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LAW/KR

Title 5.  
Chapter 19. (New)  
Contests of Skill  
§1 - C.5:19-1 &  
Notes to 2C:37-2;  
2A:40-2

P.L.2013, CHAPTER 269, *approved January 17, 2014*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, Nos. 3624 and 3525

1 **AN ACT** providing that participation by New Jersey residents in  
2 contests of skill does not constitute unlawful gambling and  
3 supplementing Title 5 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Notwithstanding the provisions of any other law to the  
9 contrary, participation by a New Jersey resident in a contest of skill  
10 in which a participant pays an entry fee for the opportunity to win a  
11 monetary prize or something else of value shall not be considered a  
12 game of chance, shall not constitute unlawful gambling under the  
13 laws of this State, and shall not subject the participant or the  
14 sponsor of the contest of skill, or any officer, employee, or agent of  
15 the sponsor, to any civil or criminal liability under the laws of this  
16 State that prohibit gambling.

17 For the purposes of this section, “contest of skill” means <sup>1</sup>**[any**  
18 **contest where]** any baking or photography contest, and any similar  
19 contest that is approved as a “contest of skill” by the Attorney  
20 General, provided that<sup>1</sup> the winner or winners are selected solely on  
21 the quality of an entry in the contest as determined by a panel of  
22 judges using uniform criteria to assess the quality of entries. A  
23 “contest of skill” shall not include any contest, game, pool, gaming  
24 scheme or gaming device in which the outcome depends in a  
25 material degree upon an element of chance. <sup>1</sup>A “contest of skill”  
26 shall also not include any casino game, any sports wager or sports  
27 wagering scheme, or any Internet gaming of any kind.<sup>1</sup>

28

29 2. This act shall take effect immediately.

30

31

32

33 Provides that participation by New Jersey residents in contests of  
34 skill does not constitute unlawful gambling.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SSG committee amendments adopted December 12, 2013.

# ASSEMBLY, No. 3624

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 8, 2013

**Sponsored by:**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Provides that participation by New Jersey residents in contests of skill does not constitute unlawful gambling.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT providing that participation by New Jersey residents in  
2 contests of skill does not constitute unlawful gambling and  
3 supplementing Title 5 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Notwithstanding the provisions of any other law to the  
9 contrary, participation by a New Jersey resident in a contest of skill  
10 in which a participant pays an entry fee for the opportunity to win a  
11 monetary prize or something else of value shall not be considered a  
12 game of chance, shall not constitute unlawful gambling under the  
13 laws of this State, and shall not subject the participant or the  
14 sponsor of the contest of skill, or any officer, employee, or agent of  
15 the sponsor, to any civil or criminal liability under the laws of this  
16 State that prohibit gambling.

17 For the purposes of this section, “contest of skill” means any  
18 contest where the winner or winners are selected solely on the  
19 quality of an entry in the contest as determined by a panel of judges  
20 using uniform criteria to assess the quality of entries. A “contest of  
21 skill” shall not include any contest, game, pool, gaming scheme or  
22 gaming device in which the outcome depends in a material degree  
23 upon an element of chance.

24  
25 2. This act shall take effect immediately.

26  
27  
28 STATEMENT

29  
30 This bill provides that participation by a New Jersey resident in a  
31 contest of skill in which a participant pays an entry fee for the  
32 opportunity to win a monetary prize or something else of value is  
33 not considered a game of chance, does not constitute unlawful  
34 gambling under the laws of this State, and will not subject the  
35 participant or the sponsor of the contest of skill, or any officer,  
36 employee, or agent of the sponsor, to any civil or criminal liability  
37 under the laws of this State that prohibit gambling. The term  
38 “contest of skill” is defined to mean any contest where the winner  
39 or winners are selected solely on the quality of an entry in the  
40 contest as determined by a panel of judges using uniform criteria to  
41 assess the quality of entries. Under the bill, a “contest of skill”  
42 does not include any contest, game, pool, gaming scheme or gaming  
43 device in which the outcome depends in a material degree upon an  
44 element of chance.

45 This bill addresses the reluctance of certain contest sponsors to  
46 accept entries from New Jersey residents because of the belief that  
47 doing so would violate New Jersey’s gambling laws. The confusion  
48 on this point is apparently the result of a misinterpretation of New

**A3624 EUSTACE, WAGNER**

3

1 Jersey case law that addresses gambling. This has had the effect of  
2 denying New Jersey residents the opportunity to participate in such  
3 events as baking and photography contests sponsored by reputable  
4 national organizations that are not involved in any form of  
5 gambling. Under the bill, New Jersey residents would be free to  
6 participate in contests of skill and the sponsors of such contests,  
7 held here or elsewhere, would be free to accept entries from New  
8 Jersey residents without the fear that such activity would violate  
9 New Jersey's gambling laws.

