

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 98  
AN ACT

To repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 313.905, 313.915, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof thirty-five new sections relating to gaming, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 311.660, 311.680, 311.710, 311.720, 2 313.004, 313.230, 313.255, 313.800, 313.905, 313.915, 572.010, 3 572.015, and 572.100, RSMo, are repealed and thirty-five new 4 sections enacted in lieu thereof, to be known as sections 5 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255, 6 313.425, 313.427, 313.429, 313.431, 313.433, 313.434, 313.435, 7 313.437, 313.800, 313.905, 313.915, 313.1000, 313.1002, 8 313.1003, 313.1004, 313.1006, 313.1008, 313.1010, 313.1012, 9 313.1014, 313.1016, 313.1018, 313.1021, 313.1022, 313.1024, 10 572.010, 572.015, and 572.100, to read as follows:

311.660. The supervisor of liquor control shall have 2 the authority to suspend or revoke for cause all such 3 licenses; and to make the following regulations, without 4 limiting the generality of provisions empowering the 5 supervisor of liquor control as in this chapter set forth as 6 to the following matters, acts and things:

- 7 (1) Fix and determine the nature, form and capacity of 8 all packages used for containing intoxicating liquor of any 9 kind, to be kept or sold under this law;

10           (2) Prescribe an official seal and label and determine  
11 the manner in which such seal or label shall be attached to  
12 every package of intoxicating liquor so sold under this law;  
13 this includes prescribing different official seals or  
14 different labels for the different classes, varieties or  
15 brands of intoxicating liquor;

16           (3) Prescribe all forms, applications and licenses and  
17 such other forms as are necessary to carry out the  
18 provisions of this chapter, except that when a licensee  
19 substantially complies with all requirements for the renewal  
20 of a license by the date on which the application for  
21 renewal is due, such licensee shall be permitted at least an  
22 additional ten days from the date notice is sent that the  
23 application is deficient, in which to complete the  
24 application;

25           (4) Prescribe the terms and conditions of the licenses  
26 issued and granted under this law;

27           (5) Prescribe the nature of the proof to be furnished  
28 and conditions to be observed in the issuance of duplicate  
29 licenses, in lieu of those lost or destroyed;

30           (6) Establish rules and regulations for the conduct of  
31 the business carried on by each specific licensee under the  
32 license, and such rules and regulations if not obeyed by  
33 every licensee shall be grounds for the revocation or  
34 suspension of the license;

35           (7) The right to examine books, records and papers of  
36 each licensee and to hear and determine complaints against  
37 any licensee;

38           (8) To issue subpoenas and all necessary processes and  
39 require the production of papers, to administer oaths and to  
40 take testimony;

41           (9) Prescribe all forms of labels to be affixed to all  
42 packages containing intoxicating liquor of any kind; [and]

43           (10) To refer to the Missouri gaming commission,  
44 Missouri lottery commission, Missouri state highway patrol,  
45 and local law enforcement agencies any suspected illegal  
46 gambling activity punishable under chapter 572 or sections  
47 313.425 to 313.437 being conducted on the premises of a  
48 location licensed under this chapter, which shall be  
49 investigated under section 43.380; and

50           (11) To make such other rules and regulations as are  
51 necessary and feasible for carrying out the provisions of  
52 this chapter, as are not inconsistent with this law.

311.680. 1. Whenever it shall be shown, or whenever  
2 the supervisor of liquor control has knowledge, that a  
3 person licensed hereunder has not at all times kept an  
4 orderly place or house, or has violated any of the  
5 provisions of this chapter, the supervisor of liquor control  
6 may warn, place on probation on such terms and conditions as  
7 the supervisor of liquor control deems appropriate for a  
8 period not to exceed twelve months, suspend or revoke the  
9 license of that person, but the person shall have ten days'  
10 notice of the application to warn, place on probation,  
11 suspend or revoke the person's license prior to the order of  
12 warning, probation, revocation or suspension issuing.

13           2. Any wholesaler licensed pursuant to this chapter in  
14 lieu of, or in addition to, the warning, probation,  
15 suspension or revocation authorized in subsection 1 of this  
16 section, may be assessed a civil penalty by the supervisor  
17 of liquor control of not less than one hundred dollars or  
18 more than twenty-five hundred dollars for each violation.

19           3. Any solicitor licensed pursuant to this chapter in  
20 lieu of the suspension or revocation authorized in  
21 subsection 1 of this section may be assessed a civil penalty  
22 or fine by the supervisor of liquor control of not less than

23 one hundred dollars nor more than five thousand dollars for  
24 each violation.

25 4. Any retailer with less than five thousand occupant  
26 capacity licensed pursuant to this chapter in lieu of the  
27 suspension or revocation authorized by subsection 1 of this  
28 section may be assessed a civil penalty or fine by the  
29 supervisor of liquor control of not less than fifty dollars  
30 nor more than one thousand dollars for each violation.

31 5. Any retailer with five thousand or more occupant  
32 capacity licensed pursuant to this chapter in lieu of the  
33 suspension or revocation authorized by subsection 1 of this  
34 section, may be assessed a civil penalty or fine by the  
35 supervisor of liquor control of not less than fifty dollars  
36 nor more than five thousand dollars for each violation.

37 6. (1) Upon notification by the Missouri gaming  
38 commission, the Missouri lottery commission, or a law  
39 enforcement agency of possession of a gambling device, as  
40 defined pursuant to section 572.010, or of a device in  
41 violation of sections 313.425 to 313.437, by a person  
42 licensed pursuant to this chapter, the supervisor of liquor  
43 control shall suspend or revoke the license of such person  
44 on such terms and conditions as the supervisor of liquor  
45 control deems appropriate, provided such person shall be  
46 given ten days to remove such device from the premises prior  
47 to the supervisor of liquor control taking action pursuant  
48 to this subsection. Upon a second or subsequent  
49 notification pursuant to this subsection of the possession  
50 of such a device by a person licensed pursuant to this  
51 chapter, the supervisor of liquor control shall not be  
52 required to give such person ten days to remove such device  
53 from the premises prior to taking action pursuant to this  
54 subsection.

55           (2) The supervisor of liquor control shall, by no  
56 later than September 15, 2021, provide written or electronic  
57 notice to all persons licensed pursuant to this chapter  
58 informing such persons of the provisions of this subsection  
59 and section 311.720.

60           7. Any aggrieved person may appeal to the  
61 administrative hearing commission in accordance with section  
62 311.691.

63           [7.] 8. In order to encourage the early resolution of  
64 disputes between the supervisor of liquor control and  
65 licensees, the supervisor of liquor control, prior to  
66 issuing an order of warning, probation, revocation,  
67 suspension, or fine, shall provide the licensee with the  
68 opportunity to meet or to confer with the supervisor of  
69 liquor control, or his or her designee, concerning the  
70 alleged violations. At least ten days prior to such meeting  
71 or conference, the supervisor shall provide the licensee  
72 with notice of the time and place of such meeting or  
73 conference, and the supervisor of liquor control shall also  
74 provide the licensee with a written description of the  
75 specific conduct for which discipline is sought, a citation  
76 of the law or rules allegedly violated, and, upon request,  
77 copies of any violation report or any other documents which  
78 are the basis for such action. Any order of warning,  
79 probation, revocation, suspension, or fine shall be  
80 effective no sooner than thirty days from the date of such  
81 order.

          311.710. 1. In addition to the penalties and  
2 proceedings for suspension or revocation of licenses  
3 provided for in this chapter, and without limiting them,  
4 proceedings for the suspension or revocation of any license  
5 authorizing the sale of intoxicating liquor at retail may be  
6 brought in the circuit court of any county in this state, or

7 in the city of St. Louis, in which the licensed premises are  
8 located and such proceedings may be brought by the sheriff  
9 or any peace officer of that county or by any eight or more  
10 persons who are taxpaying citizens of the county or city for  
11 any of the following offenses:

12 (1) Selling, giving or otherwise supplying  
13 intoxicating liquor to a habitual drunkard or to any person  
14 who is under or apparently under the influence of  
15 intoxicating liquor;

16 (2) Knowingly permitting any prostitute, degenerate,  
17 or dissolute person to frequent the licensed premises;

18 (3) Permitting on the licensed premises any disorderly  
19 conduct, breach of the peace, or any lewd, immoral or  
20 improper entertainment, conduct or practices;

21 (4) Selling, offering for sale, possessing or  
22 knowingly permitting the consumption on the licensed  
23 premises of any kind of intoxicating liquors, the sale,  
24 possession or consumption of which is not authorized under  
25 his license;

26 (5) Selling, giving, or otherwise supplying  
27 intoxicating liquor to any person under the age of twenty-  
28 one years;

29 (6) Selling, giving or otherwise supplying  
30 intoxicating liquors between the hours of 12:00 midnight  
31 Saturday night and 12:00 midnight Sunday night;

32 (7) Permitting on the licensed premises any form of  
33 gambling device punishable under chapter 572 or in violation  
34 of sections 313.425 to 313.437.

35 2. Provided, that said taxpaying citizen shall submit  
36 in writing, under oath, by registered United States mail to  
37 the supervisor of liquor control a joint complaint, stating  
38 the name of the licensee, the name under which the  
39 licensee's business is conducted and the address of the

40 licensed premises, setting out in general the character and  
41 nature of the offense or offenses charged, together with the  
42 names and addresses of the witnesses by whom proof thereof  
43 is expected to be made; and provided, that after a period of  
44 thirty days after the mailing of such complaint to the  
45 supervisor of liquor control the person therein complained  
46 of shall not have been cited by the supervisor to appear and  
47 show cause why his license should not be suspended or  
48 revoked then they shall file with the circuit clerk of the  
49 county or city in which the premises are located a copy of  
50 the complaint on file with the supervisor of liquor control.

51 3. If, pursuant to the receipt of such complaint by  
52 the supervisor of liquor control, the licensee appears and  
53 shows cause why his license should not be suspended or  
54 revoked at a hearing held for that purpose by the supervisor  
55 and either the complainants or the licensee consider  
56 themselves aggrieved with the order of the supervisor then,  
57 after a request in writing by either the complainants or the  
58 licensee, the supervisor shall certify to the circuit clerk  
59 of the county or city in which the licensed premises are  
60 located a copy of the original complaint filed with him,  
61 together with a copy of the transcript of the evidence  
62 adduced at the hearing held by him. Such certification by  
63 the supervisor shall not act as a supersedeas of any order  
64 made by him.

65 4. Upon receipt of such complaint, whether from the  
66 complainant directly or from the supervisor of liquor  
67 control, the court shall set a date for an early hearing  
68 thereon and it shall be the duty of the circuit clerk to  
69 cause to be delivered by registered United States mail to  
70 the prosecuting attorney of the county or to the circuit  
71 attorney of the city of St. Louis and to the licensee copies  
72 of the complaint and he shall, at the same time, give notice

73 of the time and place of the hearing. Such notice shall be  
74 delivered to the prosecuting attorney or to the circuit  
75 attorney and to the licensee at least fifteen days prior to  
76 the date of the hearing.

77 5. The complaint shall be heard by the court without a  
78 jury and if there has been a prior hearing thereon by the  
79 supervisor of liquor control then the case shall be heard de  
80 novo and both the complainants and the licensee may produce  
81 new and additional evidence material to the issues.

82 6. If the court shall find upon the hearing that the  
83 offense or offenses charged in the complaint have been  
84 established by the evidence, the court shall order the  
85 suspension or revocation of the license but, in so doing,  
86 shall take into consideration whatever order, if any, may  
87 have been made in the premises by the supervisor of liquor  
88 control. If the court finds that to revoke the license  
89 would be unduly severe, then the court may suspend the  
90 license for such period of time as the court deems proper.

91 7. The judgment of the court in no event shall be  
92 superseded or stayed during pendency of any appeal therefrom.

93 8. It shall be the duty of the prosecuting attorney or  
94 circuit attorney to prosecute diligently and without delay  
95 any such complaints coming to him by virtue of this section.

96 9. The jurisdiction herein conferred upon the circuit  
97 courts to hear and determine complaints for the suspension  
98 or revocation of licenses in the manner provided in this  
99 section shall not be exclusive and any authority conferred  
100 upon the supervisor of liquor control to revoke or suspend  
101 licenses shall remain in full force and effect, and the  
102 suspension or revocation of a license as provided in this  
103 section shall be in addition to and not in lieu of any other  
104 revocation or suspension provided by this chapter.



105           10. Costs accruing because of such hearings in the  
106 circuit court shall be taxed in the same manner as criminal  
107 costs.

          311.720. Conviction in any court of any violation of  
2 this chapter, or any felony violation of chapter 195,  
3 chapter 572, or sections 313.425 to 313.437, in the course  
4 of business, shall have the effect of automatically revoking  
5 the license of the person convicted, and such revocation  
6 shall continue operative until said case is finally disposed  
7 of, and if the defendant is finally acquitted, he may apply  
8 for and receive a license hereunder, upon paying the regular  
9 license charge therefor, in the same manner as though he had  
10 never had a license hereunder; provided, however, that the  
11 provisions of this section shall not apply to violations of  
12 section 311.070, and violations of said section shall be  
13 punished only as therein provided.

          313.004. 1. There is hereby created the "Missouri  
2 Gaming Commission" consisting of five members appointed by  
3 the governor, with the advice and consent of the senate.  
4 Each member of the Missouri gaming commission shall be a  
5 resident of this state. No member shall have pled guilty to  
6 or shall have been convicted of a felony or gambling-related  
7 offense. Not more than three members shall be affiliated  
8 with the same political party. No member of the commission  
9 shall be an elected official. The overall membership of the  
10 commission shall reflect experience in law enforcement,  
11 civil and criminal investigation and financial principles.

          2. The initial members of the commission shall be  
13 appointed within thirty days of April 29, 1993. Of the  
14 members first appointed, one shall be appointed for a one-  
15 year term, two shall be appointed for a two-year term and  
16 two shall be appointed for a three-year term. Thereafter,  
17 all members appointed shall serve for a three-year term. No

18 person shall serve as a member more than six years. The  
19 governor shall designate one of the members as the chair.  
20 The governor may remove any member of the commission from  
21 office for malfeasance or neglect of duty in office. The  
22 governor may also replace any member of the commission, with  
23 the advice and consent of the senate, when any  
24 responsibility concerning the state lottery, pari-mutuel  
25 wagering or any other form of gaming is placed under the  
26 jurisdiction of the commission.

27 3. The commission shall meet at least quarterly in  
28 accordance with its rules. In addition, special meetings  
29 may be called by the chair or any two members of the  
30 commission upon twenty-four-hour written notice to each  
31 member. No action of the commission shall be binding unless  
32 taken at a meeting at which at least three of the five  
33 members are present and shall vote in favor thereof.

