

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 4

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUX.

5981H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 313.800, 313.813, and 313.842, RSMo, and to enact in lieu thereof seventeen new sections relating to sports wagering, with penalty provisions.

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

Section A. Sections 313.800, 313.813, and 313.842, RSMo, are repealed and
2 seventeen new sections enacted in lieu thereof, to be known as sections 313.800, 313.813,
3 313.842, 313.1000, 313.1002, 313.1003, 313.1004, 313.1006, 313.1008, 313.1010, 313.1011,
4 313.1012, 313.1014, 313.1016, 313.1018, 313.1021, and 313.1022, to read as follows:

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

3 (1) "Adjusted gross receipts", the gross receipts from licensed gambling games and
4 devices less winnings paid to wagerers. **"Adjusted gross receipts" shall not include**
5 **adjusted gross receipts from sports wagering as defined in section 313.1000;**

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

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

10 (4) "Capital, cultural, and special law enforcement purpose expenditures" shall
11 include any disbursement, including disbursements for principal, interest, and costs of
12 issuance and trustee administration related to any indebtedness, for the acquisition of land,
13 land improvements, buildings and building improvements, vehicles, machinery, equipment,
14 works of art, intersections, signing, signalization, parking lot, bus stop, station, garage,
15 terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape,
17 convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses
18 and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals,
19 fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank
20 restoration, any asset with a useful life greater than one year, cultural events, and any
21 expenditure related to a law enforcement officer deployed as horse-mounted patrol, school
22 resource or drug awareness resistance education (D.A.R.E) officer;

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

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

26 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft
27 or other authorization from a qualified person to an excursion gambling boat licensee or any
28 of its affiliated companies licensed by the commission authorizing the licensee to withdraw
29 the amount of credit extended by the licensee to such person from the qualified person's
30 banking account in an amount determined under section 313.817 on or after a date certain of
31 not more than thirty days from the date the credit was extended, and includes any such writing
32 taken in consolidation, redemption or payment of a previous credit instrument, but does not
33 include any interest-bearing installment loan or other extension of credit secured by
34 collateral;

35 (8) "Dock", the location in a city or county authorized under subsection 10 of section
36 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to
37 a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the
38 embarking of passengers on and disembarking of passengers from a gambling excursion but
39 shall not include any artificial space created after May 20, 1994, and is located more than one
40 thousand feet from the closest edge of the main channel of the river as established by the
41 United States Army Corps of Engineers;

42 (9) "Excursion gambling boat", a boat, ferry, other floating facility, or any nonfloating
43 facility licensed by the commission on or inside of which gambling games are allowed;

44 (10) "Fiscal year", the fiscal year of a home dock city or county;

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

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

49 (13) "Gambling game" includes, but is not limited to, games of skill or games of
50 chance on an excursion gambling boat ~~[but does not include gambling on sporting events]~~;
51 provided such games of chance are approved by amendment to the Missouri Constitution;

52 (14) "Games of chance", any gambling game in which the player's expected return is
53 not favorably increased by the player's reason, foresight, dexterity, sagacity, design,
54 information or strategy;

55 (15) "Games of skill", any gambling game in which there is an opportunity for the
56 player to use the player's reason, foresight, dexterity, sagacity, design, information or strategy
57 to favorably increase the player's expected return; including, but not limited to, the gambling
58 games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow
59 poker", "Texas hold'em", "double down stud", **"sports wagering"**, and any video
60 representation of such games;

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

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

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

66 (19) "Mississippi River" and "Missouri River", the water, bed and banks of those
67 rivers, including any space filled wholly or partially by the water of those rivers in a manner
68 approved by the commission but shall not include any artificial space created after May 20,
69 1994, and is located more than one thousand feet from the closest edge of the main channel of
70 the river as established by the United States Army Corps of Engineers;

71 (20) "Nonfloating facility", any structure within one thousand feet from the closest
72 edge of the main channel of the Missouri or Mississippi River, as established by the United
73 States Army Corps of Engineers, that contains at least two thousand gallons of water beneath
74 or inside the facility either by an enclosed space containing such water or in rigid or semirigid
75 storage containers, tanks, or structures;

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

78 2. (1) In addition to the games of skill defined in this section, the commission may
79 approve other games of skill upon receiving a petition requesting approval of a gambling
80 game from any applicant or licensee. The commission may set the matter for hearing by
81 serving the applicant or licensee with written notice of the time and place of the hearing not
82 less than five days prior to the date of the hearing and posting a public notice at each
83 commission office. The commission shall require the applicant or licensee to pay the cost of
84 placing a notice in a newspaper of general circulation in the applicant's or licensee's home
85 dock city or county. The burden of proof that the gambling game is a game of skill is at all
86 times on the petitioner. The petitioner shall have the affirmative responsibility of establishing
87 the petitioner's case by a preponderance of evidence including:

88 (a) Is it in the best interest of gaming to allow the game; and

89 (b) Is the gambling game a game of chance or a game of skill?