# ASSEMBLY, No. 3525

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED DECEMBER 6, 2012

**Sponsored by:**

**Assemblyman JOHN F. AMODEO**

**District 2 (Atlantic)**

**Assemblyman CHRIS A. BROWN**

**District 2 (Atlantic)**

**SYNOPSIS**

Provides that participation by New Jersey residents in certain cooking or baking contests does not constitute unlawful gambling.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT providing that participation by New Jersey residents in  
2 certain cooking or baking contests does not constitute unlawful  
3 gambling and supplementing Title 2C of the New Jersey  
4 Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Notwithstanding the provisions of any other law to the  
10 contrary, participation by a New Jersey resident in a competitive  
11 cooking or baking contest in which a participant pays a fee in order  
12 to enter a cooked or baked good, or a recipe for such a cooked or  
13 baked good, that has been personally prepared or created by the  
14 participant, for the opportunity to win a monetary prize or  
15 something else of value shall not be considered a game of chance,  
16 shall not constitute unlawful gambling under the laws of this State,  
17 and shall not subject the participant or the sponsor of the contest, or  
18 any officer, employee, or agent of the sponsor, to any civil or  
19 criminal liability under the laws of this State that prohibit gambling,  
20 provided that the winner or winners of the contest are selected  
21 solely on the quality of the cooked or baked good or recipe as  
22 determined by a panel of judges using uniform criteria to assess the  
23 quality of the cooked or baked goods or recipes entered in the  
24 contest.

25  
26 2. This act shall take effect immediately.

27  
28  
29 STATEMENT

30  
31 This bill provides that participation by a New Jersey resident in a  
32 competitive cooking or baking contest in which a participant pays a  
33 fee to enter a cooked or baked good, or a recipe for a cooked or  
34 baked good, that was prepared or created by the participant, for the  
35 opportunity to win a monetary prize or something else of value is  
36 not a game of chance, does not constitute unlawful gambling under  
37 the laws of this State, and will not subject the participant or the  
38 sponsor of the contest, or any officer, employee, or agent of the  
39 sponsor, to any civil or criminal liability under the laws of this State  
40 that prohibit gambling. The winner or winners of the contest must  
41 be selected solely on the quality of the cooked or baked good or  
42 recipe as determined by a panel of judges using uniform criteria to  
43 assess the quality of the cooked or baked goods or recipes entered  
44 in the contest.

45 The bill addresses the reluctance of certain sponsors of cooking  
46 or baking contests to accept entries from New Jersey residents  
47 because they believe that to do so may violate New Jersey's  
48 gambling laws. The confusion on this point apparently is the result



1 of a misinterpretation of New Jersey case law that addresses  
2 gambling. Under the bill, New Jersey cooks and bakers would be  
3 free to participate in these contests and sponsors of cooking and  
4 baking contests, held here or elsewhere, could accept entries from  
5 New Jersey cooks and bakers, without fear that this activity will  
6 constitute unlawful gambling under New Jersey law.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3624 and 3525**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

ADOPTED MAY 6, 2013

**Sponsored by:**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen and Passaic)**

**Assemblyman JOHN F. AMODEO**

**District 2 (Atlantic)**

**Assemblyman CHRIS A. BROWN**

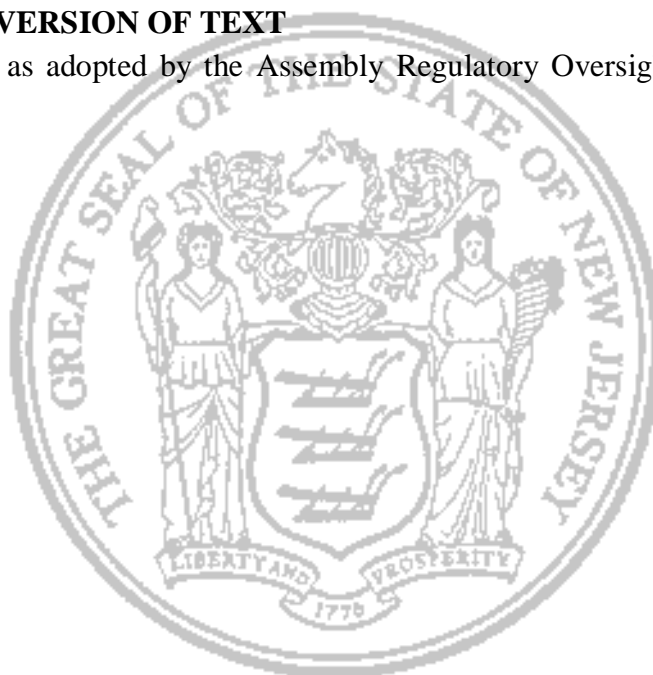
**District 2 (Atlantic)**

**SYNOPSIS**

Provides that participation by New Jersey residents in contests of skill does not constitute unlawful gambling.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Regulatory Oversight and Gaming Committee.



