HLS 18RS-698 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 484

BY REPRESENTATIVE TALBOT

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

1	AN ACT
2	To amend and reenact R.S. 27:15(B)(1) and to enact R.S. 14:90(D) and 90.3(J) and Chapter
3	6 of Title 27 of the Louisiana Revised Statutes, to be comprised of R.S. 27:301
4	through 304, relative to fantasy sports contests; to create the Louisiana Fantasy
5	Sports Contests Act; to provide for a proposition election to authorize fantasy sports
6	contests in this state; to define "fantasy sports contest"; to provide for the duties and
7	authority of the Louisiana Gaming Control Board with respect to the regulation of
8	fantasy sports contests; to provide relative to effectiveness; and to provide for related
9	matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. Chapter 6 of Title 27 of the Louisiana Revised Statutes, comprised of R.S.
12	27:301 through 303, is hereby enacted to read as follows:
13	CHAPTER 6. FANTASY SPORTS CONTESTS
14	<u>§301. Title</u>
15	This Chapter shall be referred to as the "Louisiana Fantasy Sports Contests
16	Act".
17	§302. Definitions
18	For purposes of this Chapter:
19	(1) "Board" means the Louisiana Gaming Control Board.

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1	(2) "Fantasy sports contest" means any fantasy or simulation sports game or
2	contest with all of the following elements:
3	(a) Participants create a simulation sports team based on the current
4	membership of actual amateur or professional sports organizations.
5	(b) All prizes and awards offered to winning participants are established and
6	made known to the participants in advance of the game or contest, and the value of
7	the prizes or awards is not determined by the number of participants or the amount
8	of any fees paid by those participants.
9	(c) All winning outcomes reflect the relative knowledge and skill of the
10	participant and are predominantly determined by accumulated statistical results of
11	the performance of the individuals in multiple real-world sporting or other events.
12	(d) No winning outcome is based on either of the following:
13	(i) On the score, point-spread, or any performance or performances of any
14	single real-world team or any combination of such teams.
15	(ii) Solely on any single performance of an individual athlete in any single
16	real-world sporting or other event.
17	§303. Election on fantasy sports contests
18	A. Notwithstanding any provision of law to the contrary, no fantasy sports
19	contest shall be allowed in this state unless first approved at an election held for such
20	purpose pursuant to the provisions of this Section.
21	B.(1) At the statewide election occurring on October 12, 2019, a proposition
22	shall appear on the ballot to determine whether fantasy sports contests shall be
23	permitted in this state.
24	(2) The ballot for the election shall state as follows:
25	"PROPOSITION TO AUTHORIZE FANTASY SPORTS CONTESTS.
26	Shall fantasy sports contests be permitted in Louisiana? YES ( ) NO ( )"
27	C.(1) The voters shall vote for or against the proposition. A vote for the
28	proposition being a "YES" vote, and a vote against the proposition being a "NO"
29	vote.

1	(2) If a majority of the qualified electors voting on the proposition vote for
2	the proposition, then fantasy sports contests shall be permitted in this state subject
3	to the enactment of laws for the licensing, regulation, and taxation of such activity.
4	(3) If a majority of the qualified electors voting on the proposition vote
5	against the proposition, then fantasy sports contests shall not be permitted in this
6	state.
7	D. The secretary of state shall prepare the ballot for the election as set forth
8	in the provisions of this Section.
9	E. Except as otherwise provided by this Section, the election shall be
10	conducted in accordance with the Louisiana Election Code.
11	Section 2. R.S. 27:15(B)(1) is hereby amended and reenacted and R.S. 27:304 is
12	hereby enacted to read as follows:
13	§15. Board's authority; responsibilities
14	* * *
15	B. The board shall:
16	(1) Have all regulatory authority, control, and jurisdiction, including
17	investigation, licensing, and enforcement, and all power incidental or necessary to
18	such regulatory authority, control, and jurisdiction over all aspects of gaming
19	activities and operations as authorized pursuant to the provisions of the Louisiana
20	Riverboat Economic Development and Gaming Control Act, the Louisiana
21	Economic Development and Gaming Corporation Act, and the Video Draw Poker
22	Devices Control Law, and the Louisiana Fantasy Sports Contests Act, except as
23	otherwise specified in this Title. Further, the board shall have all regulatory,
24	enforcement, and supervisory authority which exists in the state as to gaming on
25	Indian lands as provided in the provisions of Act No. 888 of the 1990 Regular
26	Session of the Legislature and Act No. 817 of the 1993 Regular Session of the
27	Legislature.
28	* * *

