

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4
5 By: Representative Ray
6 By: Senator J. Dotson
7

A Bill

HOUSE BILL 1349

For An Act To Be Entitled

9 AN ACT CONCERNING PAID ESPORTS TOURNAMENTS; AND FOR
10 OTHER PURPOSES.

Subtitle

14 CONCERNING PAID ESPORTS TOURNAMENTS.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code Title 23, is amended to add an additional
20 chapter to read as follows:

CHAPTER 118

PAID ESPORTS TOURNAMENTS

23-118-101. Legislative findings.

25 (a) The General Assembly finds that a paid esports tournament
26 conducted in compliance with this chapter does not constitute gambling for
27 any purpose.

28 (b) Paid and nonpaid esports tournaments conducted in compliance with
29 this chapter are exempt from § 5-66-101 et seq.

23-118-102. Definitions.

31 As used in this chapter:

33 (1)(A) "Esports" means any form of multiplayer competition using
34 video gaming consoles, computers, or other electronic devices.

35 (B) "Esports" includes the ability to compete or perform
36 in front of an audience, and through an online platform, broadcast on



1 television, or at an in-person event;

2 (2) "Esports tournament organizer" means a person that:

3 (A) Is engaged in the business of professionally
 4 conducting paid esports tournaments for cash prizes for members of the
 5 general public; and

6 (B) Requires cash or cash equivalent as an entry fee to be
 7 paid by a member of the general public who participates in a paid esports
 8 tournament;

9 (3) "Esports tournament participant" means an individual or
 10 group of individuals who function as a team that participates in a paid or
 11 nonpaid esports tournament offered by an esports tournament organizer;

12 (4) "Nonpaid esports tournament" means any:

13 (A) Esports event organized by an educational institution,
 14 charity, nonprofit, or other institution that awards nonmonetary prizes; or

15 (B) Event that does not require an entry or venue fee to
 16 participate in esports;

17 (5)(A) "Paid esports tournament" means any esports event
 18 facilitated by an esports tournament organizer for a cash prize or other
 19 monetary compensation if an esports tournament participant is required to pay
 20 an entry or venue fee to participate.

21 (B) "Paid esports tournament" includes any esports
 22 tournament or contest that meets the following conditions:

23 (i) The values of all prizes and awards offered to
 24 winning esports tournament participants in public contests, and the method
 25 through which prizing is determined, are established and made known to the
 26 esports tournament participants in advance of the tournament or contest;

27 (ii) All winning outcomes reflect the relative
 28 knowledge and skill of the esports tournament participants and are determined
 29 by the results of the performance of esports tournament participants;

30 (iii) A winning outcome is determined by the results
 31 of fully completed contests or events and not merely a portion of a contest
 32 or event, except that an esports tournament participant may be credited for
 33 results in a suspended or shortened contest or event that has been suspended
 34 or shortened by a decision of the esports tournament organizer on account of
 35 weather or other natural or unforeseen events; and

36 (iv)(a) Each paid esports tournament participant is

1 required to pay an entry fee to participate.

2 (b) Each nonpaid esports tournament
3 participant is exempted from the requirement to pay an entry fee to
4 participate.

5 (c) Payment under subdivision (5)(B)(iv)(a) of
6 this section shall be with cash or a cash equivalent and is not gambling for
7 the purposes of § 5-66-101 et seq.; and

8 (6) "Person" means any association, corporation, limited
9 liability company, fiduciary, individual, joint stock company, joint venture,
10 partnership, sole proprietorship, or other private legal entity.

11
12 23-118-103. Paid esports tournaments authorized.

13 An esports tournament organizer is authorized to conduct a paid esports
14 tournament through one (1) or more websites, local area networks, video
15 gaming platforms, or other similar gaming platforms maintained and operated
16 by the esports tournament organizer.