

ACT No. 322

2018 Regular Session

HOUSE BILL NO. 484

BY REPRESENTATIVE TALBOT

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 of 1950, to be comprised of R.S.
4 27:301 through 305, relative to fantasy sports contests; to create the Louisiana
5 Fantasy Sports Contests Act; to provide for a proposition election to authorize
6 fantasy sports contests in a parish; to define "fantasy sports contest"; to provide for
7 the duties and authority of the Louisiana Gaming Control Board with respect to the
8 regulation of fantasy sports contests; to provide relative to effectiveness; and to
9 provide for related 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 §301. Title

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.

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

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

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

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

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

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

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

15 §303. Election on fantasy sports contests

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

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

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

23 "PROPOSITION TO AUTHORIZE FANTASY SPORTS CONTESTS.

24 Shall fantasy sports contests be permitted in the parish of _____ ?

25 YES () NO ()"

26 C.(1) The voters shall vote for or against the proposition. A vote for the
27 proposition being a "YES" vote, and a vote against the proposition being a "NO"
28 vote.

29 (2) If a majority of the qualified electors in the parish voting on the
30 proposition vote for the proposition, then fantasy sports contests shall be permitted

1 in such parish subject to the enactment of laws for the licensing, regulation, and
2 taxation of such activity.

3 (3) If a majority of the qualified electors in the parish voting on the
4 proposition vote against the proposition, then fantasy sports contests shall not be
5 permitted in the parish.

6 D. The secretary of state shall prepare the ballot for the election as set forth
7 in the provisions of this Section.

8 E. Except as otherwise provided by this Section, the election shall be
9 conducted in accordance with the Louisiana Election Code.

10 Section 2. R.S. 27:15(B)(1) is hereby amended and reenacted and R.S. 27:304 is
11 hereby enacted to read as follows:

12 §15. Board's authority; responsibilities

13 * * *

14 B. The board shall:

15 (1) Have all regulatory authority, control, and jurisdiction, including
16 investigation, licensing, and enforcement, and all power incidental or necessary to
17 such regulatory authority, control, and jurisdiction over all aspects of gaming
18 activities and operations as authorized pursuant to the provisions of the Louisiana
19 Riverboat Economic Development and Gaming Control Act, the Louisiana
20 Economic Development and Gaming Corporation Act, ~~and~~ the Video Draw Poker
21 Devices Control Law, and the Louisiana Fantasy Sports Contests Act, except as
22 otherwise specified in this Title. Further, the board shall have all regulatory,
23 enforcement, and supervisory authority which exists in the state as to gaming on
24 Indian lands as provided in the provisions of Act No. 888 of the 1990 Regular
25 Session of the Legislature and Act No. 817 of the 1993 Regular Session of the
26 Legislature.

27 * * *

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

14 * * *

15 §90.3. Gambling by computer

16 * * *

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

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

21 §305. Fantasy sports contests prohibited in certain parishes

22 Notwithstanding any provision of law to the contrary, fantasy sports contests
23 shall not be permitted in any parish in which, at the election held pursuant to R.S.
24 27:303, a majority of the qualified electors in the parish voting on the proposition to
25 authorize fantasy sports contests in the parish voted against the proposition.

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

28 Section 6. Section 2 of this Act shall become effective on November 7, 2018, if in
29 the statewide election to be held on November 6, 2018, a majority of the qualified electors

1 in at least one parish in the state vote to approve the proposition to permit fantasy sports
2 contests in such parish.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____