90 (2) All testimony shall be given under oath or affirmation. Any citizen of this state
91 shall have the opportunity to testify on the merits of the petition. The commission may
92 subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the
93 commission shall evaluate the record of the hearing and issue written findings of fact that
94 shall be based exclusively on the evidence and on matters officially noticed. The commission
95 shall then render a written decision on the merits which shall contain findings of fact,
96 conclusions of law and a final commission order. The final commission order shall be within
97 thirty days of the hearing. Copies of the final commission order shall be served on the
98 petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.813. The commission may promulgate rules allowing a person that is a problem
2 gambler to voluntarily exclude him/herself from an excursion gambling boat, **or a licensed**
3 **facility or platform regulated under sections 313.1000 to 313.1022**. Any person that has
4 been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140 if
5 such person enters an excursion gambling boat. **Any person who has been self-excluded**
6 **and is found to have placed a wager under sections 313.1000 to 313.1022 shall forfeit his**
7 **or her winnings and such winnings shall be credited to the compulsive gamblers fund**
8 **created under section 313.842.**

313.842. 1. There [~~may~~] **shall** be established programs which shall provide
2 treatment, prevention, **recovery**, and education services for compulsive gambling. As used in
3 this section, "compulsive gambling" means a condition suffered by a person who is
4 chronically and progressively preoccupied with gambling and the urge to gamble. Subject to
5 appropriation, such programs shall be funded from the one-cent admission fee authorized
6 pursuant to section 313.820, and in addition, may be funded from the taxes collected and
7 distributed to any city or county under section 313.822 **or any other funds appropriated by**
8 **the general assembly**. Such moneys shall be submitted to the state and credited to the
9 "Compulsive Gamblers Fund", which is hereby established within the department of mental
10 health. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund
11 at the end of any biennium shall not be transferred to the credit of the general revenue fund.
12 The department of mental health shall administer programs, either directly or by contract, for
13 compulsive gamblers. The commission [~~may~~] **shall** administer programs to educate the
14 public about problem gambling and promote treatment programs offered by the department of
15 mental health. In addition, the commission shall administer the voluntary exclusion program
16 for problem gamblers authorized by section [~~313.833~~] **313.813**.

17 **2. The commission, in cooperation with the department of mental health, shall**
18 **develop an annual research report in order to assess the social and economic effects of**
19 **gaming in the state and to obtain scientific information related to the neuroscience,**

20 **psychology, sociology, epidemiology, and etiology of compulsive gambling. The report**
21 **and associated studies shall be submitted to the governor, the president pro tempore of**
22 **the senate, and the speaker of the house of representatives no later than January thirty-**
23 **first of each year. The research report shall consist of at least:**

24 **(1) A baseline study of the existing occurrence of compulsive gambling in the**
25 **state. The study shall examine and describe the existing levels of compulsive gambling**
26 **and the existing programs available that have a goal of preventing and addressing the**
27 **harmful consequences of compulsive gambling;**

28 **(2) A comprehensive legal and factual study of the social and economic impacts**
29 **of gambling on the state; and**

30 **(3) Recommendations on programs and legislative actions to address compulsive**
31 **gambling in the state, including a recommended appropriation to the compulsive**
32 **gamblers fund based on the study required in subdivision (1) of this subsection.**

313.1000. As used in sections 313.1000 to 313.1022, the following terms shall
2 **mean:**

3 **(1) "Adjusted gross receipts":**

4 **(a) The total of all cash and cash equivalents received by a sports wagering**
5 **operator from sports wagering minus the total of:**

6 **a. All cash and cash equivalents paid out as winnings to sports wagering**
7 **patrons;**

8 **b. The actual costs paid by a sports wagering operator for anything of value**
9 **provided to and redeemed by patrons, including merchandise or services distributed to**
10 **sports wagering patrons to incentivize sports wagering;**

11 **c. Voided or cancelled wagers;**

12 **d. For the first year of implementation, one hundred percent of the costs of free**
13 **play or promotional credits provided to and redeemed by patrons and decreasing by**
14 **twenty-five percent each year following until the fifth and subsequent years, in which no**
15 **cost of free play or promotional credits shall be deducted;**

16 **e. Any sums paid as a result of any federal tax, including federal excise tax; and**

17 **f. Uncollectible sports wagering receivables, not to exceed the lesser of:**

