

SENATE BILL 1015

C7

8lr3588

By: **Senator Miller**

Introduced and read first time: February 5, 2018

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Gaming – Fantasy Competitions – Operators and Video Lottery Facilities**

3 FOR the purpose of authorizing the State Lottery and Gaming Control Commission to adopt
4 certain regulations related to fantasy competitions; authorizing, subject to a certain
5 referendum, the Commission to authorize the holder of a certain license to offer
6 fantasy competitions to the public; requiring the Commission to adopt certain
7 regulations; defining certain terms; submitting certain provisions of this Act to a
8 referendum of the qualified voters of the State; and generally relating to fantasy
9 competitions.

10 BY transferring

11 Article – Criminal Law

12 Section 12–114

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2017 Supplement)

15 to be

16 Article – State Government

17 Section 9–1D–01

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Government

22 Section 9–1D–01 to be under the new subtitle “Subtitle 1D. Fantasy Competitions”

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2017 Supplement)

25 (As enacted by Section 1 of this Act)

26 BY adding to

27 Article – State Government

28 Section 9–1D–02

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2017 Supplement)

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
8 as follows:

9 **Article – State Government**

10 **SUBTITLE 1D. FANTASY COMPETITIONS.**

11 9–1D–01.

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

14 (1) participants own, manage, or coach imaginary teams;

15 (2) all prizes and awards offered to winning participants are established
16 and made known to participants in advance of the game or contest;

17 (3) the winning outcome of the game or contest reflects the relative skill of
18 the participants and is determined by statistics generated by actual individuals (players or
19 teams in the case of a professional sport); and

20 (4) no winning outcome is based:

21 (i) solely on the performance of an individual athlete; or

22 (ii) on the score, point spread, or any performances of any single
23 real–world team or any combination of real–world teams.

24 (b) Notwithstanding the provisions of [this] **TITLE 12 OF THE CRIMINAL LAW**
25 **ARTICLE** or any other title, the prohibitions against betting, wagering, and gambling do
26 not apply to participation in a fantasy competition.

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

31 **Article – State Government**

1 **9-1D-02.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "COMMISSION" HAS THE MEANING STATED IN § 9-1A-01 OF THIS
5 TITLE.

6 (3) "FANTASY COMPETITION" HAS THE MEANING STATED IN §
7 9-1D-01 OF THIS SUBTITLE.

8 (4) "VIDEO LOTTERY OPERATION LICENSE" HAS THE MEANING
9 STATED IN § 9-1A-01 OF THIS TITLE.

10 (B) THE COMMISSION MAY AUTHORIZE THE HOLDER OF A VIDEO LOTTERY
11 OPERATION LICENSE TO OFFER FANTASY COMPETITIONS TO THE PUBLIC.

12 (C) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
13 SECTION.

14 SECTION 4. AND BE IT FURTHER ENACTED, That before Section 3 of this Act,
15 which authorizes additional forms or expansion of commercial gaming, becomes effective,
16 it first shall be submitted to a referendum of the qualified voters of the State at the general
17 election to be held in November 2018, in accordance with Article XIX, § 1(e) of the Maryland
18 Constitution. The State Board of Elections shall do those things necessary and proper to
19 provide for and hold the referendum required by this section. If a majority of the votes cast
20 on the question are "For the referred law", Section 3 of this Act shall become effective on
21 the 30th day following the official canvass of votes for the referendum, but if a majority of
22 the votes cast on the question are "Against the referred law", Section 3 of this Act, with no
23 further action required by the General Assembly, shall be null and void.

24 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of
25 Section 4 of this Act and for the sole purpose of providing for the referendum required by
26 Section 4 of this Act, this Act shall take effect July 1, 2018.

27 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section
28 5 of this Act, this Act shall take effect July 1, 2018.