34 4. The commission shall perform all duties and have  
35 all the powers and responsibilities conferred and imposed  
36 upon it relating to excursion gambling boats and, after June  
37 30, 1994, the lawful operation of the game of bingo under  
38 this chapter. Within the commission, there shall be  
39 established a division of gambling and after June 30, 1994,  
40 the division of bingo. Subject to appropriations, the  
41 commission may hire an executive director and any employees  
42 as it may deem necessary to carry out the commission's  
43 duties. The commission shall have authority to require  
44 investigations of any employee or applicant for employment  
45 as deemed necessary and use such information or any other  
46 information in the determination of employment. The  
47 commission shall promulgate rules and regulations  
48 establishing a code of ethics for its employees which shall  
49 include, but not be limited to, restrictions on which  
50 employees shall be prohibited from participating in or

51 wagering on any game or gaming operation subject to the  
52 jurisdiction of the commission. The commission shall  
53 determine if any other employees of the commission or any  
54 licensee of the commission shall participate or wager in any  
55 operation under the jurisdiction of the commission.

56 5. On April 29, 1993, all the authority, powers,  
57 duties, functions, records, personnel, property, matters  
58 pending and all other pertinent vestiges of the state  
59 tourism commission relating to the regulation of excursion  
60 gambling boats and, after June 30, 1994, of the department  
61 of revenue relating to the regulation of the game of bingo  
62 shall be transferred to the Missouri gaming commission.

63 6. The commission shall be assigned to the department  
64 of public safety as a type III division, but the director of  
65 the department of public safety has no supervision,  
66 authority or control over the actions or decisions of the  
67 commission.

68 7. Members of the Missouri gaming commission shall  
69 receive as compensation, the amount of one hundred dollars  
70 for every day in which the commission holds a meeting, when  
71 such meeting is subject to the recording of minutes as  
72 provided in chapter 610, and shall be reimbursed for  
73 reasonable expenses incurred in the performance of their  
74 duties. The chair shall receive as additional compensation  
75 one hundred dollars for each month such person serves on the  
76 commission in that capacity.

77 8. No member or employee of the commission shall be  
78 appointed or continue to be a member or employee who is  
79 licensed by the commission as an excursion gambling boat  
80 operator or supplier and no member or employee of the  
81 commission shall be appointed or continue to be a member or  
82 employee who is related to any person within the second  
83 degree of consanguinity or affinity who is licensed by the

84 commission as an excursion gambling boat operator or  
85 supplier. The commission shall determine by rule and  
86 regulation appropriate restrictions on the relationship of  
87 members and employees of the commission to persons holding  
88 or applying for occupational licenses from the commission or  
89 to employees of any licensee of the commission. No peace  
90 officer, as defined by section 590.010, who is designated to  
91 have direct regulator authority related to excursion  
92 gambling boats shall be employed by any excursion gambling  
93 boat or supplier licensed by the commission while employed  
94 as a peace officer. No member or employee of the commission  
95 or any employee of the state attorney general's office or  
96 the state highway patrol who has direct authority over the  
97 regulation or investigation of any applicant or licensee of  
98 the commission or any peace officer of any city or county  
99 which has approved excursion boat gambling shall accept any  
100 gift or gratuity from an applicant or licensee while serving  
101 as a member or while under such employment. Any person  
102 knowingly in violation of the provisions of this subsection  
103 is guilty of a class A misdemeanor. Any such member,  
104 officer or employee who personally or whose prohibited  
105 relative knowingly violates the provisions of this  
106 subsection, in addition to the foregoing penalty, shall,  
107 upon conviction, immediately and thereupon forfeit his  
108 office or employment.

109 9. The commission may enter into agreements with the  
110 Federal Bureau of Investigation, the Federal Internal  
111 Revenue Service, the state attorney general, the Missouri  
112 state highway patrol, or any state, federal or local agency  
113 the commission deems necessary to carry out the duties of  
114 the commission, including investigations relating to and the  
115 enforcement of the provisions of chapter 572 relating to  
116 illegal gambling. No state agency shall count employees

117 used in any agreements entered into with the commission  
118 against any personnel cap authorized by any statute. Any  
119 consideration paid by the commission for the purpose of  
120 entering into, or to carry out, any agreement shall be  
121 considered an administrative expense of the commission.  
122 When such agreements are entered into for responsibilities  
123 relating to excursion gambling boats, or for the purpose of  
124 investigating illegal gambling pursuant to chapter 572  
125 utilizing existing Missouri state highway patrol personnel  
126 assigned to enforce the regulations of licensed gaming  
127 activities governed by chapter 313, the commission shall  
128 require excursion gambling boat licensees to pay for such  
129 services under rules and regulations of the commission. The  
130 commission may provide by rules and regulations for the  
131 offset of any prize or winnings won by any person making a  
132 wager subject to the jurisdiction of the commission, when  
133 practical, when such person has an outstanding debt owed the  
134 state of Missouri.

135 10. No person who has served as a member or employee  
136 of the commission, as a member of the general assembly, as  
137 an elected or appointed official of the state or of any city  
138 or county of this state in which the licensing of excursion  
139 gambling boats has been approved in either the city or  
140 county or both or any employee of the state highway patrol  
141 designated by the superintendent of the highway patrol or  
142 any employee of the state attorney general's office  
143 designated by the state attorney general to have direct  
144 regulatory authority related to excursion gambling boats  
145 shall, while in such office or during such employment and  
146 during the first two years after termination of his office  
147 or position, obtain direct ownership interest in or be  
148 employed by any excursion gambling boat licensed by the  
149 commission or which has applied for a license to the

150 commission or enter into a contractual relationship related  
151 to direct gaming activity. A "direct ownership interest"  
152 shall be defined as any financial interest, equitable  
153 interest, beneficial interest, or ownership control held by  
154 the public official or employee, or such person's family  
155 member related within the second degree of consanguinity or  
156 affinity, in any excursion gambling boat operation or any  
157 parent or subsidiary company which owns or operates an  
158 excursion gambling boat or as a supplier to any excursion  
159 gambling boat which has applied for or been granted a  
160 license by the commission, provided that a direct ownership  
161 interest shall not include any equity interest purchased at  
162 fair market value or equity interest received as  
163 consideration for goods and services provided at fair market  
164 value of less than one percent of the total outstanding  
165 shares of stock of any publicly traded corporation or  
166 certificates of partnership of any limited partnership which  
167 is listed on a regulated stock exchange or automated  
168 quotation system. Any person who knowingly violates the  
169 provisions of this subsection is guilty of a class E  
170 felony. Any such member, officer or employee who personally  
171 and knowingly violates the provisions of this subsection, in  
172 addition to the foregoing penalty, shall, upon conviction,  
173 immediately and thereupon forfeit his office or employment.  
174 For purposes of this subsection, "appointed official" shall  
175 mean any official of this state or of any city or county  
176 authorized under subsection 10 of section 313.812 appointed  
177 to a position which has discretionary powers over the  
178 operations of any licensee or applicant for licensure by the  
179 commission. This shall only apply if the appointed official  
180 has a direct ownership interest in an excursion gambling  
181 boat licensed by the commission or which has applied for a  
182 license to the commission to be docked within the

183 jurisdiction of his or her appointment. No elected or  
184 appointed official, his or her spouse or dependent child  
185 shall, while in such office or within two years after  
186 termination of his or her office or position, be employed by  
187 an applicant for an excursion gambling boat license or an  
188 excursion gambling boat licensed by the commission. Any  
189 other person related to an elected or appointed official  
190 within the second degree of consanguinity or affinity  
191 employed by an applicant for an excursion gambling boat  
192 license or excursion gambling boat licensed by the  
193 commission shall disclose this relationship to the  
194 commission. Such disclosure shall be in writing and shall  
195 include who is employing such individual, that person's  
196 relationship to the elected or appointed official, and a job  
197 description for which the person is being employed. The  
198 commission may require additional information as it may  
199 determine necessary.

200 11. The commission may enter into contracts with any  
201 private entity the commission deems necessary to carry out  
202 the duties of the commission, other than criminal law  
203 enforcement, provision of legal counsel before the courts  
204 and other agencies of this state, and the enforcement of  
205 liquor laws. The commission may require provisions for  
206 special auditing requirements, investigations and  
207 restrictions on the employees of any private entity with  
208 which a contract is entered into by the commission.

209 12. Notwithstanding the provisions of chapter 610 to  
210 the contrary, all criminal justice records shall be  
211 available to any agency or commission responsible for  
212 licensing or investigating applicants or licensees applying  
213 to any gaming commission of this state.

214 13. (1) The commission shall establish a telephone  
215 contact number, which shall be prominently displayed on the

216 commission's website, to receive reports of suspected  
217 illegal gambling activities. Upon the receipt of such  
218 report, the commission shall refer such reports to the  
219 Missouri state highway patrol for investigation pursuant to  
220 this section. The commission shall notify the subject of  
221 such investigation within thirty days of receiving a report  
222 under this subsection.

223 (2) The superintendent of the highway patrol shall  
224 initiate investigations of potential violations punishable  
225 under chapter 572, including referrals made by the Missouri  
226 gaming commission pursuant to this section.

227 (3) Upon the request of a prosecuting or circuit  
228 attorney, the attorney general shall aid a prosecuting or  
229 circuit attorney in prosecuting violations referred by the  
230 superintendent of the highway patrol.

231 (4) Local law enforcement agencies shall notify the  
232 supervisor of liquor control, the state lottery commission,  
233 and the Missouri gaming commission of all investigations of  
234 potential violations punishable under chapter 572.

235 (5) The provisions of this subsection shall not  
236 preclude or hinder the ability of a local law enforcement  
237 agency to conduct investigations into potential violations  
238 punishable under chapter 572 or any other crime or criminal  
239 activity in its jurisdiction.

240 (6) Any person or establishment licensed under this  
241 chapter that is convicted of or pleads guilty to a violation  
242 punishable under chapter 572, or sections 313.425 to  
243 313.437, and any affiliated company of such person or  
244 establishment, shall be permanently prohibited from being  
245 licensed to participate in any way in the video lottery  
246 gaming program authorized pursuant to sections 313.425 to  
247 313.437.

313.230. The commission shall:



2           (1) Issue rules and regulations concerning the  
3 operation of the Missouri state lottery. The rules and  
4 regulations shall include, but shall not be limited to, the  
5 following:

6           (a) The type of lottery to be conducted, [except no  
7 lottery may use any coin- or token-operated amusement device  
8 and no lottery game shall be based in any form on the  
9 outcome of sporting events. However, it shall be legal to]  
10 including the use of clerk- or player-activated terminals[,  
11 which are coin- or currency-operated,] to conduct lottery  
12 games, to offer electronic lottery game plays, to print  
13 lottery tickets, and to dispense lottery tickets;

14           (b) The price, or prices, of tickets or shares  
15 including electronically generated tickets or shares, in the  
16 lottery;

17           (c) The numbers and sizes of the prizes on the winning  
18 tickets or shares;

19           (d) The manner of selecting the winning tickets or  
20 shares;

21           (e) The manner of payment of prizes to the holders of  
22 winning tickets or shares;

23           (f) The frequency of the drawings or selections of  
24 winning tickets or shares, without limitation;

25           (g) The types or numbers of locations at which tickets  
26 or shares may be sold and the method to be used in selling  
27 tickets or shares;

28           (h) The method to be used in selling tickets or shares;

29           (i) The licensing of lottery game retailers to sell  
30 tickets or shares;

31           (j) The manner and amount of compensation, including  
32 commissions, ticket discounts, incentives and any other  
33 remuneration, to be paid to or retained by lottery game  
34 retailers;

35 (k) The apportionment of the total revenues accruing  
36 from the sale of lottery tickets or shares and from all  
37 other sources among:

38 a. The payment of prizes to the holders of winning  
39 tickets or shares;

40 b. The payment of costs incurred in the operation and  
41 administration of the lottery, including the expenses of the  
42 commission and the costs resulting from any contract or  
43 contracts entered into for promotional, advertising or  
44 operational services or for the purchase or lease of lottery  
45 equipment and materials;

46 c. For the repayment to the general revenue fund of  
47 any amount appropriated for initial start-up of the lottery;  
48 and

49 d. For timely transfer to the state lottery fund as  
50 provided by law;

51 [(1)] (2) Such other matters necessary or desirable  
52 for the efficient and economical operation and  
53 administration of the lottery and for the convenience of the  
54 purchasers of tickets or shares and the holders of winning  
55 tickets or shares. The commission may disburse money for  
56 payment of lottery prizes;

57 [(2)] (3) Amend, repeal, or supplement any such rules  
58 and regulations from time to time as it deems necessary or  
59 desirable;

60 [(3)] (4) Advise and make recommendations to the  
61 director regarding the operation and administration of the  
62 lottery;

63 [(4)] (5) Report quarterly to the governor and the  
64 general assembly the total lottery revenues, prize  
65 disbursements and other expenses for the preceding quarter,  
66 and to make an annual report, which shall include a full and  
67 complete statement of lottery revenues, prize disbursements

68 and other expenses, to the governor and the general  
69 assembly, and including such recommendations for changes in  
70 sections 313.200 to 313.350 as it deems necessary or  
71 desirable;

72 [(5)] (6) Report to the governor and general assembly  
73 any matters which shall require immediate changes in the  
74 laws of this state in order to prevent abuses and evasions  
75 of sections 313.200 to 313.350 or rules and regulations  
76 promulgated thereunder or to rectify undesirable conditions  
77 in connection with the administration or operation of the  
78 lottery;

79 [(6)] (7) Carry on a continuous study and  
80 investigation of the lottery throughout the state and to  
81 make a continuous study and investigation of the operation  
82 and the administration of similar laws which may be in  
83 effect in other states or countries, any literature on the  
84 subject which from time to time may be published or  
85 available, any federal laws which may affect the operation  
86 of the lottery, and the reaction of Missouri citizens to  
87 existing and potential features of the lottery with a view  
88 to recommending or effecting changes that will tend to serve  
89 the purposes of sections 313.200 to 313.350;

90 [(7)] (8) Ensure that all employees of the state  
91 lottery commission hired after July 12, 1990, shall not be  
92 related to any member of the state lottery commission or any  
93 employee of the state lottery commission within the third  
94 degree of consanguinity or affinity.

313.255. 1. The director shall issue, suspend,  
2 revoke, and renew licenses for lottery game retailers  
3 pursuant to rules and regulations adopted by the  
4 commission. Such rules shall specify that at least ten  
5 percent of all licenses awarded to lottery game retailers in  
6 constitutional charter cities not within a county and

7 constitutional charter cities with a population of at least  
8 four hundred fifty thousand not located wholly within a  
9 county of the first class with a charter form of government  
10 shall be awarded to minority-owned and -controlled business  
11 enterprises. Licensing rules and regulations shall include  
12 requirements relating to the financial responsibility of the  
13 licensee, the accessibility of the licensee's place of  
14 business or activity to the public, the sufficiency of  
15 existing licenses to serve the public interest, the volume  
16 of expected sales, the security and efficient operation of  
17 the lottery, and other matters necessary to protect the  
18 public interest and trust in the lottery and to further the  
19 sales of lottery tickets or shares. Lottery game retailers  
20 shall be selected without regard to political affiliation.

21 2. (1) The commission may sell lottery tickets at its  
22 office and at special events.

