



**Testimony of R. Stanton Dodge  
Chief Legal Officer, DraftKings**

**Colorado Senate  
Sunset Regulation of Fantasy Sports Contests – HB 1286**

Thank you for allowing me to testify today on behalf of DraftKings. My name is Stanton Dodge and I serve as Chief Legal Officer of DraftKings, one of the two leading daily fantasy sports contest operators in the country. I have been a proud Colorado resident for the past 25 years.

DraftKings was founded in 2012 as a daily fantasy sports company with the goal of bringing sports fans closer to the games they love. Since that time, DraftKings has evolved into a global sports entertainment company with multiple products. Last month, DraftKings became a publicly traded company, making it the only vertically integrated sports betting and online gaming company based in the United States. Since the launch of our initial platform, DraftKings has grown significantly to become a transformative sports entertainment experience, changing the way that fans interact with sports. We now offer daily and weekly fantasy sports contests across an extensive number of professional sports in the United States and across the globe. In 2016, DraftKings launched the DK Live mobile app as a media hub for the latest in sports news, highlights, expert advice and original programming. As a leading fantasy sports contest operator in the United States – and a leading mobile sportsbook operator in multiple states, including in Colorado – we have a unique perspective on the importance of Colorado’s fantasy sports legislation.

To date, 23 jurisdictions, including Colorado, have enacted legislation to define and regulate fantasy sports and protect fantasy sports players with common-sense regulations. Fantasy sports contests, regardless of duration, are games predominantly based on skill that do not involve a material element of chance. Further, all fantasy sports contests have a singular goal: to allow fans to engage in a more meaningful way with the sports and athletes that they love.

In Colorado, fantasy sports contests have become a community pastime enjoyed by a significant number of our residents. The popularity of fantasy sports contests in Colorado is thanks in part to the state’s 2016 law, confirming the legality of fantasy sports contests while also requiring that operators follow many sensible consumer protection requirements.

We support elimination of the sunset provision from Colorado’s fantasy sports legislation. When Colorado addressed fantasy sports contests in 2016, the legislature included a sunset provision in the law so that, absent legislative action, the fantasy sports law will expire on September 1, 2020. Colorado’s experience with fantasy sports has shown that it is a safe and desirable form of entertainment for the many residents who participate. It is therefore paramount that the legislature act to remove the sunset provision.



We also support HB 1286 because the bill with amendments improves the fantasy sports law in multiples ways to bring Colorado law in line with the best practices from other states. These improvements include:

- (1) **Allowing Fantasy Sports Contests on Partial Games.** HB 1286 should fix current law by allowing Coloradoans to enjoy innovative partial-game fantasy sports contests. Operators offering fantasy sports contests on partial games would still be required to meet the definition of a “fantasy sports contest” and many other jurisdictions allow these types of fantasy sports contests.
- (2) **Allowing Fantasy Sports Contests Based on College Sports.** HB 1286 should bring Colorado law up-to-date with fantasy sports offerings in other states by permitting fans to participate in fantasy sports contests involving college athletics. Most other jurisdictions permit fantasy sports contests on college sports and removing this provision from the law would allow Colorado consumers to participate in these contests.
- (3) **Allowing Employee Contests.** Fantasy sports operators have rigorous controls in place that only allow their employees to participate in private fantasy sports contests and fantasy sports contests against other employees—which are important for creating a good product and understanding the user experience—but employees are prohibited from doing so in Colorado under current law. HB 1286 should allow operators’ employees to participate in private fantasy sports contests and fantasy sports contests with other employees, while also limiting them to nominal entry fees and prizes.

These recommended amendments are consistent with the legislature’s intent to protect the ability to play fantasy sports contests in Colorado. We look forward to working with the Committee in renewing the current fantasy sports legislative framework to protect consumers and allow an increasingly popular industry to continue to grow.