in good standing or a foreign corporation with a certificate of authority to transact business in the state from the secretary of state and in good standing.

- (2) Demonstrate to the La. Gaming Control Board that the operator is suitable for licensing pursuant to present law.

Proposed law provides that any fantasy sports contest operator that allows its license to lapse, without requesting an extension of time to file for a renewal, is required to resubmit an initial application for licensure. Further prohibits the transfer of a fantasy sports contest operator's license.

Proposed law requires the board to issue or deny a fantasy sports contest operator's license within 60 days of receipt of application for licensure. Provides that the board shall provide an operator with specific reasons if a license is not issued. Prohibits the transfer of a fantasy sports contest operator's license.

Proposed law provides that as a condition of licensure, a fantasy sports contest operator is required to submit evidence to the board that the operator has established and will implement certain commercially reasonable procedures for fantasy sports contests which include but are not limited to:

- (1) Prevent employees of the fantasy sports contest operator, and relatives of an employee living in the same household as an employee of an operator, from competing in fantasy sports contests offered by an operator in which the operator offers a cash prize to the general public.
- (2) Prevent sharing of confidential information that could affect fantasy sports contests with third parties until the information is made publicly available.
- (3) Provide that no winning outcome is based on the score, point spread, or any performance of any single actual sports team or combination of such teams or solely on any single performance of an individual athlete or participant in any single actual sporting event.
- (4) Ensure that any athletes and individuals who participate in or officiate a game or competition that is the subject of a fantasy sports contest or any sports agent, team employee, referee, or league official associated with a sport or athletic event do not participate in fantasy sports contests.
- (5) Verify that a fantasy sports contest player is 21 years of age or older.
- (6) Provide fantasy sports contest players with access to information on responsible play.
- (7) Provide fantasy sports contest players with access to the fantasy sports contest player's play history and account details.
- (8) Allow individuals to restrict themselves from entering a fantasy sports contest upon request and provide reasonable steps to prevent the person entering fantasy sports contests offered by an operator.
- (9) Segregate fantasy sports contest player funds from operational funds or maintain a reserve that exceeds the amount of player funds on deposit, which may not be used for operational activities. Provides that reserve funds may take the form of cash, cash equivalents, payment process reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof, in the amount that must exceed the total balances of the fantasy sports contest players' accounts.

Proposed law prohibits fantasy sports contests operators from offering fantasy sports contests based on the performances of participants in high school or youth athletic events.

Proposed law requires a licensed fantasy sports contest operator to:

- (1) Annually contract with a certified public accountant to conduct an audit that is consistent with the standards accepted by the American Institute of Certified Public Accountants.

- (2) Submit to the board a copy of the audit report.

Proposed law prohibits any person licensed pursuant to proposed law, or any agent or employee thereof, from allowing a person under the age of 21 to be a fantasy sports contest player and from allowing a person to participate in a fantasy sports contest in a parish in which a majority of the qualified electors in the parish voting on the proposition to authorize fantasy sports in the parish voted against the proposition. Proposed law requires the licensee to withhold the winnings of such persons.

Proposed law requires periodic reporting of gross fantasy sports contests, revenues, net revenue, and financial statements regarding a fantasy sports contest operators operations in La.

Proposed law authorizes the division of state police to conduct investigations, hearings, and inquiries as it deems necessary to fulfill its responsibilities. Authorizes the suspension of a license prior to a hearing if there is a written finding of danger to public health and welfare.

Proposed law provides that as a condition of receiving a license, an operator agrees that the division and its agents and employees shall have unrestricted access and the right to inspect any premises or electronic platform under the control of the operator in which any activity relating to the provisions of proposed law is conducted.

Proposed law, regarding active accounts, requires an operator to:

- (1) Limit each authorized player to one active and continuously used account.
- (2) Publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any contest or platform. Requires procedures to include a toll-free number to call for help in establishing such parental controls.
- (3) Make clear conspicuous statements that are not inaccurate or misleading concerning the chances of winning and the number of winners when referencing the chances or likelihood of winning.
- (4) Permit any authorized player to permanently close an account registered to the player, on any and all platforms supported by the operator or registrant, at any time and for any reason.
- (5) Identify all highly experienced players in any contest by a symbol attached to the players' username, or by other visible means, on all platforms supported by the operator or registrant.
- (6) Implement measures to protect the privacy and online security of authorized players, their accounts, and their personal financial information.

Proposed law prohibits an operator from charging players for inactive accounts. Provides that an operator shall only charge players for entry fees placed or contests entered.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 27:302 and 304; adds R.S. 27:306-313)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law provisions enacting the "Louisiana Sports Wagering Control Act" which define terms relative to sports wagering.
2. Move proposed law provisions relative to the proposition election on sports wagering to Title 18 rather than Title 27 of the La. Revised Statutes of 1950.

3. Relative to the regulatory authority of the La. Gaming Control Board, require the board to have all regulatory authority, control, and jurisdiction and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of sports wagering activities and operations.
4. Provide for a definition of "sports wagering".
5. Modify the effective date to certain provisions of proposed law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Remove provisions relative to sports wagering.
2. Provide for the regulation of fantasy sports contests in this state.
3. Provide for definitions relative to fantasy sports contests.
4. Authorize the La. Gaming Control Board to adopt rules in accordance with the Administrative Procedure Act to implement, administer, and regulate fantasy sports contests.
5. Require a fantasy sports contest operator to be licensed by the La. Gaming Control Board with certain qualifications, conditions, and limitations.
6. Require periodic reporting of gross fantasy sports contests revenues, net revenues, and financial statements regarding a fantasy sports contest operators operations in La.
7. Prohibit any person licensed pursuant to proposed law, or any agent or employee thereof, from allowing a person under the age of 21 to be a fantasy sports contest player and from allowing a person to participate in a fantasy sports contest in a parish in which a majority of the qualified electors in the parish voting on the proposition to authorize fantasy sports in the parish voted against the proposition.
8. Authorize the division of state police to conduct investigations, hearings, and inquiries as it deems necessary to fulfill its responsibilities.
9. Provide that proposed law shall be effective upon signature of the governor or lapse of time for gubernatorial action.