23 (2) The commission may authorize the placement of pull-  
24 tab machines, in substantially the same form as such pull-  
25 tab machines are authorized as of August 28, 2021, in any  
26 video lottery game retailer, as such term is defined in  
27 section 313.427. Beginning January 1, 2023, the commission  
28 may authorize the use of pull-tab machines that utilize  
29 electronically generated ticket facsimiles where game plays  
30 are pre-determined from a finite pool of ticket results.

31 3. The commission shall require every retailer to post  
32 a bond, a bonding fee or a letter of credit in such amount  
33 as may be required by the commission, and upon licensure  
34 shall prominently display his license, or a copy thereof, as  
35 provided in the rules and regulations of the commission.

36 4. All licenses for lottery game retailers shall  
37 specify the place such sales shall take place.

38 5. A lottery game retailer license shall not be  
39 assignable or transferable.

40           6. A license shall be revoked upon a finding that the  
41 licensee:

- 42           (1) Has knowingly provided false or misleading
- 43 information to the commission or its employees;
- 44           (2) Has been convicted of any felony; or
- 45           (3) Has endangered the security of the lottery.

46           7. A license may be suspended, revoked, or not renewed  
47 for any of the following causes:

- 48           (1) A change of business location;
- 49           (2) An insufficient sales volume;
- 50           (3) A delinquency in remitting money owed to the
- 51 lottery; [or]
- 52           (4) Any violation of any rule or regulation adopted
- 53 pursuant to this section by the commission; or
- 54           (5) Possession of a gambling device as defined
- 55 pursuant to section 572.010 or possession of a device in
- 56 violation of sections 313.425 to 313.437.

313.425. Sections 313.425 to 313.437 shall be known  
2 and may be cited as the "Missouri Video Lottery Control Act"  
3 and shall establish the regulatory framework for the use of  
4 player-activated video terminals for the conduct of lottery  
5 games.

313.427. As used in sections 313.425 to 313.437, the  
2 following words and phrases shall mean:

- 3           (1) "Bar", a business registered to do business in the
- 4 state of Missouri that maintains a license issued pursuant
- 5 to chapter 311 to sell liquor at retail for onsite
- 6 consumption;
- 7           (2) "Centralized computer system", a computerized
- 8 system developed or procured by the commission that video
- 9 lottery game terminals are connected to using standard
- 10 industry protocols that can activate or deactivate a
- 11 particular video lottery game terminal from a remote

12 location, and that is capable of monitoring and auditing  
13 video lottery game plays;

14 (3) "Commission" or "lottery commission", the five-  
15 member body appointed by the governor to manage and oversee  
16 the lottery under section 313.215;

17 (4) "Director", the director of the commission;

18 (5) "Fraternal organization", any organization within  
19 this state operating under the lodge system which exists for  
20 the common benefit, brotherhood, or other interest of its  
21 members, except college fraternities and sororities, of  
22 which no part of the net earnings inures to the benefit of  
23 any private shareholder or any individual member of such  
24 organization, which has been exempted from the payment of  
25 federal income tax, and which derives its charter from a  
26 national fraternal organization which regularly meets;

27 (6) "Sales agent", any person who, directly or  
28 indirectly, solicits, procures, or negotiates a contract  
29 between or on behalf of a video lottery game retailer or a  
30 video lottery game operator for the placement and operation  
31 of a video lottery game terminal;

32 (7) "Truck stop", a location that provides parking and  
33 is equipped for fueling commercial vehicles, that has sold  
34 on average ten thousand gallons of diesel or biodiesel fuel  
35 each month for the previous twelve months or is projected to  
36 sell an average of ten thousand gallons of diesel or  
37 biodiesel fuel each month for the next twelve months, that  
38 is situated on two acres or more of land that operates a  
39 convenience store and that obtains and maintains a lottery  
40 game retailer license issued by the commission to offer  
41 lottery games played on video lottery game terminals;

42 (8) "Veterans' organization", a post or organization  
43 of veterans, or an auxiliary unit or society of, or a trust  
44 or foundation for, any such post or organization organized

45 in the United States or any of its possessions in which at  
46 least seventy-five percent of the members are veterans of  
47 the United States Armed Forces and substantially all of the  
48 other members are individuals who are veterans or are  
49 cadets, or are spouses, widows or widowers of war veterans  
50 of such individuals, in which no part of the net earnings  
51 inures to the benefit of any private shareholder or  
52 individual, and which has been exempted from payment of  
53 federal income taxes;

54 (9) "Video lottery game", any lottery game approved by  
55 the commission for play on an approved video lottery game  
56 terminal;

57 (10) "Video lottery game adjusted gross receipts", the  
58 total of cash or cash equivalents used for the play of a  
59 video lottery game on a video lottery game terminal minus  
60 cash or cash equivalent paid to players as a result of  
61 playing video lottery games on a video lottery game terminal;

62 (10) "Video lottery game handler", a person employed  
63 by a licensed video lottery game operator and who is  
64 licensed by the commission to handle, place, operate, and  
65 service video lottery game terminals and associated  
66 equipment;

67 (12) "Video lottery game manufacturer" or  
68 "distributor", any person licensed by the commission that  
69 manufactures video lottery game terminals or major parts and  
70 components for video lottery game terminals as approved by  
71 the lottery commission for sale to licensed video lottery  
72 game operators, or a person licensed by the commission to  
73 distribute or service video lottery game terminals or major  
74 parts and components of video lottery game terminals  
75 including buying, selling, leasing, renting, or financing  
76 new, used, or refurbished video lottery game terminals to

77 and from licensed video lottery game manufacturers and  
78 licensed video lottery game operators;

79 (13) "Video lottery game operator", a person licensed  
80 by the commission that owns, rents, or leases and services  
81 or maintains video lottery game terminals for placement in  
82 licensed video lottery retailer establishments;

83 (14) "Video lottery game retailer", a retail  
84 establishment possessing a lottery game retailer license  
85 under section 313.255, that also secures and maintains a  
86 license to conduct video lottery games played on a video  
87 lottery game terminal or terminals and that is a fraternal  
88 organization, veterans organization, bar, or truck stop;

89 (15) "Video lottery game terminal", a player-activated  
90 terminal that exchanges coins, currency, tickets, ticket  
91 vouchers, or electronic payment methods approved by the  
92 commission for credit on such terminal used to play video  
93 lottery games approved by the commission. Such video  
94 lottery game terminals shall use a video display and may use  
95 a microprocessor capable of randomly generating the outcome  
96 of such video lottery games and be capable of printing and  
97 issuing a ticket at the conclusion of any video lottery game  
98 play that may be redeemed at a video lottery game ticket  
99 redemption terminal or may be reinserted into a video  
100 lottery game terminal at the retail establishment where it  
101 was printed for video lottery game credit and game plays.  
102 All video lottery games approved by the commission for play  
103 on a video lottery game terminal shall have a minimum  
104 theoretical payout of eighty-five percent. The term "video  
105 lottery game terminal" shall not include any pull-tab  
106 machine approved by the commission;

107 (16) "Video lottery game terminal credit", one cent,  
108 five cents, ten cents, or twenty-five cents either won or  
109 purchased by a player on a video lottery game terminal that



110 may be used to play video lottery games and that may be  
111 converted into a video lottery game ticket;

112 (17) "Video lottery game ticket" or "ticket", a  
113 document printed or electronically created at the conclusion  
114 of any video lottery game play or group of plays on a video  
115 lottery game terminal that is redeemable for cash utilizing  
116 a video lottery game ticket redemption terminal or that may  
117 be reinserted into a video lottery game terminal in the  
118 establishment from which such ticket is issued for video  
119 lottery game terminal credit;

120 (18) "Video lottery game ticket redemption terminal",  
121 the collective hardware, software, communications  
122 technology, and other ancillary equipment used to facilitate  
123 the payment of tickets cashed out by players as a result of  
124 playing a video lottery game terminal.

313.429. 1. The commission shall implement a system  
2 of video lottery game terminals utilizing a licensing  
3 structure for processing license applications and issuing  
4 licenses to video lottery game manufacturers, video lottery  
5 game distributors, video lottery game operators, video  
6 lottery game handlers, and video lottery game retailers for  
7 the conduct of lottery games utilizing video lottery game  
8 terminals within the state; except that, a person licensed  
9 as a:

10 (1) Video lottery game manufacturer or a video lottery  
11 game distributor shall not be issued a license as a video  
12 lottery game operator or a video lottery game retailer;

13 (2) Video lottery game operator shall not be issued a  
14 license as a video lottery game manufacturer, a video  
15 lottery game distributor, or a video lottery game retailer;  
16 and

17           (3) Video lottery game retailer shall not be issued a  
18 license as a video lottery game manufacturer, a video  
19 lottery game distributor, or a video lottery game operator.

20 Nothing in this subsection shall prevent a video lottery  
21 game manufacturer and a video lottery game distributor from  
22 providing and operating the centralized computer system for  
23 monitoring video lottery game terminals.

24           2. Under no circumstances shall the commission:

25           (1) Allow the placement of more than twelve thousand  
26 five hundred video lottery game terminals in the state;

27           (2) Authorize or allow a single vendor or licensee to  
28 implement the system of video lottery game terminals created  
29 under this section; or

30           (3) Allow a single licensed video lottery game  
31 operator to control or operate more than twenty-five percent  
32 of video lottery game terminals in the state after December  
33 31, 2029.

34           3. (1) The video lottery game system authorized by  
35 this section shall allow for multiple video lottery game  
36 manufacturers, video lottery game distributors, and video  
37 lottery game operators to encourage private sector  
38 investment and job opportunities for Missouri citizens.  
39 Video lottery game terminals and video lottery game ticket  
40 redemption terminals shall be connected to a centralized  
41 computer system developed or procured by the commission.  
42 The commission shall provide licensed video lottery game  
43 operators with the necessary protocols to connect the  
44 operators' video lottery game terminal or terminals to the  
45 centralized computer system after such terminal or terminals  
46 have been approved by the commission. No video lottery game  
47 terminal or video lottery game ticket redemption terminal  
48 shall be in operation unless connected to the centralized  
49 computer system after such terminal or terminals have been

50 approved by the commission. A vendor that provides the  
51 centralized computer system authorized under this subsection  
52 shall not be eligible to be licensed as a video lottery game  
53 operator or video lottery game retailer. The commission may  
54 impose an initial nonrefundable license application fee to  
55 cover the cost of investigating the background of the  
56 licensee, including a criminal background check, as follows:

57 (a) For video lottery game manufacturers, video  
58 lottery game distributors, and video lottery game operators,  
59 no more than twenty-five thousand dollars;

60 (b) For sales agents, no more than one thousand  
61 dollars;

62 (c) For video lottery game retailer establishments, no  
63 more than five hundred dollars; or

64 (d) For video lottery game handlers, no more than one  
65 hundred dollars.

66 (2) The initial license shall be for a period of two  
67 years. Thereafter, license renewal periods shall be four  
68 years with the applicable renewal fee paid for each year of  
69 such license renewal in advance. License renewal fees for  
70 anyone licensed pursuant to this subsection, and subsequent  
71 to the initial two-year period shall be as follows:

72 (a) Five thousand dollars for video lottery game  
73 manufacturers, video lottery game distributors, and video  
74 lottery game operators;

75 (b) Fifty dollars for video lottery game handlers; and

76 (c) Five hundred dollars for each video lottery game  
77 retailer's establishment.

78 (3) In addition to the license fees required in  
79 subdivisions (1) and (2) of this subsection, video lottery  
80 game operators shall pay the commission an annual license  
81 fee of two hundred dollars for each video lottery game  
82 terminal placed in service. Such video lottery game

83 terminal license shall be renewed each year and cost two  
84 hundred dollars. A license issued under this subsection is  
85 nontransferable.

86 (4) Nothing in this subsection shall be construed to  
87 relieve the licensee of the affirmative duty to notify the  
88 commission of any change relating to the status of the  
89 license or to any other information contained in the  
90 application materials on file with the commission.

91 4. No license shall be issued to any person, and no  
92 person shall be allowed to serve as a sales agent, who has  
93 been convicted of a felony or a crime involving illegal  
94 gambling. Sales agents shall register with the commission,  
95 and shall not, directly or indirectly, solicit, procure, or  
96 negotiate any contract between or on behalf of a video  
97 lottery game retailer or a video lottery game operator for  
98 the placement and operation of a video lottery game terminal  
99 before registering with the commission. Any sales agent who  
100 violates the provisions of this subsection shall have such  
101 sales agent's registration revoked.

102 5. No license requirement, sticker fee, or tax shall  
103 be imposed by any local jurisdiction upon a video lottery  
104 game manufacturer, video lottery game distributor, video  
105 lottery game operator, video lottery game retailer, video  
106 lottery game handler, or video lottery game terminal or an  
107 establishment relating to the operation of video lottery  
108 games, video lottery game terminals, or associated equipment.

109 6. (1) Video lottery game terminals shall meet  
110 independent testing standards approved by the commission.  
111 Video lottery game terminal testing shall be performed under  
112 the supervision of the Missouri gaming commission authorized  
113 pursuant to section 313.004 or by one or more licensed  
114 independent test labs approved by the Missouri gaming  
115 commission. Video lottery game terminals shall be capable

116 of printing a ticket redeemable for winning video lottery  
117 game plays. Such video lottery game terminals shall be  
118 inspected and approved prior to being sold, leased, or  
119 transferred.

120 (2) Licensed video lottery game manufacturers may buy,  
121 sell, or lease new or refurbished video lottery game  
122 terminals to and from licensed video lottery game  
123 distributors.

124 (3) Licensed video lottery game distributors may buy,  
125 sell, or lease new or refurbished video lottery game  
126 terminals to or from licensed video lottery game  
127 manufacturers or licensed video lottery game operators.

128 7. (1) Licensed video lottery game operators:

129 (a) May buy, lease, or rent video lottery game  
130 terminals from licensed video lottery game manufacturers,  
131 operators, or distributors;

132 (b) May handle, place, and service video lottery game  
133 terminals;

134 (c) Shall connect such video lottery game terminals  
135 and video lottery game ticket redemption terminals to the  
136 centralized computer system approved by the commission; and

137 (d) Shall, notwithstanding the provisions of section  
138 313.321 to the contrary, pay all video lottery game winnings  
139 using a video lottery game ticket redemption terminal. Such  
140 video lottery ticket redemption terminal shall be located  
141 within the video lottery game retailer's establishment in  
142 direct proximity of where such video lottery games are  
143 offered. Video lottery game operators shall pay the  
144 commission thirty-two percent of any unclaimed cash prize  
145 associated with a winning ticket that has not been redeemed  
146 within one hundred eighty days of issue.

147 Rents or leases for video lottery game terminals shall be  
148 written at a flat rate and shall not include revenue

149 splitting as a method used in the calculation of the lease  
150 or rent.

