

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4583

BY DELEGATES MCCUSKEY, MCGEEHAN, MOFFATT,

BLAIR, FOSTER, FLUHARTY, WELD, B. WHITE AND

STORCH

[Introduced February 17, 2016; Referred
to the Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §47-28-1 and §47-28-2, all relating to fantasy games; defining fantasy game;
 3 providing that fantasy games are lawful; and exempting fantasy games from regulation.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 article, designated §47-28-1 and §47-28-2, all to read as follows:

ARTICLE 28. FANTASY GAMES.

§47-28-1. Definitions.

1 “Fantasy game” means a fantasy or simulation sports game or educational game or
 2 contest that meets the following conditions:

3 (1) The value of all prizes and awards offered to winning participants is established and
 4 made known to the participants in advance of the fantasy game.

5 (2) All winning outcomes reflect the relative knowledge and skill of participants and are
 6 determined predominantly by accumulated statistical results of the performance of individuals,
 7 including athletes in the case of sporting events.

8 (3) A winning outcome is not based on the score, point spread, or performance of a single
 9 team or combination of such teams or on any single performance of an individual athlete or player
 10 in a single event.

§47-28-2. Fantasy games authorized

1 (a) Notwithstanding any provision of law to the contrary, the offering of or participation in
 2 fantasy games is lawful.

3 (b) No law or rule providing any penalty, disability, restriction, regulation or prohibition for
 4 the offering of or participation in fantasy games may be enacted and the provisions of this article
 5 preempt all regulations, rules, ordinances and laws in conflict with this article.

NOTE: The purpose of this bill is to recognize that fantasy games are lawful and to exempt

such games from any penalty, disability, restriction, regulation or prohibition in this state.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.