1 **AN ACT** providing that participation by New Jersey residents in  
2 contests of skill does not constitute unlawful gambling and  
3 supplementing Title 5 of the Revised Statutes.

4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7

8 1. Notwithstanding the provisions of any other law to the  
9 contrary, participation by a New Jersey resident in a contest of skill  
10 in which a participant pays an entry fee for the opportunity to win a  
11 monetary prize or something else of value shall not be considered a  
12 game of chance, shall not constitute unlawful gambling under the  
13 laws of this State, and shall not subject the participant or the  
14 sponsor of the contest of skill, or any officer, employee, or agent of  
15 the sponsor, to any civil or criminal liability under the laws of this  
16 State that prohibit gambling.

17 For the purposes of this section, “contest of skill” means any  
18 contest where the winner or winners are selected solely on the  
19 quality of an entry in the contest as determined by a panel of judges  
20 using uniform criteria to assess the quality of entries. A “contest of  
21 skill” shall not include any contest, game, pool, gaming scheme or  
22 gaming device in which the outcome depends in a material degree  
23 upon an element of chance.

24

25 2. This act shall take effect immediately.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3624 and 3525**

**STATE OF NEW JERSEY**

DATED: MAY 6, 2013

The Assembly Regulatory Oversight and Gaming Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3624 and 3525.

This committee substitute provides that participation by a New Jersey resident in a contest of skill in which a participant pays an entry fee for the opportunity to win a monetary prize or something else of value is not considered a game of chance, does not constitute unlawful gambling under the laws of this State, and will not subject the participant or the sponsor of the contest of skill, or any officer, employee, or agent of the sponsor, to any civil or criminal liability under the laws of this State that prohibit gambling. The term “contest of skill” is defined to mean any contest where the winner or winners are selected solely on the quality of an entry in the contest as determined by a panel of judges using uniform criteria to assess the quality of entries. Under the substitute, a “contest of skill” does not include any contest, game, pool, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance.

This substitute addresses the reluctance of certain contest sponsors to accept entries from New Jersey residents because of the belief that doing so would violate New Jersey’s gambling laws. The confusion on this point appears to be the result of a misinterpretation of New Jersey case law that addresses gambling. This has had the effect of denying New Jersey residents the opportunity to participate in such events as baking and photography contests sponsored by reputable national organizations that are not involved in any form of gambling. Under the substitute, New Jersey residents would be free to participate in contests of skill and the sponsors of such contests, held here or elsewhere, would be free to accept entries from New Jersey residents without the fear that such activity would violate New Jersey’s gambling laws.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3624 and 3525**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2013

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments an Assembly Committee Substitute for Assembly Bill Nos. 3624 and 3525.

This bill provides that participation by a New Jersey resident in a contest of skill in which a participant pays an entry fee for the opportunity to win a monetary prize or something else of value is not considered a game of chance, does not constitute unlawful gambling under the laws of this State, and will not subject the participant or the sponsor of the contest of skill, or any officer, employee, or agent of the sponsor, to any civil or criminal liability under the laws of this State that prohibit gambling. As amended by the committee, the term “contest of skill” is defined to mean any baking or photography contest, and any similar contest that is approved as such by the Attorney General, provided that the winner or winners are selected solely on the quality of an entry in the contest as determined by a panel of judges using uniform criteria to assess the quality of entries. Under the bill, a “contest of skill” does not include any contest, game, pool, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance. Such a contest also will not include any casino game, any sports wager or sports wagering scheme, or any Internet gaming of any kind.

This bill addresses the reluctance of certain contest sponsors to accept entries from New Jersey residents because of the belief that doing so would violate New Jersey’s gambling laws. The confusion on this point is apparently the result of a misinterpretation of New Jersey case law that addresses gambling. This has had the effect of denying New Jersey residents the opportunity to participate in such events as baking and photography contests sponsored by reputable national organizations that are not involved in any form of gambling. Under the bill, New Jersey residents would be free to participate in contests of skill and the sponsors of such contests, held here or

elsewhere, would be free to accept entries from New Jersey residents without the fear that such activity would violate New Jersey's gambling laws.

As amended by the committee, these amendments make this bill identical to Senate No. 2643 (1R).

COMMITTEE AMENDMENTS

The committee amended the bill to specify that a "contest of skill":

(1) means any baking or photography contest, and any similar contest that is approved as such by the Attorney General; and

(2) will not include any casino game, any sports wager or sports wagering scheme, or any Internet gaming of any kind.