151 (2) Licensed video lottery game operators and licensed  
152 video lottery game retailers shall enter into a written  
153 agreement for the placement of video lottery game  
154 terminals. The agreement shall be on a form approved by the  
155 commission and shall specify an equal division of adjusted  
156 gross receipts, or, upon approval of the commission, a  
157 negotiated division of adjusted gross receipts between the  
158 video lottery game operator and the video lottery game  
159 retailer after adjustments for taxes and administrative fees  
160 are made. A video lottery game operator shall be  
161 responsible for remitting to the commission and the video  
162 lottery game retailer its share of adjusted gross receipts.  
163 Nothing in this subdivision shall prohibit a licensed video  
164 lottery game operator from entering into an agreement with a  
165 sales agent for retailer agreements provided such agreement  
166 is in writing and approved by the commission prior to  
167 beginning sales activities and prior to the start date  
168 established pursuant to section 313.431. Video lottery game  
169 operators and their sales agents and affiliates and video  
170 lottery game retailers are specifically prohibited from  
171 offering anything of value, other than the percentage of  
172 adjusted gross receipts provided under this subsection,  
173 except that a video lottery game operator may provide up to  
174 seven thousand five hundred dollars to a video lottery game  
175 retailer, with an equal amount provided by the video lottery  
176 game retailer, for structural changes needed at the video  
177 lottery game retailer's establishment to comply with the  
178 provisions of subsection 9 of this section. A retailer  
179 shall not enter into an agreement with a video lottery game  
180 operator prior to the start date established by the director  
181 pursuant to subdivision (4) of section 313.431 for the

182 initial or continued placement of video lottery game  
183 terminals. Contract agreements entered into prior to the  
184 start date established pursuant to section 313.431 between a  
185 prospective video lottery game terminal operator or sales  
186 agent with a prospective video lottery game retailer shall  
187 be invalid.

188 (3) To combat problem gambling, video lottery game  
189 operators shall allow players to be self-excluded from video  
190 lottery game play. Operators shall provide the commission  
191 with a list of players that have elected to be excluded from  
192 video lottery game play within thirty days of such election  
193 and shall update such list periodically as required by the  
194 commission. Such self-excluded list shall be considered  
195 confidential information and shall not be released to the  
196 public. The commission shall issue such self-exclusion  
197 procedures by rule.

198 (4) Nothing in this section shall be construed to  
199 prevent a video lottery game operator or a video lottery  
200 retailer from using a player rewards system or electronic  
201 cashless payment system as approved by the commission. No  
202 player shall be required to enroll in a rewards program  
203 offered by a video lottery game operator or video lottery  
204 game retailer as a condition to play video lottery games.

205 8. No licensed video lottery game operator shall:

206 (1) Offer video lottery gaming terminals that directly  
207 dispense anything of value except for tickets for winning  
208 plays. Tickets shall be dispensed by pressing the ticket  
209 dispensing button on the video lottery gaming terminal at  
210 the end of any video lottery game play. The ticket shall  
211 indicate the total amount of video lottery game terminal  
212 credits and the cash award, the time of day in a 24-hour  
213 format showing hours and minutes, the date, the terminal  
214 serial number, the sequential number of the ticket, and an

215 encrypted validation number from which the validity of the  
216 prize may be determined. The cost of the video lottery game  
217 terminal credits shall be one cent, five cents, ten cents,  
218 or twenty-five cents, and the maximum wager played per video  
219 lottery game shall not exceed five dollars, with the payoff  
220 for a winning maximum wager for a single game play being no  
221 more than one thousand dollars. Any state or federal tax  
222 reporting and withholding requirements shall be satisfied by  
223 the video lottery game operator;

224 (2) Operate more than five video lottery game  
225 terminals per location on the premises of a fraternal  
226 organization, veterans organization, bar, or truck stop that  
227 has secured and maintains a video lottery game retailer's  
228 license. The operating location for any video lottery game  
229 terminal shall be approved by the commission prior to such  
230 video lottery game terminals being placed. The commission  
231 may, at its sole discretion, deny such location pursuant to  
232 the provisions of sections 313.425 to 313.437 and to the  
233 rules and regulations governing the placement of such  
234 terminals;

235 (3) Advertise video lottery games outside of a  
236 licensed video lottery game retailer's establishment through  
237 any media outlets or direct mail or telephone  
238 solicitations. The advertising prohibition contained in  
239 this subdivision shall apply to all licensees including, but  
240 not limited to, video lottery game manufacturers, video  
241 lottery game distributors, video lottery game operators,  
242 video lottery game retailers, and video lottery game  
243 handlers. Any allowable advertising conducted at the video  
244 lottery game retailer's establishment shall be at the sole  
245 expense of the video lottery game retailer, and shall be  
246 approved by the commission;



247 (4) Allow video lottery games to be played at any time  
248 when the video lottery game retailer's establishment is  
249 closed for business.

250 9. (1) A person under twenty-one years of age shall  
251 not play video lottery games, and such video lottery game  
252 terminals shall be under the supervision of a person that is  
253 at least twenty-one years of age to prevent persons under  
254 twenty-one years of age from playing video lottery games.  
255 Video lottery game terminals shall be placed in a fully  
256 enclosed room that is continually monitored by video  
257 surveillance and where access to persons under twenty-one  
258 years of age is denied by a procedure approved by the  
259 commission. A warning sign shall be posted in a conspicuous  
260 location where such video lottery game terminals are  
261 located, containing in red lettering at least one-half inch  
262 high on a white background the following:

263 "YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY  
264 VIDEO LOTTERY GAMES"

265 In addition to the placement and supervision requirements of  
266 this subsection, a video lottery game operator shall provide  
267 video surveillance in the immediate area of the video  
268 lottery game retailer's establishment where video lottery  
269 game terminals are located. Recorded video from such  
270 surveillance system shall be made available to the  
271 commission upon request and shall be reviewed by video  
272 lottery game operators as required by the commission for any  
273 violation of law, rules, or regulations governing the  
274 conduct of video lottery games. A video lottery game  
275 operator that fails to report any known violation of law,  
276 rules, or regulations governing the conduct of video lottery  
277 games in conformance with established commission procedures  
278 may be subject to an administrative fine not to exceed five  
279 thousand dollars. Any video lottery game retailer that

280 fails to report any known violation of law, rules, or  
281 regulations governing the conduct of video lottery games in  
282 conformance with established commission procedures may be  
283 subject to an administrative fine not to exceed five  
284 thousand dollars. Video lottery game retailers shall  
285 provide an intrusion detection system capable of detecting  
286 unauthorized entrance of the video lottery game retailer's  
287 establishment during nonbusiness hours and shall report to  
288 the commission any unauthorized entrance of the video  
289 lottery game retailer's establishment. Such surveillance  
290 and intrusion detection system shall meet specifications as  
291 defined by the commission.

292 (2) A video lottery game operator shall post a sign in  
293 a conspicuous location where such video lottery game  
294 terminals are located, containing in red lettering at least  
295 one-half inch high on a white background a telephone contact  
296 number (1-888-BETSOFF) for the problem gambling helpline.

297 10. (1) Video lottery game operators shall pay the  
298 commission thirty-six percent of the video lottery game  
299 adjusted gross receipts, which shall be deposited in the  
300 state lottery fund. The commission shall transfer, subject  
301 to appropriation, the amount received from the operator from  
302 the lottery fund to the lottery proceeds fund after  
303 administrative expenses equal to four percent of the video  
304 lottery game adjusted gross receipts are paid to the  
305 municipality where a licensed video lottery game retailer  
306 maintains an establishment licensed for the operation of  
307 video lottery game terminals, or if such licensed  
308 establishment is not located within the corporate boundaries  
309 of a municipality, then the county where such licensed  
310 establishment is located to reimburse such municipality or  
311 county for administrative expenses, and any administrative  
312 expenses for the commission that are not covered by

313 reimbursements from operators are deducted. Net proceeds  
314 transferred to the lottery proceeds fund shall be  
315 appropriated to public elementary and secondary education  
316 and public institutions of higher education.

317 (2) Video lottery game operators shall retain the  
318 remainder of the video lottery game adjusted gross receipts,  
319 a portion of which shall be utilized to pay for  
320 administrative expenses which shall include the cost of the  
321 centralized computer system, which cost shall be paid by  
322 video lottery game operators in proportion to the number of  
323 video lottery game terminals operated. Fifty percent of the  
324 costs of the centralized computer system shall be  
325 apportioned by the video lottery game operator among video  
326 lottery game retailers to which it provides operations based  
327 on the number of video lottery game terminals located at the  
328 video lottery game retailer's establishment. The remainder  
329 of adjusted gross receipts retained by the video lottery  
330 game operator, after the cost of the centralized computer  
331 system and administrative costs are paid and apportioned,  
332 shall be divided equally between the video lottery game  
333 operator and video lottery game retailer as agreed under  
334 subdivision (2) of subsection 6 of this section.

335 11. All revenues received by the commission from  
336 license fees and any reimbursements associated with the  
337 administration of the provisions of sections 313.425 to  
338 313.437, and all interest earned thereon, shall be  
339 considered administrative expenses and shall be deposited in  
340 the state lottery fund. Moneys deposited into the state  
341 lottery fund from license fees and any reimbursements of  
342 commission administrative expenses to administer sections  
343 313.425 to 313.437 shall be considered administrative  
344 expenses and shall not be considered net proceeds pursuant  
345 to Article III, Section 39(b) of the Missouri Constitution.

346 Subject to appropriation, up to one percent of such license  
347 fees shall be deposited to the credit of the compulsive  
348 gamblers fund created under section 313.842. The remainder  
349 of the money deposited in the state lottery fund from video  
350 lottery game license fees and any reimbursements of  
351 commission administrative expenses to enforce sections  
352 313.425 to 313.437 shall, subject to appropriation, be used  
353 for administrative expenses associated with supervising and  
354 enforcing the provisions of sections 313.425 to 313.437.

355 12. (1) The commission shall conduct background  
356 investigations into applicants for any video lottery game  
357 license. The director may contract with a state law  
358 enforcement entity or the Missouri gaming commission to  
359 assist in such background investigations or any  
360 investigation of a violation of sections 313.425 to 313.437.

361 (2) Any violation of sections 313.425 to 313.437 shall  
362 be reported by a licensee, Missouri lottery commission  
363 staff, the Missouri gaming commission, or state agency or  
364 local law enforcement to the director for appropriate  
365 disciplinary action, and shall refer any potential criminal  
366 violation, with any evidence thereof, to the appropriate law  
367 enforcement agency. Any appeal of disciplinary action taken  
368 shall be pursuant to rules and regulations adopted by the  
369 commission and shall be consolidated with any appeal of  
370 disciplinary action taken against any other license issued  
371 by the commission to the same licensee. Upon a finding that  
372 a video lottery game licensee committed a violation of  
373 sections 313.425 to 313.437, the director may impose an  
374 administrative fine not to exceed five thousand dollars,  
375 suspend the applicable license for up to thirty days, and,  
376 in the case of a repeated knowing violation, revoke such  
377 license for a period of one year.

378           (3) Any such administrative fine, suspension, or  
379 revocation upheld by the commission may be appealed by the  
380 video lottery game licensee in a state court of competent  
381 jurisdiction.

382           13. In addition to any other penalties provided by  
383 law, the possession or use of any video gaming terminal,  
384 machine, or device capable of simulating lottery games,  
385 games of chance, or gambling games, whether or not there is  
386 an element of skill involved, that uses a video display and  
387 microprocessor capable of randomly generating the outcome of  
388 such games in the possession of any video lottery game  
389 licensee that is not authorized by the commission, shall be  
390 a violation of sections 313.425 to 313.437. Any lottery  
391 vendor or licensee that violates the provisions of this  
392 subsection shall be deemed guilty of a class D felony and  
393 fined up to ten thousand dollars per occurrence, and such  
394 fines shall be deposited in the compulsive gamblers fund  
395 created under section 313.842. The commission shall suspend  
396 or revoke the license of any lottery vendor or licensee that  
397 allows the use of any video terminal, gambling machine, or  
398 device other than a video lottery game terminal authorized  
399 pursuant to sections 313.425 to 313.437.

400           14. The commission shall adopt rules for the  
401 implementation of the video lottery game system authorized  
402 under sections 313.425 to 313.437, including, but not  
403 limited to, the placement of video lottery terminals within  
404 a retail establishment and for the active oversight of the  
405 conduct of video lottery games. Any rule or portion of a  
406 rule, as that term is defined in section 536.010, that is  
407 created under the authority delegated in this section shall  
408 become effective only if it complies with and is subject to  
409 all of the provisions of chapter 536 and, if applicable,  
410 section 536.028. This section and chapter 536 are

411 nonseverable and if any of the powers vested with the  
412 general assembly pursuant to chapter 536 to review, to delay  
413 the effective date, or to disapprove and annul a rule are  
414 subsequently held unconstitutional, then the grant of  
415 rulemaking authority and any rule proposed or adopted after  
416 August 28, 2021, shall be invalid and void.

313.431. In order to expedite the orderly  
2 implementation of the video lottery game system authorized  
3 under sections 313.425 to 313.437, the commission shall:

4 (1) Contract for the supply and operation of a  
5 centralized computer system for video lottery games within  
6 one hundred eighty days of the effective date of this act;

7 (2) Make license applications for video lottery game  
8 manufacturers, video lottery game distributors, video  
9 lottery game operators, video lottery game retailers, video  
10 lottery game handlers, and registration for video lottery  
11 game sales agents available to applicants and promulgate any  
12 emergency or regular rules and regulations needed for the  
13 implementation of the video lottery system authorized under  
14 sections 313.425 to 313.437 within one hundred eighty days  
15 of the effective date of this act;

16 (3) Issue an approved form for persons applying for a  
17 video lottery game terminal operator's license available for  
18 use in contracting with a video lottery game retailer within  
19 one hundred eighty days of the effective date of this act;

20 (4) Establish a start date, once applications and the  
21 approved form contract are made available, whereby any  
22 person seeking a license as a video lottery game operator  
23 that has applied for a license to be a video lottery game  
24 terminal operator, has paid the initial license fee, and  
25 satisfactorily completed an initial criminal background  
26 check may begin soliciting contracts with prospective video  
27 lottery game retailers for the placement of video lottery

28 terminals. Such start date shall be set no more than ninety  
29 days after applications are made available; and

30 (5) Establish a date that the video lottery game  
31 system authorized pursuant to sections 313.425 to 313.437  
32 may commence operation in a video lottery game retailer's  
33 establishment, provided such date is not prior to January 1,  
34 2023.

313.433. 1. Notwithstanding any other provision of  
2 law to the contrary, participation by a person, firm,  
3 corporation, or organization in any aspect of the state  
4 lottery under sections 313.425 to 313.437 shall not be  
5 construed to be a lottery or gift enterprise in violation of  
6 Section 39 of Article III of the Constitution of Missouri.

7 2. The sale of lottery tickets, shares, or lottery  
8 game plays using a video lottery game terminal under  
9 sections 313.425 to 313.437 shall not constitute a valid  
10 reason to refuse to issue or renew or to revoke or suspend  
11 any license or permit issued under the provisions of chapter  
12 311.

313.434. 1. The state of Missouri shall be exempt  
2 from the provisions of 15 U.S.C. Section 1172.

3 2. All shipments of gaming devices used to conduct  
4 video lottery games authorized under sections 313.425 to  
5 313.437 to licensees, the registering, recording, and  
6 labeling of which have been completed by the manufacturer or  
7 distributor thereof in accordance with 15 U.S.C. Sections  
8 1171 to 1178, shall be legal shipments of gambling devices  
9 into this state.

