

SENATE BILL No. 461

June 14, 2017, Introduced by Senators SCHMIDT, HERTEL, KNEZEK, KOWALL and BRANDENBURG and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310 (MCL 750.310).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) This chapter ~~shall not be construed to~~ **DOES NOT**
2 prohibit or make unlawful ~~the~~ **ANY OF THE FOLLOWING:**

3 **(A) THE** operation of a game of skill or chance ~~pursuant to~~
4 **UNDER** the Michigan ~~Exposition and Fairgrounds Act or the giving or~~
5 ~~payment of~~ **EXPOSITION AND FAIRGROUNDS AUTHORITY ACT, 1978 PA 361,**
6 **MCL 285.161 TO 285.175B.**

7 **(B) SUBJECT TO SUBSECTION (3), DOING ANY OF THE FOLLOWING IN**
8 **CONNECTION WITH A RACE, CONTEST, OR GAME:**

9 **(i) GIVING OR PAYING** purses, prizes, or premiums to players in
10 a game or participants in a contest; ~~or~~ to the owner, driver,
11 manager, or trainer of animals; or **TO** the drivers, mechanics, or

1 operators of a machine. ~~or the giving or payment of~~

2 (ii) **GIVING OR PAYING** entry fees. ~~or the payment of~~

3 (iii) **PAYING** expenses or **A** reward for services or labor. ~~in~~
4 ~~connection with a race, contest, or game but it shall~~

5 (2) **THIS CHAPTER DOES** apply to the selling of pools or to a
6 transaction whereby money or a valuable thing ~~shall~~**WILL** be paid as
7 a gain or speculation on the result of a contest, race, game, or
8 event not known to the parties to be certain and concerning which
9 the parties to the transaction do not render service directly
10 related to the holding of the contest, race, or game or the
11 bringing about of the event.

12 (3) **THE EXCEPTION IN SUBSECTION (1) (B) ONLY APPLIES TO A GAME**
13 **OR CONTEST IF EITHER OF THE FOLLOWING APPLIES:**

14 (A) **THE GAME OR CONTEST INVOLVES AN ATHLETIC EVENT THAT**
15 **SATISFIES ALL OF THE FOLLOWING CONDITIONS:**

16 (i) **THE SPONSOR OR OPERATOR OF THE GAME OR CONTEST IS NOT A**
17 **PLAYER OR PARTICIPANT IN THE GAME OR CONTEST.**

18 (ii) **THE PERFORMANCE OF THE PLAYER OR PARTICIPANT RELATIVE TO**
19 **THE PERFORMANCE OF OTHERS IS DETERMINATIVE OF THE OUTCOME.**

20 (iii) **THE PRIZES AND AWARDS OFFERED TO WINNING PARTICIPANTS**
21 **ARE ESTABLISHED AND MADE KNOWN TO THE PARTICIPANTS IN ADVANCE OF**
22 **THE GAME OR CONTEST.**

23 (B) **THE GAME OR CONTEST IS A FANTASY OR SIMULATION SPORTS GAME**
24 **OR CONTEST THAT SATISFIES ALL OF THE FOLLOWING CONDITIONS:**

25 (i) **THE VALUE OF ALL PRIZES AND AWARDS OFFERED TO WINNING GAME**
26 **PARTICIPANTS IS ESTABLISHED AND MADE KNOWN TO THE GAME PARTICIPANTS**
27 **IN ADVANCE OF THE FANTASY GAME.**

1 (ii) ALL WINNING OUTCOMES REFLECT THE RELATIVE KNOWLEDGE AND
2 SKILL OF GAME PARTICIPANTS AND ARE DETERMINED PREDOMINANTLY BY
3 ACCUMULATED STATISTICAL RESULTS OF THE PERFORMANCE OF INDIVIDUALS,
4 INCLUDING ATHLETES IN THE CASE OF SPORTING EVENTS.

5 (iii) A WINNING OUTCOME IS NOT BASED ON THE SCORE, POINT
6 SPREAD, OR PERFORMANCE OF A SINGLE TEAM OR COMBINATION OF TEAMS OR
7 ON ANY SINGLE PERFORMANCE OF AN INDIVIDUAL ATHLETE OR PLAYER IN A
8 SINGLE EVENT.

9 (4) AS USED IN THIS SECTION, "ATHLETIC EVENT" AND "ATHLETIC
10 GAME OR CONTEST" MEAN A SPORTS ACTIVITY THAT INVOLVES THE PHYSICAL
11 EXERTION AND SKILL OF 1 OR MORE PLAYERS OR PARTICIPANTS. ATHLETIC
12 EVENT AND ATHLETIC GAME OR CONTEST DO NOT INCLUDE ROULETTE, POKER,
13 BLACKJACK, A CARD GAME, A DICE GAME, OR ANY OTHER GAME OR CONTEST
14 ORDINARILY OFFERED AT A GAMBLING CASINO.