STATE OF NEW YORK

3490

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

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:

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 Section 1412 of the racing, pari-mutuel wagering and breeding law is REPEALED.

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

§ 1413. Severability. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this article directly involved in the controversy in which the judgment shall have been rendered.

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

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

30. "Interactive fantasy sports contest" shall mean a game of skill wherein one or more contestants compete against each other by using their knowledge and understanding of athletic events and athletes to select and manage rosters of simulated players whose performance direct-

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

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ly corresponds with the actual performance of human competitors on sports teams and in sports events.

31. Notwithstanding any definition to the contrary, interactive fantasy sports contests shall not constitute gambling within the meaning of this article.

§ 4. This act shall take effect immediately.