313.435. A municipality may adopt an ordinance  
2 prohibiting video lottery game terminals within the  
3 corporate limits of such municipality within one hundred  
4 eighty days from the effective date of this act. A county  
5 commission may, for the unincorporated area of the county,

6 adopt an ordinance prohibiting video lottery game terminals  
7 within the unincorporated area of the county within one  
8 hundred eighty days from the effective date of this act.

9 Any municipality or county adopting an ordinance prohibiting  
10 the use of video lottery game terminals or repealing such an  
11 ordinance prohibiting video lottery game terminals shall  
12 notify and transmit such ordinance to the commission within  
13 ten days. The commission shall not license video lottery  
14 game retailers within such area covered by such ordinance.  
15 Any such municipality or county that has opted to prohibit  
16 the use of video lottery game terminals to play video  
17 lottery games may repeal such ordinance and upon such repeal  
18 the commission may license video lottery game retailers  
19 within such municipality or county to conduct video lottery  
20 games.

313.437. If any provision of sections 313.425 to  
2 313.437 or the application thereof to anyone or to any  
3 circumstance is held invalid, the remainder of those  
4 sections and the application of such provisions to others or  
5 other circumstances shall not be affected thereby.

        313.800. 1. As used in sections 313.800 to 313.850,  
2 unless the context clearly requires otherwise, the following  
3 terms mean:

4         (1) "Adjusted gross receipts", the gross receipts from  
5 licensed gambling games and devices less:

- 6             (a) Winnings paid to wagerers; and
- 7             (b) Beginning January 1, 2023, twenty-five percent of  
8 all promotional play wagers.

9 "Adjusted gross receipts" shall not include adjusted gross  
10 receipts from sports wagering as defined in section 313.1000;

11         (2) "Applicant", any person applying for a license  
12 authorized under the provisions of sections 313.800 to  
13 313.850;



14           (3) "Bank", the elevations of ground which confine the  
15 waters of the Mississippi or Missouri Rivers at the ordinary  
16 high water mark as defined by common law;

17           (4) "Capital, cultural, and special law enforcement  
18 purpose expenditures" shall include any disbursement,  
19 including disbursements for principal, interest, and costs  
20 of issuance and trustee administration related to any  
21 indebtedness, for the acquisition of land, land  
22 improvements, buildings and building improvements, vehicles,  
23 machinery, equipment, works of art, intersections, signing,  
24 signalization, parking lot, bus stop, station, garage,  
25 terminal, hanger, shelter, dock, wharf, rest area, river  
26 port, airport, light rail, railroad, other mass transit,  
27 pedestrian shopping malls and plazas, parks, lawns, trees,  
28 and other landscape, convention center, roads, traffic  
29 control devices, sidewalks, alleys, ramps, tunnels,  
30 overpasses and underpasses, utilities, streetscape,  
31 lighting, trash receptacles, marquees, paintings, murals,  
32 fountains, sculptures, water and sewer systems, dams,  
33 drainage systems, creek bank restoration, any asset with a  
34 useful life greater than one year, cultural events, and any  
35 expenditure related to a law enforcement officer deployed as  
36 horse-mounted patrol, school resource or drug awareness  
37 resistance education (D.A.R.E) officer;

38           (5) "Cheat", to alter the selection of criteria which  
39 determine the result of a gambling game or the amount or  
40 frequency of payment in a gambling game;

41           (6) "Commission", the Missouri gaming commission;

42           (7) "Credit instrument", a written check, negotiable  
43 instrument, automatic bank draft or other authorization from  
44 a qualified person to an excursion gambling boat licensee or  
45 any of its affiliated companies licensed by the commission  
46 authorizing the licensee to withdraw the amount of credit

47 extended by the licensee to such person from the qualified  
48 person's banking account in an amount determined under  
49 section 313.817 on or after a date certain of not more than  
50 thirty days from the date the credit was extended, and  
51 includes any such writing taken in consolidation, redemption  
52 or payment of a previous credit instrument, but does not  
53 include any interest-bearing installment loan or other  
54 extension of credit secured by collateral;

55 (8) "Dock", the location in a city or county  
56 authorized under subsection 10 of section 313.812 which  
57 contains any natural or artificial space, inlet, hollow, or  
58 basin, in or adjacent to a bank of the Mississippi or  
59 Missouri Rivers, next to a wharf or landing devoted to the  
60 embarking of passengers on and disembarking of passengers  
61 from a gambling excursion but shall not include any  
62 artificial space created after May 20, 1994, and is located  
63 more than one thousand feet from the closest edge of the  
64 main channel of the river as established by the United  
65 States Army Corps of Engineers;

66 (9) "Excursion gambling boat", a boat, ferry or other  
67 floating facility licensed by the commission on which  
68 gambling games are allowed;

69 (10) "Fiscal year" shall for the purposes of  
70 [subsections 3 and 4 of] section 313.820 mean the fiscal  
71 year of a home dock city or county;

72 (11) "Floating facility", any facility built or  
73 originally built as a boat, ferry or barge licensed by the  
74 commission on which gambling games are allowed;

75 (12) "Gambling excursion", the time during which  
76 gambling games may be operated on an excursion gambling boat  
77 whether docked or during a cruise;

78 (13) "Gambling game" includes, but is not limited to,  
79 games of skill or games of chance on an excursion gambling

80 boat [but does not include gambling on sporting events];  
81 provided such games of chance are approved by amendment to  
82 the Missouri Constitution;

83 (14) "Games of chance", any gambling game in which the  
84 player's expected return is not favorably increased by his  
85 or her reason, foresight, dexterity, sagacity, design,  
86 information or strategy;

87 (15) "Games of skill", any gambling game in which  
88 there is an opportunity for the player to use his or her  
89 reason, foresight, dexterity, sagacity, design, information  
90 or strategy to favorably increase the player's expected  
91 return; including, but not limited to, the gambling games  
92 known as "poker", "blackjack" (twenty-one), "craps",  
93 "Caribbean stud", "pai gow poker", "Texas hold'em", "double  
94 down stud", and any video representation of such games;

95 (16) "Gross receipts", the total sums wagered by  
96 patrons of licensed gambling games;

97 (17) "Holder of occupational license", a person  
98 licensed by the commission to perform an occupation within  
99 excursion gambling boat operations which the commission has  
100 identified as requiring a license;

101 (18) "Licensee", any person licensed under sections  
102 313.800 to 313.850;

103 (19) "Mississippi River" and "Missouri River", the  
104 water, bed and banks of those rivers, including any space  
105 filled by the water of those rivers for docking purposes in  
106 a manner approved by the commission but shall not include  
107 any artificial space created after May 20, 1994, and is  
108 located more than one thousand feet from the closest edge of  
109 the main channel of the river as established by the United  
110 States Army Corps of Engineers;

111 (20) "Promotional play wagers", wagers placed by  
112 patrons from coupons, downloadable credits, electronic

113 promotions, or any other cash equivalent provided to the  
114 patron by the licensee for gambling games conducted pursuant  
115 to sections 313.800 to 313.850;

116 (21) "Supplier", a person who sells or leases  
117 gambling equipment and gambling supplies to any licensee.

118 2. In addition to the games of skill defined in this  
119 section, the commission may approve other games of skill  
120 upon receiving a petition requesting approval of a gambling  
121 game from any applicant or licensee. The commission may set  
122 the matter for hearing by serving the applicant or licensee  
123 with written notice of the time and place of the hearing not  
124 less than five days prior to the date of the hearing and  
125 posting a public notice at each commission office. The  
126 commission shall require the applicant or licensee to pay  
127 the cost of placing a notice in a newspaper of general  
128 circulation in the applicant's or licensee's home dock city  
129 or county. The burden of proof that the gambling game is a  
130 game of skill is at all times on the petitioner. The  
131 petitioner shall have the affirmative responsibility of  
132 establishing his or her case by a preponderance of evidence  
133 including:

134 (1) Is it in the best interest of gaming to allow the  
135 game; and

136 (2) Is the gambling game a game of chance or a game of  
137 skill?

138 All testimony shall be given under oath or affirmation. Any  
139 citizen of this state shall have the opportunity to testify  
140 on the merits of the petition. The commission may subpoena  
141 witnesses to offer expert testimony. Upon conclusion of the  
142 hearing, the commission shall evaluate the record of the  
143 hearing and issue written findings of fact that shall be  
144 based exclusively on the evidence and on matters officially  
145 noticed. The commission shall then render a written

146 decision on the merits which shall contain findings of fact,  
147 conclusions of law and a final commission order. The final  
148 commission order shall be within thirty days of the  
149 hearing. Copies of the final commission order shall be  
150 served on the petitioner by certified or overnight express  
151 mail, postage prepaid, or by personal delivery.

313.905. As used in sections 313.900 to 313.955, the  
2 following terms shall mean:

3 (1) "Authorized internet website", an internet website  
4 or any platform operated by a licensed operator;

5 (2) "Commission", the Missouri gaming commission;

6 (3) "Entry fee", anything of value including, but not  
7 limited to, cash or a cash equivalent that a fantasy sports  
8 contest operator collects in order to participate in a  
9 fantasy sports contest;

10 (4) "Fantasy sports contest", any fantasy or simulated  
11 game or contest with an entry fee in which:

12 (a) The value of all prizes and awards offered to the  
13 winning participants is established and made known in  
14 advance of the contest;

15 (b) All winning outcomes reflect in part the relative  
16 knowledge and skill of the participants and are determined  
17 predominantly by the accumulated statistical results of the  
18 performance of individuals, including athletes in the case  
19 of sports events; and

20 (c) No winnings outcomes are based on the score, point  
21 spread, or any performance of any single actual team or  
22 combination of teams or solely on any single performance of  
23 an individual athlete or player in any single actual event.

24 The term "fantasy sports contest" shall also include peer-to-  
25 peer fantasy sports contests;

26 (5) "Fantasy sports contest operator", any person,  
27 entity, or division of a corporate entity that offers a

28 platform for the playing of fantasy contests, administers  
29 one or more fantasy contests with an entry fee, and awards a  
30 prize of value;

31 (6) "Highly experienced player", a person who has  
32 either:

33 (a) Entered more than one thousand contests offered by  
34 a single fantasy sports contest operator; or

35 (b) Won more than three fantasy sports prizes of one  
36 thousand dollars or more;

37 (7) "In-game outcome", the result of any play,  
38 performance, or other aspect of an athletic or sporting  
39 event occurring during the course of such event that is  
40 unrelated to the event's outcome;

41 (8) "Licensed operator", a fantasy sports contest  
42 operator licensed pursuant to section 313.910 to offer  
43 fantasy sports contests for play on an authorized internet  
44 website in Missouri;

45 [(8)] (9) "Location", the geographical position of a  
46 person as determined within a degree of accuracy consistent  
47 with generally available internet protocol address locators;

48 [(9)] (10) "Location percentage", for all fantasy  
49 sports contests, the percentage, rounded to the nearest one-  
50 tenth of one percent, of the total entry fees collected from  
51 registered players located in the state of Missouri at the  
52 time of entry into a fantasy contest, divided by the total  
53 entry fees collected from all players, regardless of the  
54 players' location, of the fantasy sports contests;

55 [(10)] (11) "Minor", any person less than eighteen  
56 years of age;

57 [(11)] (12) "Net revenue", for all fantasy sports  
58 contests, the amount equal to the total entry fees collected  
59 from all participants entering such fantasy sports contests

60 less winnings paid to participants in the contests,  
61 multiplied by the location percentage;

62 (13) "Peer-to-peer fantasy sports contest", any  
63 fantasy or simulated game or contest with an entry fee in  
64 which one registered player places a wager with one or more  
65 registered players based on the outcome of the contest. Peer-  
66 to-peer fantasy sports contests shall include any contest in  
67 which:

68 (a) Winning outcomes reflect in part the relative  
69 knowledge and skill of the participants and are determined  
70 predominantly by the accumulated statistical results of the  
71 performance of individuals, including athletes in the case  
72 of sports events, and in which no winning outcomes are based  
73 on the score, point spread, or any performance of any single  
74 actual team or combination of teams or solely on any single  
75 performance of an individual athlete or player in any single  
76 actual event; or

77 (b) Winning outcomes are based on the score, point  
78 spread, any performance of any single actual team or  
79 combination of teams, any single performance of an  
80 individual athlete or player in any single actual event, or  
81 any in-game outcome;

82 [(12)] (14) "Player", a person who participates in a  
83 fantasy sports contest offered by a fantasy sports contest  
84 operator;

85 [(13)] (15) "Prize", anything of value including, but  
86 not limited to, cash or a cash equivalent, contest credits,  
87 merchandise, or admission to another contest in which a  
88 prize may be awarded. Such term shall also include winnings  
89 from wagers placed in peer-to-peer fantasy sports contests;

90 [(14)] (16) "Registered player", a person registered  
91 pursuant to section 313.920 to participate in a fantasy  
92 sports contest;

93            [(15)] (17) "Script", a list of commands that a  
94 fantasy-sports-related computer program can execute to  
95 automate processes on a fantasy sports contest platform.

          313.915. 1. In order to ensure the protection of  
2 registered players, an authorized internet website shall  
3 identify the person or entity that is the licensed operator.

4            2. A licensed operator shall ensure that fantasy  
5 sports contests on its authorized internet website comply  
6 with all of the following:

7            (1) All winning outcomes are determined by accumulated  
8 statistical results of fully completed contests or events,  
9 and not merely any portion thereof, except that fantasy  
10 participants may be credited for statistical results  
11 accumulated in a suspended or shortened contest or event  
12 which has been called on account of weather or other natural  
13 or unforeseen event;

14            (2) Registered players shall not select athletes  
15 through an autodraft that does not involve any input or  
16 control by a registered player, or to choose preselected  
17 teams of athletes;

18            (3) A prize shall not be offered to or awarded to the  
19 winner of, or athletes in, the underlying competition  
20 itself; and

21            (4) Fantasy sports contests shall not be based on the  
22 performances of participants in high school or youth  
23 athletics.

24            3. (1) In addition to the provisions of subsection 2  
25 of this section, a licensed operator shall ensure that  
26 wagers placed by registered players in peer-to-peer fantasy  
27 sports contests on the licensed operator's authorized  
28 internet website shall comply with any limits placed on such  
29 wagers by the licensed operator.



30           (2) In addition to the entry fee for a peer-to-peer  
31 fantasy sports contest, a licensed operator shall ensure  
32 that wagers placed on such peer-to-peer fantasy sports  
33 contest are remitted in advance of the contest, except that  
34 wagers placed on in-game outcomes shall be remitted in  
35 advance of the in-game outcome on which the wager is  
36 placed. Such wagers shall be kept segregated from player  
37 funds and operational funds as provided pursuant to  
38 subsections 5 and 6 of this section.

39           (3) A licensed operator shall deposit any wager won by  
40 a registered player into such registered player's account as  
41 other prizes are deposited pursuant to subdivision (4) of  
42 subsection 4 of this section.

