

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 267**

As Recommended by Senate Committee on  
Federal and State Affairs

**Brief\***

SB 267 would make participation in fantasy sports leagues legal by including such sports leagues in the list of exceptions to the definition of what constitutes an illegal bet. The bill would define “fantasy sports league” to mean any fantasy or simulation sports game or contest in which no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization and that meets the following conditions:

- All prizes and awards offered to winning participants are established and made known to participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants;
- All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individual athletes in multiple real-world sporting events; and
- No winning outcome is based:
  - On the score, point spread, or any performance or performances of any single

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- real-world team or any combination of such teams; or
- Solely on any single performance of an individual athlete in any single real-world sporting event.

## **Background**

The bill was introduced by the Senate Committee on Federal and State Affairs.

At the hearing before the Senate Federal and State Affairs Committee, Representative Hildabrand and two representatives of the Fantasy Sports Trade Association appeared in support of the bill. They testified, based on an opinion expressed by the Kansas Racing and Gaming Commission (KRGCC), fantasy sports leagues are illegal under Kansas law, but legal under federal law. The proponents stated fantasy sports leagues outcomes are based on the skill of the participants, not merely on chance, and urged that the law be clarified to reflect that definition. No neutral or opponent testimony was provided.

The fiscal note prepared by the Division of the Budget indicates KRGCC, the Kansas Lottery, and the Attorney General all have indicated the bill would have no fiscal effect on their operations.