

# STATE OF NEW YORK

8766--A

## IN SENATE

July 15, 2020

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law and the penal law, in relation to interactive fantasy sports contests; and to repeal certain provisions of the racing, pari-mutuel wagering and breeding law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1412 of the racing, pari-mutuel wagering and breed-  
2 ing law is REPEALED.

3 § 2. The racing, pari-mutuel wagering and breeding law is amended by  
4 adding a new section 1413 to read as follows:

5 § 1413. Severability. If any clause, sentence, paragraph, section or  
6 part of this article shall be adjudged by any court of competent juris-  
7 isdiction to be invalid and after exhaustion of all further judicial  
8 review, the judgment shall not affect, impair or invalidate the remain-  
9 der thereof, but shall be confined in its operation to the clause,  
10 sentence, paragraph, section or part of this article directly involved  
11 in the controversy in which the judgment shall have been rendered.

12 § 3. Subdivision 1 of section 225.00 of the penal law is amended and  
13 two new subdivisions 30 and 31 are added to read as follows:

14 1. "Contest of chance" means any contest, game, gaming scheme or  
15 gaming device in which the outcome depends in a material degree upon an  
16 element of chance, notwithstanding that skill of the contestants may  
17 also be a factor therein. An interactive fantasy sports contest is not a  
18 contest of chance.

19 30. "Interactive fantasy sports contest" shall mean a game of skill  
20 wherein one or more contestants compete against each other by using  
21 their knowledge and understanding of athletic events and athletes to  
22 select and manage rosters of simulated players whose performance direct-  
23 ly corresponds with the actual performance of human competitors on  
24 sports teams and in sports events.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 31. Notwithstanding any definition to the contrary, interactive fanta-  
2 sy sports contests shall not constitute gambling within the meaning of  
3 this article.

4 § 4. This act shall take effect immediately.