43           4. A licensed operator shall have procedures approved  
44 by the commission before operating in Missouri that:

45           (1) Prevent unauthorized withdrawals from a registered  
46 player's account by the licensed operator or others;

47           (2) Make clear that funds in a registered player's  
48 account are not the property of the licensed operator and  
49 are not available to the licensed operator's creditors;

50           (3) Segregate player funds from operational funds as  
51 provided under subsections ~~[4]~~ 5 and ~~[5]~~ 6 of this section;

52           (4) Ensure any prize won by a registered player from  
53 participating in a fantasy sports contest is deposited into  
54 the registered player's account within forty-eight hours or  
55 mailed within five business days of winning the prize except  
56 as provided under section 313.917;

57           (5) Ensure registered players can withdraw the funds  
58 maintained in their individual accounts, whether such  
59 accounts are open or closed, within five business days of  
60 the request being made, unless the licensed operator  
61 believes in good faith that the registered player engaged in  
62 either fraudulent conduct or other conduct that would put

63 the licensed operator in violation of sections 313.900 to  
64 313.955, in which case the licensed operator may decline to  
65 honor the request for withdrawal for a reasonable  
66 investigatory period until its investigation is resolved if  
67 it provides notice of the nature of the investigation to the  
68 registered player. For the purposes of this provision, a  
69 request for withdrawal will be considered honored if it is  
70 processed by the licensed operator but delayed by a payment  
71 processor, credit card issuer or by the custodian of a  
72 financial account;

73 (6) Allow a registered player to permanently close  
74 their account at any time for any reason; and

75 (7) Offer registered players access to their play  
76 history and account details.

77 [4.] 5. A properly constituted special purpose entity  
78 shall be approved by the commission as a sufficient means of  
79 segregating player funds from operational funds and wagers  
80 placed in peer-to-peer fantasy sports contests. A properly  
81 constituted special purpose entity shall:

82 (1) Have a governing board that includes one or more  
83 corporate directors who are independent of the fantasy  
84 sports contest operator and of any corporation controlled by  
85 the fantasy sports contest operator;

86 (2) Hold, at a minimum, the sum of all authorized  
87 player funds held in player accounts for use in fantasy  
88 sports contests;

89 (3) Reasonably protect the funds against claims of the  
90 operator's creditors other than the authorized players for  
91 whose benefit and protection the special purpose entity is  
92 established;

93 (4) Distribute funds only for the following purposes:

94           (a) For player account balance withdrawals or partial  
95 balance withdrawals made upon the specific request of the  
96 player;

97           (b) For income earned on the account, and owed to the  
98 fantasy sports operator, calculated as the remainder of all  
99 entry fees paid by users for fantasy sports contests minus  
100 all user winnings and cash bonuses paid or owed to users,  
101 payable to the fantasy sports contest operator;

102           (c) To the Missouri gaming commission in the event  
103 that the fantasy sports operator's license expires, is  
104 surrendered, or is otherwise revoked. The Missouri gaming  
105 commission may interplead the funds in the Cole County  
106 circuit court for distribution to the authorized players for  
107 whose protection and benefit the account was established and  
108 to other such persons as the court determines are entitled  
109 thereto, or shall take such other steps as necessary to  
110 effect the proper distribution of the funds, or may do both;  
111 or

112           (d) As authorized in writing in advance by any  
113 agreement approved by the Missouri gaming commission;

114           (5) Require a unanimous vote of all corporate  
115 directors to file bankruptcy;

116           (6) Obtain permission from the Missouri gaming  
117 commission prior to filing bankruptcy or entering into  
118 receivership;

119           (7) Have corporate governance requirements which  
120 prohibit commingling of funds with that of the fantasy  
121 sports contest operator except as necessary to reconcile the  
122 accounts of players with sums owed by those players to the  
123 fantasy sports contest operator;

124           (8) Be restricted from incurring debt other than to  
125 fantasy sports players under the rules that govern their  
126 accounts for contests;

127 (9) Be restricted from taking on obligations of the  
128 fantasy sports contest operator other than obligations to  
129 players under the rules that govern their accounts for  
130 contests; and

131 (10) Be prohibited from dissolving, merging, or  
132 consolidating with another company without the written  
133 approval of the Missouri gaming commission while there are  
134 unsatisfied obligations to fantasy sports contest players.

135 [5.] 6. The commission, at its discretion, may approve  
136 other commercially reasonable approaches to segregation of  
137 funds so long as they adequately protect Missouri player  
138 accounts.

139 [6.] 7. A licensed operator shall establish procedures  
140 for a registered player to report complaints to the licensed  
141 operator regarding whether his or her account has been  
142 misallocated, compromised, or otherwise mishandled, and a  
143 procedure for the licensed operator to respond to those  
144 complaints.

145 [7.] 8. A registered player who believes his or her  
146 account has been misallocated, compromised, or otherwise  
147 mishandled should notify the commission. Upon notification,  
148 the commission may investigate the claim and may take any  
149 action the commission deems appropriate under subdivision  
150 (4) of section 313.950.

151 [8.] 9. A licensed operator shall not issue credit to  
152 a registered player.

153 [9.] 10. A licensed operator shall not allow a  
154 registered player to establish more than one account or user  
155 name on its authorized internet website.

313.1000. 1. The general assembly recognizes the  
2 promotion of public safety is an important consideration for  
3 sports leagues, teams, players, and fans at large. All  
4 persons who present sporting contests are encouraged to take

5 reasonable measures to ensure the safety and security of all  
6 involved in or attending sporting contests. Persons who  
7 present sporting contests are encouraged to establish codes  
8 of conduct that forbid all persons associated with the  
9 sporting contest from engaging in violent behavior and to  
10 hire, train, and equip safety and security personnel to  
11 enforce such codes of conduct. Persons who present sporting  
12 contests are further encouraged to provide public notice of  
13 such codes of conduct.

14 2. As used in sections 313.1000 to 313.1020, the  
15 following terms shall mean:

16 (1) "Adjusted gross receipts":

17 (a) The total of all cash and cash equivalents  
18 received by a sports wagering operator from sports wagering  
19 minus:

20 (b) The total of:

21 a. All cash and cash equivalents paid out as winnings  
22 to sports wagering patrons;

23 b. The actual costs paid by a sports wagering operator  
24 for any personal property or services distributed to sports  
25 wagering patrons as prizes;

26 c. Beginning January 1, 2023, twenty-five percent of  
27 all promotional play wagers;

28 d. Voided wagers; and

29 e. Uncollectible sports wagering receivables, not to  
30 exceed the lesser of:

31 (i) A reasonable provision for uncollectible patron  
32 checks received from sports wagering operations; or

33 (ii) Two percent of the total of all sums, including  
34 checks, whether collected or not, less the amount paid out  
35 as winnings to sports wagering patrons. For purposes of  
36 this section, a counter or personal check that is invalid or  
37 unenforceable under this section is considered cash received

38 by the sports wagering operator from sports wagering  
39 operations;

40 (2) "Approved limited mobile gaming system", a limited  
41 mobile gaming system approved by the commission;

42 (3) "Certificate holder", a licensed applicant issued  
43 a certificate of authority by the commission;

44 (4) "Certificate of authority", a certificate issued  
45 by the commission authorizing a licensed applicant to  
46 conduct sports wagering under sections 313.1000 to 313.1024;

47 (5) "Commission", the Missouri gaming commission;

48 (6) "Department", the department of revenue;

49 (7) "Designated entertainment district", any  
50 establishment registered to do business in this state that  
51 is or becomes licensed pursuant to chapter 311 to sell  
52 liquor at retail, and that is an area owned and operated by  
53 an entity or affiliated entities that are licensed pursuant  
54 to chapter 311 as an entertainment district as defined in  
55 section 313.086, and such entity or affiliate entities have  
56 made a verifiable financial investment of more than two  
57 hundred million dollars to develop such district;

58 (8) "Designated sports and entertainment district":

59 (a) Any area within this state that is a designated  
60 entertainment district as of the effective date of sections  
61 313.1000 to 313.1024 and continues to be qualified as a  
62 designated entertainment district thereafter; provided,  
63 however, that for the purposes of sections 313.1000 to  
64 313.1024 the boundaries of such designated entertainment  
65 district shall not be enlarged or otherwise modified after  
66 the effective date of sections 313.1000 to 313.1024; or

67 (b) The premises of a facility located in this state  
68 with a seating capacity of seventeen thousand five hundred  
69 people or more, at which one or more professional sports

70 teams plays its home games, and the surrounding area within  
71 four hundred yards of such premises;

72 (9) "Designated sports and entertainment district  
73 entity":

74 (a) An establishment that is a designated  
75 entertainment district as of the effective date of sections  
76 313.1000 to 313.1024; or

77 (b) A person or entity registered to do business in  
78 this state that owns or operates a professional sports team  
79 that plays its home games within a designated sports and  
80 entertainment district;

81 (10) "Esports", athletic and sporting events involving  
82 electronic sports and competitive video games;

83 (11) "Excursion gambling boat", the same meaning as  
84 defined under section 313.800;

85 (12) "Gross receipts", the total amount of cash and  
86 cash equivalents paid by sports wagering patrons to a sports  
87 wagering operator to participate in sports wagering;

88 (13) "Interactive sports wagering platform" or  
89 "platform", a person that offers sports wagering over the  
90 internet, including on internet websites and mobile devices  
91 on behalf of a certificate holder;

92 (14) "Licensed applicant", a person holding a license  
93 issued under section 313.807 to operate an excursion  
94 gambling boat;

95 (15) "Licensed facility", an excursion gambling boat  
96 licensed under this chapter;

97 (16) "Licensed supplier", a person holding a  
98 supplier's license issued by the commission;

99 (17) "Official league data", statistics, results,  
100 outcomes, and other data relating to an athletic or sporting  
101 event obtained pursuant to an agreement with the relevant  
102 sports governing body, or an entity contracted with the

103 sports governing body to provide such information to sports  
104 wagering operators, which authorizes the use of such data  
105 for determining the outcome of tier two sports wagers;

106 (18) "Occupational license", a license issued by the  
107 commission;

108 (19) "Person", an individual, sole proprietorship,  
109 partnership, association, fiduciary, corporation, limited  
110 liability company, or any other business entity;

111 (20) "Personal biometric data", an athlete's  
112 information derived from DNA, heart rate, blood pressure,  
113 perspiration rate, internal or external body temperature,  
114 hormone levels, glucose levels, hydration levels, vitamin  
115 levels, bone density, muscle density, and sleep patterns;

116 (21) "Promotional play wagers", wagers placed by  
117 patrons from coupons, downloadable credits, electronic  
118 promotions, or any other cash equivalent provided to the  
119 patron by the certificate holder for sports wagering  
120 conducted pursuant to sections 313.1000 to 313.1024;

121 (22) "Sports governing body", the organization  
122 headquartered in the United States that prescribes final  
123 rules and enforces codes of conduct with respect to a  
124 professional sporting event and participants therein;

125 (23) "Sports wagering", wagering conducted under  
126 sections 313.1000 to 313.1024 on athletic and sporting  
127 events involving human competitors and on esports, or on  
128 other events as approved by the commission. Sports wagering  
129 shall not include money spent to participate in paid fantasy  
130 sports under sections 313.900 to 313.955;

131 (24) "Sports wagering commercial activity", any  
132 operation, promotion, signage, advertising, or other  
133 business activity relating to sports wagering, including the  
134 operating or advertising of a business or location at which  
135 sports wagering is offered or a business or location at



136 which sports wagering through one or more interactive sports  
137 wagering platforms is promoted or advertised;

138 (25) "Sports wagering device", a mechanical,  
139 electrical, or computerized contrivance, terminal, device,  
140 apparatus, piece of equipment, or supply approved by the  
141 commission for conducting sports wagering under sections  
142 313.1000 to 313.1024. Sports wagering device shall not  
143 include a device used by a sports wagering patron to access  
144 an interactive sports wagering platform;

145 (26) "Sports wagering operator" or "operator", a  
146 certificate holder or an interactive sports wagering  
147 platform offering sports wagering on behalf of a certificate  
148 holder;

149 (27) "Supplier's license", a license issued by the  
150 commission under section 313.807;

151 (28) "Tier one sports wager", a sports wager that is  
152 determined solely by the final score or final outcome of the  
153 sporting event and is placed before the sporting event has  
154 begun;

155 (29) "Tier two sports wager", a sports wager that is  
156 not a tier one sports wager.

313.1002. 1. The state of Missouri shall be exempt  
2 from the provisions of 15 U.S.C. Section 1172.

3 2. All shipments of gambling devices used to conduct  
4 sports wagering under sections 313.1000 to 313.1024 to  
5 licensed applicants or certificate holders, the registering,  
6 recording, and labeling of which have been completed by the  
7 manufacturer or dealer thereof in accordance with 15 U.S.C.  
8 Sections 1171 to 1178, shall be legal shipments of gambling  
9 devices into this state.

313.1003. 1. Sports wagering shall not be offered in  
2 this state except by a licensed facility.

3 2. A licensed facility may offer sports wagering:

4           (1) In person at the licensed facility; and  
5           (2) Over the internet via an interactive sports  
6 wagering platform to persons physically located in this  
7 state.

8           3. Notwithstanding any other provision of law to the  
9 contrary, sports wagering commercial activity shall be  
10 prohibited from being conducted within any designated sports  
11 and entertainment district by or on behalf of any person or  
12 entity that directly or indirectly offers sports wagering in  
13 person or over the internet via an interactive sports  
14 wagering platform, except to the extent such prohibition is  
15 waived in writing by each designated sports and  
16 entertainment district entity located in such designated  
17 sports and entertainment district and such written waiver is  
18 delivered to the commission. Nothing in this subsection  
19 shall prohibit:

20           (1) Any certificate holder from offering sports  
21 wagering over the internet via an interactive sports  
22 wagering platform that is accessible to persons physically  
23 located within such designated sports and entertainment  
24 district in accordance with the provisions of sections  
25 313.1000 to 313.1024; or

26           (2) Any restaurant, bar, or other business physically  
27 located within a designated sports and entertainment  
28 district from advertising sports wagering or conducting any  
29 sports wagering commercial activity within its premises if  
30 such advertising or commercial activity is not conducted by  
31 or on behalf of, by contract or otherwise, any person or  
32 entity that, directly or indirectly, offers sports wagering  
33 in person or over the internet via an interactive sports  
34 wagering platform.

313.1004. 1. The commission shall adopt rules to  
2 implement the provisions of sections 313.1000 to 313.1024.

3 Any rule or portion of a rule, as that term is defined in  
4 section 536.010, that is created under the authority  
5 delegated in this section shall become effective only if it  
6 complies with and is subject to all of the provisions of  
7 chapter 536 and, if applicable, section 536.028. This  
8 section and chapter 536 are nonseverable and if any of the  
9 powers vested with the general assembly pursuant to chapter  
10 536 to review, to delay the effective date, or to disapprove  
11 and annul a rule are subsequently held unconstitutional,  
12 then the grant of rulemaking authority and any rule proposed  
13 or adopted after August 28, 2021, shall be invalid and void.

