

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 529**

BY SENATORS FERNS, BLAIR, CARMICHAEL, PALUMBO

STOLLINGS, TRUMP AND WOELFEL

[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.