18 **(i) A reasonable provision for uncollectible patron checks, automated clearing**
19 **house (ACH) transactions, debit card transactions, and credit card transactions**
20 **received from sports wagering operations; or**

21 **(ii) Two percent of the total of all sums, including checks, whether collected, less**
22 **the amount paid out as winnings to sports wagering patrons. For purposes of this**
23 **section, a counter or personal check that is invalid or unenforceable under this section is**

24 considered cash received by the sports wagering operator from sports wagering
25 operations;

26 (b) The deductions allowed under paragraph (a) of this subdivision shall not
27 include any costs arising directly from the purchase of advertising with a non-patron
28 third-party, including the direct cost of purchasing print, television, or radio advertising
29 or any signage or billboards;

30 (c) If the amount of adjusted gross receipts in a gaming month is a negative
31 figure, the certificate holder shall remit no sports wagering tax for that gaming month.
32 Any negative adjusted gross receipts shall be carried over and calculated as a deduction
33 in the subsequent gaming months until the negative figure has been brought to a zero
34 balance;

35 (2) "Certificate holder", a licensed applicant issued a certificate of authority by
36 the commission;

37 (3) "Certificate of authority", a certificate issued by the commission authorizing
38 a licensed applicant to conduct sports wagering under sections 313.1000 to 313.1022;

39 (4) "Commercially reasonable terms", for the purposes of official league data
40 only, includes the following nonexclusive factors:

41 (a) The extent to which event wagering operators have purchased the same or
42 similar official league data on the same or similar terms;

43 (b) The speed, accuracy, timeliness, reliability, quality, and quantity of the
44 official league data as compared to comparable alternative data sources;

45 (c) The quality and complexity of the process used to collect and distribute the
46 official league data as compared to comparable alternative data sources; and

47 (d) The availability and cost of similar league data from multiple sources;

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

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

50 (7) "Designated sports district", the premises of a facility located in this state
51 with a capacity of eleven thousand five hundred people or more, at which one or more
52 professional sports teams that is a member of the National Football League, Major
53 League Baseball, the National Hockey League, the National Basketball Association,
54 Major League Soccer, the Women's National Basketball Association, or the National
55 Women's Soccer League plays its home games, and the surrounding area within four
56 hundred yards of such premises;

57 (8) "Designated sports district mobile licensee", a person or entity, registered to
58 do business within this state, that is designated by a professional sports team entity to be
59 a licensed applicant and an interactive sports wagering platform operator authorized to
60 offer sports wagering only via the internet in this state, subject to the commission's

61 approval and licensure under sections 313.1000 to 313.1022; provided, however, for
62 purposes of clarification and avoidance of doubt, the designated person or entity, rather
63 than the applicable professional sports team entity, shall be the party that submits to the
64 commission for licensure under sections 313.1000 to 313.1022;

65 (9) "Esports", athletic and sporting events in which all participants are eighteen
66 years of age or older and involving electronic sports and competitive video games;

67 (10) "Excursion gambling boat", the same meaning as defined under section
68 313.800;

69 (11) "Gross receipts", the total amount of cash and cash equivalents paid by
70 sports wagering patrons to a sports wagering operator to participate in sports wagering;

71 (12) "Interactive sports wagering platform" or "platform", a platform operated
72 by an interactive sports wagering platform operator that offers sports wagering through
73 an individual account registered to an eligible person, under section 313.1014, over the
74 internet, including on websites and mobile devices, on behalf of a licensed facility or
75 designated sports district. Except as otherwise provided, an interactive sports wagering
76 platform may also offer in-person sports wagering on behalf of a licensed facility that is
77 an excursion gambling boat at its licensed facility, including through sports wagering
78 devices;

79 (13) "Interactive sports wagering platform operator", a suitable legal entity that
80 holds a license issued by the commission to operate an interactive sports wagering
81 platform;

82 (14) "Licensed applicant", a person holding a license issued under section
83 313.807 to operate an excursion gambling boat, an interactive sports wagering platform
84 operator, or a designated sports district mobile licensee;

85 (15) "Licensed facility", an excursion gambling boat licensed under this chapter
86 or a designated sports district for which a certificate holder is licensed under sections
87 313.1000 to 313.1022;

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

90 (17) "Occupational license", a license issued by the commission;

91 (18) "Official league data", statistics, results, outcomes, and other data related to
92 a sports event or other event utilized to determine the outcome of tier 2 bets obtained
93 pursuant to an agreement with the relevant sports governing body or an entity expressly
94 authorized by the sports governing body to provide such information that authorizes a
95 sports wagering operator to use such data for determining the outcome of tier 2 bets;