14 2. Rules adopted under this section shall include, but  
15 shall not be limited to, the following:

16 (1) Standards and procedures to govern the conduct of  
17 sports wagering, including the manner in which:

18 (a) Wagers are received;

19 (b) Payouts are paid; and

20 (c) Point spreads, lines, and odds are disclosed;

21 (2) Standards governing how a certificate holder  
22 offers sports wagering over the internet through an  
23 interactive sports wagering platform to patrons physically  
24 located in Missouri;

25 (3) The manner in which a certificate holder's books  
26 and financial records relating to sports wagering are  
27 maintained and audited, including standards for the daily  
28 counting of a certificate holder's gross receipts from  
29 sports wagering and standards to ensure that internal  
30 controls are followed;

31 (4) Standards concerning the detection and prevention  
32 of compulsive gambling; and

33 (5) Standards prohibiting sports wagering commercial  
34 activity within any designated sports and entertainment  
35 district and standards for applying and enforcing any waiver

36 of such prohibition by a designated sports and entertainment  
37 district entity pursuant to subsection 3 of section 313.1003.

38 3. Rules adopted under this section shall require a  
39 certificate holder to make commercially reasonable efforts  
40 to do the following:

41 (1) Designate an area within the licensed facility  
42 operated by the certificate holder for sports wagering  
43 conducted under sections 313.1000 to 313.1024;

44 (2) Ensure the security and integrity of sports wagers  
45 accepted through an interactive sports wagering platform;

46 (3) Ensure that the certificate holder's surveillance  
47 system covers all areas of the licensed facility in which  
48 sports wagering is conducted;

49 (4) Allow the commission to be present through the  
50 commission's gaming agents during the time sports wagering  
51 is conducted in all areas of the certificate holder's  
52 licensed facility in which sports wagering is conducted, to  
53 do the following:

54 (a) Ensure maximum security of the counting and  
55 storage of the sports wagering revenue received by the  
56 certificate holder;

57 (b) Certify the sports wagering revenue received by  
58 the certificate holder;

59 (c) Receive complaints from the public;

60 (5) Ensure that individuals who are less than twenty-  
61 one years of age do not make sports wagers;

62 (6) Provide written information to sports wagering  
63 patrons about sports wagering, payouts, winning wagers, and  
64 other information considered relevant by the commission;

65 (7) Post a sign in the designated sports wagering area  
66 indicating the minimum and maximum amounts that may be  
67 wagered.

313.1006. 1. A licensed applicant who wishes to offer sports wagering under sections 313.1000 to 313.1024 shall:

(1) Submit an application to the commission in the manner prescribed by the commission for each licensed facility in which the licensed applicant wishes to conduct sports wagering;

(2) Pay an initial application fee of twenty-five thousand dollars, which shall be deposited in the gaming commission fund and distributed according to section 313.835.

2. Upon receipt of the application and fee required under subsection 1 of this section, the commission shall issue a certificate of authority to a licensed applicant authorizing the licensed applicant to conduct sports wagering under sections 313.1000 to 313.1024 in a licensed facility or through an interactive sports wagering platform.

313.1008. 1. The commission shall test new sports wagering devices and new forms, variations, or composites of sports wagering under the terms and conditions that the commission considers appropriate prior to authorizing a certificate holder to offer a new sports wagering device or a new form, variation, or composite of sports wagering.

2. (1) A certificate holder shall designate an area or areas within the certificate holder's licensed facility for conducting sports wagering. In addition to such designated area, sports wagering may be conducted at any location authorized under subsection 9 of this section through the use of an approved limited mobile gaming system.

(2) A certificate holder may administer or contract with up to three individually branded interactive sports wagering platforms to administer interactive sports wagering on the certificate holder's behalf.

(3) A certificate holder or an interactive sports wagering platform provider shall be authorized to allow

19 patrons to establish and fund a sports wagering account  
20 electronically through a licensed interactive sports  
21 wagering platform without having to visit a physical  
22 location.

23 3. (1) Sports wagering may be conducted with chips,  
24 tokens, electronic cards, or money or other negotiable  
25 currency.

26 (2) A certificate holder shall determine the minimum  
27 and maximum wagers in sports wagering conducted in the  
28 certificate holder's licensed facility.

29 4. A certificate holder shall not permit any sports  
30 wagering on the premises of the licensed facility except as  
31 provided under subsection 2 of this section.

32 5. A sports wagering device shall be approved by the  
33 commission and acquired by a certificate holder from a  
34 licensed supplier.

35 6. The commission shall determine the occupations  
36 related to sports wagering that require an occupational  
37 license.

38 7. A certificate holder may lay off one or more sports  
39 wagers. The commission may promulgate rules permitting  
40 certificate holders or platforms to employ systems that  
41 offset loss or manage risk in the operation of sports  
42 wagering under sections 313.1000 to 313.1024 through the use  
43 of liquidity pools in other jurisdictions in which the  
44 certificate holder, platform, an affiliate of the  
45 certificate holder or platform, or a third party also holds  
46 licenses to conduct sports wagering; provided that at all  
47 times adequate protections are maintained to ensure  
48 sufficient funds are available to pay winnings to patrons.

49 8. Subject to the approval of the commission, a  
50 certificate holder may contract with a third party to

51 conduct sports wagering at the certificate holder's licensed  
52 facility.

53 9. (1) A certificate holder may request approval from  
54 the commission to use a limited mobile gaming system in the  
55 certificate holder's sports wagering operations.

56 (2) A certificate holder may approve the use of a  
57 limited mobile gaming system to allow a patron to wager on  
58 sports while in the following locations:

59 (a) The area designated under subsection 2 of this  
60 section;

61 (b) A gaming or other betting area of the certificate  
62 holder's licensed facility that is outside of the area  
63 designated under subsection 2 of this section; or

64 (c) A hotel, restaurant, or other amenity that is  
65 operated by the certificate holder and subject to the  
66 supervision of the commission.

67 A patron shall not transmit a sports wager using a limited  
68 mobile gaming system while present in any other location.

313.1010. 1. An interactive sports wagering platform  
2 provider may offer sports wagering on behalf of a  
3 certificate holder only if the interactive sports wagering  
4 platform holds an interactive sports wagering platform  
5 license issued by the commission.

6 2. An applicant for an interactive sports wagering  
7 platform license shall:

8 (1) Submit an application to the commission in the  
9 manner prescribed by the commission to verify the platform's  
10 eligibility under this section; and

11 (2) Pay an initial application fee of twenty-five  
12 thousand dollars.

13 3. Each year on or before the anniversary date of the  
14 payment of the initial application fee under subsection 2 of  
15 this section, an interactive sports wagering platform

16 provider holding a license issued under this section shall  
17 pay to the commission an annual license renewal fee of fifty  
18 thousand dollars. Such license renewal fees and the initial  
19 application fee provided for under subdivision (2) of  
20 subsection 2 of this section shall be deposited in the  
21 gaming commission fund and distributed according to section  
22 313.835.

23 4. Notwithstanding any other provision of law to the  
24 contrary, the following information shall be confidential  
25 and shall not be disclosed to the public unless required by  
26 court order or by any other provision of sections 313.1000  
27 to 313.1024:

28 (1) An interactive sports wagering platform license  
29 application; and

30 (2) All documents, reports, and data submitted by an  
31 interactive sports wagering platform provider to the  
32 commission containing proprietary information, trade  
33 secrets, financial information, or personally identifiable  
34 information about any person.

313.1012. 1. A certificate holder shall verify that a  
2 person placing a wager is of the legal minimum age for  
3 placing a wager under sections 313.1000 to 313.1024.

4 2. The commission shall adopt rules and regulations  
5 for a sports wagering self-exclusion program consistent with  
6 those adopted under sections 313.800 to 313.850. Any rule  
7 or portion of a rule, as that term is defined in section  
8 536.010, that is created under the authority delegated in  
9 this section shall become effective only if it complies with  
10 and is subject to all of the provisions of chapter 536 and,  
11 if applicable, section 536.028. This section and chapter  
12 536 are nonseverable and if any of the powers vested with  
13 the general assembly pursuant to chapter 536 to review, to  
14 delay the effective date, or to disapprove and annul a rule



15 are subsequently held unconstitutional, then the grant of  
16 rulemaking authority and any rule proposed or adopted after  
17 August 28, 2021, shall be invalid and void.

18 3. The commission shall adopt rules to ensure that  
19 advertisements for sports wagering:

20 (1) Do not target minors or other persons who are  
21 ineligible to place wagers, problem gamblers, or other  
22 vulnerable persons;

23 (2) Disclose the identity of the sports wagering  
24 certificate holder;

25 (3) Provide information about or links to resources  
26 relating to gambling addiction;

27 (4) Are not otherwise false, misleading, or deceptive  
28 to a reasonable consumer; and

29 (5) Are not undertaken within any designated sports  
30 and entertainment district without a waiver from each  
31 applicable designated sports and entertainment district  
32 entity pursuant to subsection 3 of section 313.1003.

313.1014. 1. The commission shall conduct background  
2 checks on individuals seeking licenses under sections  
3 313.1000 to 313.1024. A background check conducted under  
4 this section shall be consistent with the provisions of  
5 section 313.810, and shall include a search for criminal  
6 history and any charges or convictions involving corruption  
7 or manipulation of sporting events.

8 2. (1) A certificate holder shall employ commercially  
9 reasonable methods to:

10 (a) Prohibit the certificate holder, directors,  
11 officers, and employees of the certificate holder, and any  
12 relative living in the same household of a person described  
13 in this paragraph from placing sports wagers with the  
14 certificate holder;

15           (b) Prohibit any individual with access to nonpublic  
16 confidential information held by the certificate holder from  
17 placing sports wagers with the certificate holder;

18           (c) Prevent the sharing of confidential information  
19 that could affect sports wagering offered by the certificate  
20 holder or by third parties until the information is made  
21 publicly available; and

22           (d) Prohibit persons from placing sports wagers as  
23 agents or proxies for other persons.

24           (2) Nothing in this section shall preclude the use of  
25 internet or cloud based hosting of data, or any disclosure  
26 of information required by court order or other provisions  
27 of law.

28           3. (1) A sports governing body may submit to the  
29 commission in writing a request to restrict, limit, or  
30 exclude a certain type, form, or category of sports wagering  
31 with respect to sporting events sponsored by such sports  
32 governing body if the sports governing body believes that  
33 such type, form, or category of sports wagering may  
34 undermine the integrity or perceived integrity of the  
35 sporting events sponsored by such sports governing body.  
36 The commission shall request comment from sports wagering  
37 operators on all such requests. After giving due  
38 consideration to all comments received, the commission  
39 shall, upon a demonstration of good cause from the sports  
40 governing body making the request that such type, form, or  
41 category of sports wagering is likely to undermine the  
42 integrity or perceived integrity of such sports governing  
43 body or its sporting events, grant the request. The  
44 commission shall respond to a request concerning a  
45 particular event before the start of such event, or if it is  
46 not feasible to respond before the start of such event, no  
47 later than seven days after the request is made. If the

48 commission determines that the sports governing body making  
49 the request is more likely than not to prevail in  
50 successfully demonstrating good cause for its request, the  
51 commission may provisionally grant the request of the sports  
52 governing body until the commission makes a final  
53 determination as to whether the sports governing body making  
54 the request has demonstrated good cause. Absent such a  
55 provisional grant by the commission, sports wagering  
56 operators may continue to offer sports wagering on sporting  
57 events that are the subject of such a request during the  
58 pendency of the commission's consideration of the applicable  
59 request.

60 (2) (a) No sports wager shall be placed on the  
61 performance or nonperformance of any individual athlete  
62 participating in a single game or match of a collegiate  
63 sporting event in which a collegiate team from this state is  
64 a participant.

65 (b) A certificate holder shall not offer any sports  
66 wagers on any high school athletic or sporting event in  
67 which a high school team from this state is a participant,  
68 or on the individual performance statistics of an athlete in  
69 a high school athletic or sporting event in which a high  
70 school team from this state is a participant.

71 4. The commission and certificate holders shall  
72 cooperate with investigations conducted by law enforcement  
73 agencies, including by providing or facilitating the  
74 provision of betting information and audio or video files  
75 relating to persons placing sports wagers.

76 5. A certificate holder shall immediately report to  
77 the commission any information relating to:

78 (1) Criminal or disciplinary proceedings commenced  
79 against the certificate holder in connection with its  
80 operations;

81 (2) Bets or wagers that violate state or federal law;

82 (3) Abnormal wagering activity or patterns that may  
83 indicate a concern regarding the integrity of a sporting  
84 event or events;

85 (4) Any other conduct that corrupts the wagering  
86 outcome of a sporting event or events for purposes of  
87 financial gain; and

88 (5) Suspicious or illegal wagering activities.

89 6. A certificate holder shall maintain the  
90 confidentiality of information provided by a sports  
91 governing body to the certificate holder unless disclosure  
92 is required by court order, the commission, or any other  
93 provision of law.

94 7. (1) Certificate holders may use any data source to  
95 determine the results of tier one sports wagers.

96 (2) Certificate holders shall use official league data  
97 to determine the results of tier two wagers, unless the  
98 certificate holder can demonstrate to the commission that  
99 the sports governing body or its designee cannot provide a  
100 feed of official league data to the certificate holder on  
101 commercially reasonable terms.

102 (3) Certificate holders shall not purchase or utilize  
103 any personal biometric data of an athlete unless the  
104 certificate holder has received written permission from the  
105 athlete's exclusive bargaining representative.

313.1016. 1. A certificate holder, for bets and  
2 wagers that exceed ten thousand dollars in a twenty-four-  
3 hour period and that were placed in person by a patron,  
4 shall maintain the following records for a period of at  
5 least three years after the sporting event occurs:

6 (1) Personally identifiable information of the bettor;

7 (2) The amount and type of bet placed;

8 (3) The time and date the bet was placed;

9           (4) The location, including specific information  
10 pertaining to the betting window where the bet was placed;

11           (5) The outcome of the bet; and

12           (6) Any discernable pattern of abnormal betting  
13 activity by the patron.

14           2. A certificate holder, for all bets and wagers  
15 placed through an interactive sports wagering platform,  
16 shall maintain the following records for a period of at  
17 least three years after the sporting event occurs:

18           (1) Personally identifiable information of the bettor;

19           (2) The amount and type of bet placed;

20           (3) The time and date the bet was placed;

21           (4) The location, including specific information  
22 pertaining to the internet protocol address, where the bet  
23 was placed;

24           (5) The outcome of the bet; and

25           (6) Any discernable pattern of abnormal betting  
26 activity by the patron.

27           3. A certificate holder shall make the records and  
28 data that it is required to maintain under this section  
29 available for inspection upon request of the commission or  
30 as required by court order.

31           4. If a sports governing body has notified the  
32 commission that real-time information sharing for wagers  
33 placed on its sporting events is necessary and desirable,  
34 sports wagering operators shall share in real time, at the  
35 account level, and in pseudonymous form, the information  
36 required to be retained under subsections 1 and 2 of this  
37 section, other than video files, with the sports governing  
38 body or its designee with respect to wagers on its sporting  
39 events. Such information may be used by a sports governing  
40 body solely for integrity purposes.

