

2018 Regular Session

HOUSE BILL NO. 484

BY REPRESENTATIVE TALBOT

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

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AN ACT

To amend and reenact R.S. 27:15(B)(1) and to enact R.S. 14:90(D) and 90.3(J) and Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:301 through 305, relative to fantasy sports contests; to create the Louisiana Fantasy Sports Contests Act; to provide for a proposition election to authorize fantasy sports contests in a parish; to define "fantasy sports contest"; to provide for the duties and authority of the Louisiana Gaming Control Board with respect to the regulation of fantasy sports contests; to provide relative to effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 6 of Title 27 of the Louisiana Revised Statutes, comprised of R.S. 27:301 through 303, is hereby enacted to read as follows:

CHAPTER 6. FANTASY SPORTS CONTESTS

§301. Title

This Chapter shall be referred to as the "Louisiana Fantasy Sports Contests Act".

§302. Definitions

For purposes of this Chapter:

(1) "Board" means the Louisiana Gaming Control Board.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (2) "Fantasy sports contest" means any fantasy or simulation sports game or
2 contest played through the internet or mobile device with all of the following
3 elements:

4 (a) Participants create a simulation sports team based on the current
5 membership of actual amateur or professional sports organizations.

6 (b) All prizes and awards offered to winning participants are established and
7 made known to the participants in advance of the game or contest, and the value of
8 the prizes or awards is not determined by the number of participants or the amount
9 of any fees paid by those participants.

10 (c) All winning outcomes reflect the relative knowledge and skill of the
11 participant and are predominantly determined by accumulated statistical results of
12 the performance of the individuals, including athletes in the case of sporting events.

13 (d) No winning outcome is based on either of the following:

14 (i) On the score, point-spread, or any performance or performances of any
15 single real-world team or any combination of such teams.

16 (ii) Solely on any single performance of an individual athlete in any single
17 real-world sporting or other event.

18 §303. Election on fantasy sports contests

19 A. Notwithstanding any provision of law to the contrary, no fantasy sports
20 contest shall be allowed in any parish unless first approved at an election held for
21 such purpose pursuant to the provisions of this Section.

22 B.(1) At the statewide election occurring on November 6, 2018, a
23 proposition shall appear on the ballot in every parish to determine whether fantasy
24 sports contests shall be permitted in the parish.

25 (2) The ballot for the election shall state as follows:

26 "PROPOSITION TO AUTHORIZE FANTASY SPORTS CONTESTS.
27 Shall fantasy sports contests be permitted in the parish of _____ ?
28 YES () NO ()"

1 Session of the Legislature and Act No. 817 of the 1993 Regular Session of the
2 Legislature.

3 * * *

4 §304. Gaming Control Board; duties and powers

5 A. The board shall perform the duties and functions as authorized by the
6 provisions of this Chapter and the regulatory authority with respect to the regulation
7 of fantasy sports contests as provided by R.S. 27:15.

8 B. The board shall adopt, pursuant to the Administrative Procedure Act, all
9 rules necessary to implement, administer, and regulate fantasy sports contests as
10 authorized in this Chapter.

11 Section 3. R.S. 14:90(D) and 90.3(J) are hereby enacted to read as follows:

12 §90. Gambling

13 * * *

14 D. Except as provided in R.S. 27:305, participation in any fantasy sports
15 contest as defined by R.S. 27:302 shall not be considered gambling for the purposes
16 of this Section.

17 * * *

18 §90.3. Gambling by computer

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20 J. Except as provided in R.S. 27:305, participation in any fantasy sports
21 contest as defined by R.S. 27:302 shall not be considered gambling by computer for
22 the purposes of this Section.

23 Section 4. R.S. 27:305 is hereby enacted to read as follows:

24 §305. Fantasy sports contests prohibited in certain parishes

25 Notwithstanding any provision of law to the contrary, fantasy sports contests
26 shall not be permitted in any parish in which an election was not held pursuant to
27 R.S. 27:303 or in any parish in which an election was held but a majority of the
28 qualified electors in the parish voting on the proposition to authorize fantasy sports
29 contests in the parish voted against the proposition.

1 Section 5. This Section and Sections 1, 6, and 7 of this Act shall become effective
2 on August 1, 2018.

3 Section 6. Section 2 of this Act shall become effective on November 7, 2018, if in
4 the statewide election to be held on November 6, 2018, a majority of the qualified electors
5 in at least one parish in the state vote to approve the proposition to permit fantasy sports
6 contests in such parish.

7 Section 7. Sections 3 and 4 of this Act shall become effective upon the enactment
8 of laws relative to the licensing, regulation, and taxation of revenue relative to fantasy sports
9 contests and the adoption of rules by the Louisiana Gaming Control Board to implement,
10 administer, and regulate fantasy sports 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 Engrossed

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, and provides for the regulation of such contests.

Proposed law creates the "Louisiana Fantasy Sports Contests Act" and provides for a proposition election to be held on November 6, 2018, to determine whether fantasy sports contests shall be permitted in a particular parish. For purposes of proposed law, "fantasy sports contest" 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 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, 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.

If a majority of the qualified electors in at least one parish in the state vote to approve the proposition to permit fantasy sports contests in such parish, proposed law requires the La. Gaming Control Board to adopt all rules necessary to implement, administer, and regulate fantasy sports contests as provided by proposed law.

Upon adoption of 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, proposed law does all of the following:

- (1) Authorizes fantasy sports contests in only those parishes in which a majority of qualified electors in the parish voting on the proposition voted for the proposition to permit fantasy sports contests in the parish.
- (2) Provides an exception to the present law crimes of gambling (R.S. 14:90) and gambling by computer (R.S. 14:903) for fantasy sports contests.

(Amends R.S. 27:15(B)(1); Adds R.S. 14:90(D) and 90.3(J) and R.S. 27:301 - 305)

Summary of Amendments Adopted by House

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

1. Remove the contingent effectiveness of proposed law based upon the passage of a proposed constitutional amendment which would authorize a statewide referendum election for propositions to allow new forms of gaming, gambling, or wagering.
2. Amend the definition of "fantasy sports contest" to provide that it is played through the internet or mobile device.
3. Change the date of the referendum election from October 12, 2019, to November 6, 2018, and provide that such election shall be held on a parish-by-parish basis instead of statewide.
4. Add a provision which prohibits the conducting of fantasy sports contests in any parish that does not hold a referendum election in this regard or that votes against a proposition to authorize the conducting of fantasy sports contests in the parish.