

Chapter 853

(Senate Bill 900)

AN ACT concerning

Gaming – Fantasy Competitions – Regulation and Prohibition on Operation of Electronic Device

FOR the purpose of transferring the authority to adopt certain regulations related to fantasy competitions from the Comptroller to the State Lottery and Gaming Control Commission; prohibiting a person from operating a certain kiosk or machine that offers fantasy competition to the public; and generally relating to the regulation of fantasy competition.

~~BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–114
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)~~

BY transferring
Article – Criminal Law
Section 12–114
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

to be
Article – State Government
Section 9–1D–01
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1D–01 to be under the new subtitle “Subtitle 1D. Fantasy Competitions”
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 12–114 of Article – Criminal Law of the Annotated Code of Maryland be
transferred to be Section(s) 9–1D–01 of Article – State Government of the Annotated Code
of Maryland.

SECTION ~~1~~ 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~Article – Criminal Law~~~~12-114~~Article – State GovernmentSUBTITLE 1D. FANTASY COMPETITIONS.9-1D-01.

(a) In this section, “fantasy competition” includes any online fantasy or simulated game or contest such as fantasy sports, in which:

- (1) participants own, manage, or coach imaginary teams;
- (2) all prizes and awards offered to winning participants are established and made known to participants in advance of the game or contest;
- (3) the winning outcome of the game or contest reflects the relative skill of the participants and is determined by statistics generated by actual individuals (players or teams in the case of a professional sport); and
- (4) no winning outcome is based:
 - (i) solely on the performance of an individual athlete; or
 - (ii) on the score, point spread, or any performances of any single real-world team or any combination of real-world teams.

(b) **(1)** Notwithstanding the provisions of ~~the~~ **TITLE 12 OF THE CRIMINAL LAW ARTICLE** or any other title, **AND EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION**, the prohibitions against betting, wagering, and gambling do not apply to participation in a fantasy competition.

(2) ~~A PERSON IN THE STATE~~ **MAY NOT OPERATE A KIOSK OR MACHINE PHYSICALLY LOCATED IN A PLACE OF BUSINESS THAT OFFERS FANTASY COMPETITION TO THE PUBLIC IN A PLACE OF BUSINESS PHYSICALLY LOCATED IN THE STATE.**

(c) The ~~Comptroller~~ **STATE LOTTERY AND GAMING CONTROL COMMISSION** may adopt regulations to carry out the provisions of this section.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 26, 2018.