1           313.1018. 1. The performance of any act required, or  
2 the forbearance of any act prohibited, by sections 313.1000  
3 to 313.1024, by an interactive sports wagering platform  
4 provider is imputed to the certificate holder on behalf of  
5 which the platform is operating, and vice versa.

6           2. A certificate holder is not liable under the laws  
7 of this state to any party, including patrons, for  
8 disclosing information as required under sections 313.1000  
9 to 313.1024, and is not liable for refusing to disclose  
10 information unless required under sections 313.1000 to  
11 313.1024.

12           3. Any person, firm, corporation, association, agent,  
13 or employee who knowingly violates any procedure implemented  
14 under sections 313.1000 to 313.1024 shall be liable for a  
15 civil penalty of not more than five thousand dollars for  
16 each violation, not to exceed fifty thousand dollars for  
17 violations arising out of the same transaction or  
18 occurrence, which shall accrue to the state and may be  
19 recovered in a civil action brought by the commission. Any  
20 licensee who violates any provision under sections 313.1000  
21 to 313.1024 shall be subject to the actions and penalties  
22 provided under subdivision (6) of section 313.805, excluding  
23 any financial penalties in excess of those provided under  
24 this subsection.

25           4. (1) Any person, firm, corporation, association,  
26 agent, or employee shall be guilty of a class E felony for:

27           (a) Placing, or causing to be placed, a bet or wager  
28 on the basis of material nonpublic information relating to  
29 that bet or wager; or

30           (b) Knowingly engaging in, facilitating, or concealing  
31 conduct that intends to improperly influence a betting  
32 outcome of a sporting event for purposes of financial gain,  
33 in connection with betting or wagering on a sporting event.

34           (2) For the purposes of this subsection, a bet or  
35 wager shall be "on the basis of material nonpublic  
36 information" if the person placing the bet or wager, or  
37 causing it to be placed, was aware of the material nonpublic  
38 information when such person placed the bet or wager or  
39 caused it to be placed. The term "material nonpublic  
40 information" shall include personal biometric data.

313.1021. 1. A wagering tax equal to the rate imposed  
2 pursuant to section 313.822 is imposed on the adjusted gross  
3 receipts received from sports wagering conducted by a  
4 certificate holder under sections 313.1000 to 313.1024. If  
5 a third party is contracted to conduct sports wagering at a  
6 certificate holder's licensed facility, the third party  
7 contractor shall fulfill the certificate holder's duties  
8 under this section.

2. A certificate holder shall remit the tax imposed by  
9 subsection 1 of this section to the department before the  
10 close of the business day one day prior to the last business  
11 day of each month for the wagering taxes collected for such  
12 month. Any taxes collected during the month, but after the  
13 day on which the taxes are required to be paid to the  
14 department, shall be paid to the department at the same time  
15 the following month's taxes are due.

3. The payment of the tax under this section shall be  
17 by an electronic funds transfer by an automated  
18 clearinghouse.

4. Revenues received from the tax imposed under  
20 subsection 1 of this section shall be deposited in the state  
21 treasury to the credit of the "Gaming Proceeds for Education  
22 Fund" and shall be distributed as provided under section  
23 313.822.

5. (1) A certificate holder shall pay to the  
25 commission an annual administrative fee of fifty thousand  
26

27 dollars. The fee imposed shall be due one year after the  
28 date on which the certificate holder commences sports  
29 wagering operations under sections 313.1000 to 313.1024, and  
30 on each annual anniversary date thereafter. The commission  
31 shall deposit the administrative fees received under this  
32 subsection in the gaming commission fund and shall  
33 distribute such fees according to section 313.835.

34 (2) In addition to the annual administrative fee  
35 required under this subsection, a certificate holder shall  
36 pay to the commission a fee of ten thousand dollars to cover  
37 the costs of a full reinvestigation of the certificate  
38 holder in the fifth year after the date on which the  
39 certificate holder commences sports wagering operations  
40 under sections 313.1000 to 313.1024 and on each fifth year  
41 thereafter. The commission shall deposit the fees received  
42 under this subdivision in the gaming commission fund and  
43 shall distribute such fees according to section 313.835.

313.1022. All sports wagers authorized under sections  
2 313.1000 to 313.1024 shall be deemed initiated, received,  
3 and otherwise made on the property of an excursion gambling  
4 boat within this state. Consistent with the intent of the  
5 United States Congress as articulated in the Unlawful  
6 Internet Gambling Enforcement Act of 2006, 31 U.S.C.  
7 Sections 5361 to 5367, as amended, the intermediate routing  
8 of electronic data relating to lawful intrastate sports  
9 wagers authorized under sections 313.1000 to 313.1024 shall  
10 not determine the location or locations in which such wager  
11 is initiated, received, or otherwise made.

313.1024. 1. (1) The commission shall establish a  
2 hotline or other method of communication that allows any  
3 person to confidentially report information about any  
4 conduct that the person believes constitutes a violation of  
5 the provisions of sections 313.1000 to 313.1024.



6           (2) The commission shall investigate all reasonable  
7 allegations and shall refer any allegations that it deems  
8 credible to the appropriate law enforcement entity.

9           (3) The identity of any reporting person shall remain  
10 confidential unless such person authorizes disclosure of his  
11 or her identity or until such time as the allegation of  
12 conduct in violation of sections 313.1000 to 313.1024 is  
13 referred to law enforcement.

14           (4) If the commission receives a complaint involving  
15 an athlete, referee, owner, or any other person affiliated  
16 in any way with a sports governing body, the commission  
17 shall notify the appropriate sports governing body.

18           (5) The commission shall promulgate rules to implement  
19 the provisions of this subsection. Any rule or portion of a  
20 rule, as that term is defined in section 536.010, that is  
21 created under the authority delegated in this section shall  
22 become effective only if it complies with and is subject to  
23 all of the provisions of chapter 536 and, if applicable,  
24 section 536.028. This section and chapter 536 are  
25 nonseverable and if any of the powers vested with the  
26 general assembly pursuant to chapter 536 to review, to delay  
27 the effective date, or to disapprove and annul a rule are  
28 subsequently held unconstitutional, then the grant of  
29 rulemaking authority and any rule proposed or adopted after  
30 August 28, 2021, shall be invalid and void.

31           2. A sports wagering operator, sports governing body,  
32 professional sports franchise, or higher education  
33 institution shall not discharge, demote, suspend, threaten,  
34 harass, or in any other manner discriminate against an  
35 employee because of any lawful act performed by the employee  
36 to provide information, cause information to be provided, or  
37 otherwise assist in an investigation regarding any conduct

38 which the employee reasonably believes constitutes a  
39 violation of the provisions of sections 313.1000 to 313.1024.

40 3. A person who alleges action or conduct by any  
41 person in violation of subsection 2 of this section may seek  
42 relief by bringing an action at law or equity in a court of  
43 competent jurisdiction.

44 4. In any action brought pursuant to subsection 3 of  
45 this section, a court may find that a violation of  
46 subsection 2 of this section has occurred and award judgment  
47 for the employee only if:

48 (1) The employee demonstrates by a preponderance of  
49 the evidence that the actions of the employee to provide  
50 information or assist in an investigation were a  
51 contributing factor to the discharge or other  
52 discrimination; and

53 (2) The employer does not demonstrate, by clear and  
54 convincing evidence, that the employer would have taken the  
55 same unfavorable personnel action in the absence of behavior.

56 5. An action brought pursuant to subsection 3 of this  
57 section shall be commenced not later than one hundred eighty  
58 days after the later of:

59 (1) The date on which the violation occurs; or

60 (2) The date on which the employee became aware of the  
61 violation.

572.010. As used in this chapter the following terms  
2 mean:

3 (1) "Advance gambling activity", a person advances  
4 gambling activity if, acting other than as a player, he or  
5 she engages in conduct that materially aids any form of  
6 gambling activity. Conduct of this nature includes but is  
7 not limited to conduct directed toward the creation or  
8 establishment of the particular game, lottery, contest,  
9 scheme, device or activity involved, toward the acquisition

10 or maintenance of premises, paraphernalia, equipment or  
11 apparatus therefor, toward the solicitation or inducement of  
12 persons to participate therein, toward the actual conduct of  
13 the playing phases thereof, toward the arrangement or  
14 communication of any of its financial or recording phases,  
15 or toward any other phase of its operation. A person  
16 advances gambling activity if, having substantial  
17 proprietary control or other authoritative control over  
18 premises being used with his or her knowledge for purposes  
19 of gambling activity, he or she permits that activity to  
20 occur or continue or makes no effort to prevent its  
21 occurrence or continuation. The supplying, servicing and  
22 operation of a licensed excursion gambling boat under  
23 sections 313.800 to 313.840 does not constitute advancing  
24 gambling activity;

25 (2) "Bookmaking", advancing gambling activity by  
26 unlawfully accepting bets from members of the public as a  
27 business, rather than in a casual or personal fashion, upon  
28 the outcomes of future contingent events;

29 (3) "Contest of chance", any contest, game, gaming  
30 scheme or gaming device in which the outcome depends in a  
31 material degree upon an element of chance, notwithstanding  
32 that the skill of the contestants may also be a factor  
33 therein;

34 (4) "Gambling", a person engages in gambling when he  
35 or she stakes or risks something of value upon the outcome  
36 of a contest of chance or a future contingent event not  
37 under his or her control or influence, upon an agreement or  
38 understanding that he or she will receive something of value  
39 in the event of a certain outcome. Gambling does not  
40 include bona fide business transactions valid under the law  
41 of contracts, including but not limited to contracts for the  
42 purchase or sale at a future date of securities or

43 commodities, and agreements to compensate for loss caused by  
44 the happening of chance, including but not limited to  
45 contracts of indemnity or guaranty and life, health or  
46 accident insurance; nor does gambling include playing an  
47 amusement device that confers only an immediate right of  
48 replay not exchangeable for something of value. Gambling  
49 does not include any licensed activity, or persons  
50 participating in such games which are covered by sections  
51 313.800 to 313.840;

52 (5) "Gambling device", any device, machine,  
53 paraphernalia or equipment that is not approved by the  
54 Missouri gaming commission or state lottery commission under  
55 the provisions of chapter 313 and that:

56 (a) Contains a random number generator where prize  
57 payout percentages are controlled or adjustable;

58 (b) Is used in any scenario where coins or cash prizes  
59 are involved or any scenario where a prize is converted to  
60 cash or monetary credit of any kind related to the use of  
61 the gambling device; or

62 (c) Is used or usable in the playing phases of any  
63 gambling activity, whether that activity consists of  
64 gambling between persons or gambling by a person with a  
65 machine, regardless of whether the machine or device or  
66 system or network of devices includes a preview of the  
67 outcome or whether the outcome is known, displayed, or  
68 capable of being known or displayed to the user;

69 Any device not described in paragraphs (a) to (c) of this  
70 subdivision that a reasonable person would believe is usable  
71 or can be made readily usable in gambling or any phases of  
72 gambling activity shall be prima facia evidence of a  
73 gambling device and may be subject to seizure by any peace  
74 officer in this state. However, lottery tickets, policy  
75 slips and other items used in the playing phases of lottery

76 and policy schemes are not gambling devices within this  
77 definition;

78 (6) "Gambling record", any article, instrument,  
79 record, receipt, ticket, certificate, token, slip or  
80 notation used or intended to be used in connection with  
81 unlawful gambling activity;

82 (7) "Lottery" or "policy", an unlawful gambling scheme  
83 in which for a consideration the participants are given an  
84 opportunity to win something of value, the award of which is  
85 determined by chance;

86 (8) "Player", a person who engages in any form of  
87 gambling solely as a contestant or bettor, without receiving  
88 or becoming entitled to receive any profit therefrom other  
89 than personal gambling winnings, and without otherwise  
90 rendering any material assistance to the establishment,  
91 conduct or operation of the particular gambling activity. A  
92 person who gambles at a social game of chance on equal terms  
93 with the other participants therein does not otherwise  
94 render material assistance to the establishment, conduct or  
95 operation thereof by performing, without fee or  
96 remuneration, acts directed toward the arrangement or  
97 facilitation of the game, such as inviting persons to play,  
98 permitting the use of premises therefor and supplying cards  
99 or other equipment used therein. A person who engages in  
100 "bookmaking" as defined in subdivision (2) of this section  
101 is not a player;

102 (9) "Professional player", a player who engages in  
103 gambling for a livelihood or who has derived at least twenty  
104 percent of his or her income in any one year within the past  
105 five years from acting solely as a player;

106 (10) "Profit from gambling activity", a person profits  
107 from gambling activity if, other than as a player, he or she  
108 accepts or receives money or other property pursuant to an

109 agreement or understanding with any person whereby he  
110 participates or is to participate in the proceeds of  
111 gambling activity;

112 (11) "Slot machine", a gambling device that as a  
113 result of the insertion of a coin or other object operates,  
114 either completely automatically or with the aid of some  
115 physical act by the player, in such a manner that, depending  
116 upon elements of chance, from the perspective of a player or  
117 a reasonable person, it may eject something of value,  
118 regardless of whether the machine or device or system or  
119 network of devices includes a preview of the outcome or  
120 whether the outcome is known, displayed, or capable of being  
121 known or displayed to the user. A device so constructed or  
122 readily adaptable or convertible to such use is no less a  
123 slot machine because it is not in working order or because  
124 some mechanical act of manipulation or repair is required to  
125 accomplish its adaptation, conversion or workability. Nor  
126 is it any less a slot machine because apart from its use or  
127 adaptability as such it may also sell or deliver something  
128 of value on a basis other than chance;

129 (12) "Something of value", any money or property, any  
130 token, object or article exchangeable for money or property,  
131 or any form of credit or promise directly or indirectly  
132 contemplating transfer of money or property or of any  
133 interest therein or involving extension of a service,  
134 entertainment or a privilege of playing at a game or scheme  
135 without charge;

136 (13) "Unlawful", not specifically authorized by law.

572.015. Nothing in this chapter prohibits  
2 constitutionally authorized activities under Article III,  
3 Sections 39(a) to 39(f) of the Missouri Constitution,  
4 including a raffle using tickets, a device, or a machine  
5 where a person or persons buys one or more chances from a

6 finite number of draws for a prize. A machine or device  
7 shall be certified as a raffle by an ISO-17025 accredited  
8 independent testing laboratory authorized to test similar  
9 devices for compliance in at least five jurisdictions.

572.100. The general assembly by enacting this chapter  
2 intends to preempt any other regulation of the area covered  
3 by this chapter. No governmental subdivision or agency may  
4 enact or enforce a law that regulates or makes any conduct  
5 in the area covered by this chapter an offense, or the  
6 subject of a criminal or civil penalty or sanction of any  
7 kind, except for the revocation, suspension, or denial by  
8 the Missouri lottery commission, the Missouri gaming  
9 commission, or the division of alcohol and tobacco control  
10 of a license issued under chapter 311 or 313. The term  
11 "gambling", as used in this chapter, does not include  
12 licensed activities under sections 313.800 to 313.840.