**SENATE, No. 2643**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED MARCH 11, 2013

**Sponsored by:**

**Senator ROBERT M. GORDON**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Provides that participation by New Jersey residents in contests of skill does not constitute unlawful gambling.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT providing that participation by New Jersey residents in  
2 contests of skill does not constitute unlawful gambling and  
3 supplementing Title 5 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Notwithstanding the provisions of any other law to the  
9 contrary, participation by a New Jersey resident in a contest of skill  
10 in which a participant pays an entry fee for the opportunity to win a  
11 monetary prize or something else of value shall not be considered a  
12 game of chance, shall not constitute unlawful gambling under the  
13 laws of this State, and shall not subject the participant or the  
14 sponsor of the contest of skill, or any officer, employee, or agent of  
15 the sponsor, to any civil or criminal liability under the laws of this  
16 State that prohibit gambling.

17 For the purposes of this section, “contest of skill” means any  
18 contest where the winner or winners are selected solely on the  
19 quality of an entry in the contest as determined by a panel of judges  
20 using uniform criteria to assess the quality of entries. A “contest of  
21 skill” shall not include any contest, game, pool, gaming scheme or  
22 gaming device in which the outcome depends in a material degree  
23 upon an element of chance.

24  
25 2. This act shall take effect immediately.

26  
27  
28 STATEMENT

29  
30 This bill provides that participation by a New Jersey resident in a  
31 contest of skill in which a participant pays an entry fee for the  
32 opportunity to win a monetary prize or something else of value is  
33 not considered a game of chance, does not constitute unlawful  
34 gambling under the laws of this State, and will not subject the  
35 participant or the sponsor of the contest of skill, or any officer,  
36 employee, or agent of the sponsor, to any civil or criminal liability  
37 under the laws of this State that prohibit gambling. The term  
38 “contest of skill” is defined to mean any contest where the winner  
39 or winners are selected solely on the quality of an entry in the  
40 contest as determined by a panel of judges using uniform criteria to  
41 assess the quality of entries. Under the bill, a “contest of skill”  
42 does not include any contest, game, pool, gaming scheme or gaming  
43 device in which the outcome depends in a material degree upon an  
44 element of chance.

45 This bill addresses the reluctance of certain contest sponsors to  
46 accept entries from New Jersey residents because of the belief that  
47 doing so would violate New Jersey’s gambling laws. The confusion  
48 on this point is apparently the result of a misinterpretation of New



1 Jersey case law that addresses gambling. This has had the effect of  
2 denying New Jersey residents the opportunity to participate in such  
3 events as baking and photography contests sponsored by reputable  
4 national organizations that are not involved in any form of  
5 gambling. Under the bill, New Jersey residents would be free to  
6 participate in contests of skill and the sponsors of such contests,  
7 held here or elsewhere, would be free to accept entries from New  
8 Jersey residents without the fear that such activity would violate  
9 New Jersey's gambling laws.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO  
**SENATE, No. 2643**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2013

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2643.

This bill provides that participation by a New Jersey resident in a contest of skill in which a participant pays an entry fee for the opportunity to win a monetary prize or something else of value is not considered a game of chance, does not constitute unlawful gambling under the laws of this State, and will not subject the participant or the sponsor of the contest of skill, or any officer, employee, or agent of the sponsor, to any civil or criminal liability under the laws of this State that prohibit gambling. As amended by the committee, the term “contest of skill” is defined to mean any baking or photography contest, and any similar contest that is approved as such by the Attorney General, provided that the winner or winners are selected solely on the quality of an entry in the contest as determined by a panel of judges using uniform criteria to assess the quality of entries. Under the bill, a “contest of skill” does not include any contest, game, pool, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance. Such a contest also will not include any casino game, any sports wager or sports wagering scheme, or any Internet gaming of any kind.

This bill addresses the reluctance of certain contest sponsors to accept entries from New Jersey residents because of the belief that doing so would violate New Jersey’s gambling laws. The confusion on this point is apparently the result of a misinterpretation of New Jersey case law that addresses gambling. This has had the effect of denying New Jersey residents the opportunity to participate in such events as baking and photography contests sponsored by reputable national organizations that are not involved in any form of gambling. Under the bill, New Jersey residents would be free to participate in contests of skill and the sponsors of such contests, held here or elsewhere, would be free to accept entries from New Jersey residents

without the fear that such activity would violate New Jersey's gambling laws.

As amended by the committee, these amendments make this bill identical to Assembly Committee Substitute for Assembly Nos. 3624 and 3525 (1R).

COMMITTEE AMENDMENTS

The committee amended the bill to specify that a "contest of skill":

(1) means any baking or photography contest, and any similar contest that is approved as such by the Attorney General; and

(2) will not include any casino game, any sports wager or sports wagering scheme, or any Internet gaming of any kind.