

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 529

BY SENATORS FERNS, BLAIR, CARMICHAEL, PALUMBO,
PREZIOSO, STOLLINGS, TRUMP, WOELFEL AND PLYMALE

[Originating in the Committee on the Judiciary;

reported on February 15, 2016.]

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 clarifying that fantasy games are not subject
4 to criminal penalties or sanctions.

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) Nothing in this code shall be deemed to prohibit the offering of or participation in fantasy
2 games as defined in this article.

3 (b) Nothing in this code or in any regulation, rule, ordinance or other law shall be deemed
4 or construed to provide or impose criminal penalties or sanctions of any kind for offering or
5 participating in fantasy games as defined in this article.