1	§304. Gaming Control Board; duties and powers
2	A. The board shall perform the duties and functions as authorized by the
3	provisions of this Chapter and the regulatory authority with respect to the regulation
4	of fantasy sports contests as provided by R.S. 27:15.
5	B. The board shall adopt, pursuant to the Administrative Procedure Act, all
6	rules necessary to implement, administer, and regulate fantasy sports contests as
7	authorized in this Chapter.
8	Section 3. R.S. 14:90(D) and 90.3(J) are hereby enacted to read as follows:
9	§90. Gambling
10	* * *
11	D. Participation in any fantasy sports contest as defined by R.S. 27:302 shall
12	not be considered gambling for the purposes of this Section.
13	* * *
14	§90.3. Gambling by computer
15	* * *
16	J. Participation in any fantasy sports contest as defined by R.S. 27:302 shall
17	not be considered gambling by computer for the purposes of this Section.
18	Section 4. This Section and Sections 5, 6, and 7 of this Act shall become effective
19	on August 1, 2018.
20	Section 5. Section 1 of this Act shall take effect and become operative if and when
21	the proposed amendment of Article XII, Section 6 of the Constitution of Louisiana contained
22	in the Act which originated as House Bill No of this 2018 Regular Session of the
23	Legislature is adopted at the statewide election and becomes effective.
24	Section 6. Section 2 of this Act shall become effective if Section 1 of this Act
25	becomes effective and, at the statewide election to be held on October 12, 2019, a majority
26	of the qualified electors voting on the proposition to permit fantasy sports contests in this
27	state vote to approve such proposition.
28	Section 7. Section 3 of this Act shall become effective if Sections 1 and 2 of this Act
29	become effective and the Louisiana Legislature enacts laws to provide for the licensing,

- 1 regulation, and taxation of revenue relative to fantasy sports contests and the Louisiana
- 2 Gaming Control Board adopts rules to implement, administer, and regulate fantasy sports
- 3 contests as provided by this Act.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 484 Original

2018 Regular Session

Talbot

**Abstract:** Creates the Louisiana Fantasy Sports Contests Act, requires a proposition election to determine whether fantasy sports contests shall be permitted statewide, provides for the regulation of such contests, and provides for a contingent effectiveness.

<u>Proposed law</u> creates the "Louisiana Fantasy Sports Contests Act" and provides for a proposition election to be held on October 12, 2018, to determine whether fantasy sports contests shall be permitted. For purposes of <u>proposed law</u>, "fantasy sports contest" means any fantasy or simulation sports game or contest 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 participant 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 in multiple real-world sporting or other 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.

If at the statewide election to be held on Oct. 12, 2019, a majority of the qualified electors voting on the proposition vote to approve such proposition, <u>proposed law</u> requires the La. Gaming Control Board to adopt all rules necessary to implement, administer, and regulate fantasy sports contests as provided by <u>proposed law</u>.

Upon adoption rules by the La. Gaming Control Board and the enactment of laws to provide for the licensing, regulation, and taxation of revenue relative to fantasy sports contests, <u>proposed law</u> does all of the following:

- (1) Authorizes fantasy sports contests in this state.
- (2) Provides an exception to the <u>present law</u> crimes of gambling (R.S. 14:90) and gambling by computer (R.S. 14:903) for fantasy sports contests.

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<u>Present constitution</u> (Art. XII, §6(C)) provides that no new form of gaming, gambling, or wagering shall be licensed or permitted to be conducted unless a referendum election on a proposition to allow such gaming, gambling, or wagering is held and the proposition is approved by a majority of those voting thereon.

<u>Proposed constitutional amendment</u> (HB No. \_\_\_\_\_, 2018 R.S.) would authorize a statewide referendum election for propositions to permit new forms of gaming, gambling, or wagering in this state.

<u>Proposed law</u> will go in to effect only if the <u>proposed constitutional amendment</u> (HB No. \_\_\_\_\_, 2018 R.S.) is enacted and subsequently is approved at a statewide election.

(Amends R.S. 27:15(B)(1); Adds R.S. 14:90(D) and 90.3(J) and R.S. 27:301 - 304)