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

98 **(20) "Professional sports team entity", a person or entity, registered to do**
99 **business in this state, which owns or operates a professional sports team that is a**
100 **member of the National Football League, Major League Baseball, the National Hockey**
101 **League, the National Basketball Association, Major League Soccer, the Women's**
102 **National Basketball Association, or the National Women's Soccer League and that plays**
103 **its home games within a designated sports district;**

104 **(21) "Sports governing body", an organization headquartered in the United**
105 **States that prescribes final rules and enforces codes of conduct with respect to a sports**
106 **event and participants therein;**

107 **(22) "Sports wagering", "sports wager", "sports bet", or "bet", wagering on**
108 **athletic, sporting, and other competitive events involving human competitors including,**
109 **but not limited to, esports, or on other events as approved by the commission. Such**
110 **terms shall include, but not be limited to, bets or wagers made on: portions of athletic**
111 **and sporting events, including those on outcomes determined prior to the start of a**
112 **sporting event, or on the individual statistics of athletes in a sporting event or**
113 **compilation of sporting events, involving human competitors. The term includes, but is**
114 **not limited to, single-game wagers, teaser wagers, parlays, over-unders, moneyline bets,**
115 **pools, exchange wagering, in-game wagers, in-play wagers, proposition wagers, and**
116 **straight wagers or other wagers approved by the commission. Sports wagering shall not**
117 **include fantasy sports under sections 313.900 to 313.955 or those games and contests in**
118 **which the outcome is determined purely on chance and without any human skill,**
119 **intention, interaction, or direction;**

120 **(23) "Sports wagering commercial activity", any operation, promotion, signage,**
121 **advertising, or other business activity relating to sports wagering, including the**
122 **operation or advertising of a business or location at which sports wagering is offered or**
123 **a business or location at which sports wagering through one or more interactive**
124 **platforms is promoted or advertised;**

125 **(24) "Sports wagering device" or "sports wagering kiosk", a self-service**
126 **mechanical, electrical, or computerized contrivance, terminal, device, apparatus, piece**
127 **of equipment, or supply approved by the commission for conducting sports wagering**
128 **under sections 313.1000 to 313.1022. "Sports wagering device" shall not include a**
129 **device used by a sports wagering patron to access an interactive sports wagering**
130 **platform. The hardware of a sports wagering device not capable of accepting wagers**
131 **shall not be considered a sports wagering device;**

132 **(25) "Sports wagering operator" or "operator", a licensed facility that is an**
133 **excursion gambling boat or an interactive sports wagering platform operator offering**
134 **sports wagering on behalf of a licensed facility;**

135 (26) "Sports wagering supplier", a person that provides goods, services,
136 software, or any other components necessary for the creation of sports wagering
137 markets and determination of wager outcomes, directly or indirectly, to any sports
138 wagering operator or applicant involved in the acceptance of wagers, including any of
139 the following: providers of data feeds and odds services, providers of kiosks used for
140 self-wagering made in-person, risk management providers, integrity monitoring
141 providers, and other providers of sports wagering supplier services as determined by
142 the commission; provided, however, that no sports governing body shall be a sports
143 wagering supplier for any purposes under sections 313.1000 to 313.2022;

144 (27) "Supplier's license", a license issued by the commission under section
145 313.807;

146 (28) "Tier 1 bet", an internet bet that is determined solely by the final score or
147 final outcome of the sports event and is placed before the sports event has begun;

148 (29) "Tier 2 bet", an internet bet that is not a tier 1 bet.

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

3 2. All shipments of gambling devices, which shall include devices capable of
4 accepting sports wagers used to conduct sports wagering under sections 313.1000 to
5 313.1022 to licensed applicants or sports wagering operators, the registering, recording,
6 and labeling of which have been completed by the manufacturer or dealer thereof in
7 accordance with 15 U.S.C. Sections 1171 to 1178, as amended, shall be legal shipments of
8 gambling devices into this state. Point-of-contact devices or kiosks not yet capable of
9 accepting sports wagers shall not be considered gambling devices for purposes of this
10 section.

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

3 2. A certificate holder may offer sports wagering:

4 (1) In person within its applicable licensed facility, provided that such certificate
5 holder is an excursion gambling boat licensed under this chapter; and

6 (2) Over the internet through an interactive sports wagering platform to persons
7 physically located in this state.

8 3. Notwithstanding any other provision of law to the contrary, except as
9 provided under sections 313.1000 to 313.1022, sports wagering commercial activity shall
10 be prohibited from occurring within any designated sports district without the approval
11 of each professional sports team entity applicable to such designated sports district,
12 provided, however, that no such approval shall be required for the sole activity of

13 offering sports wagering over the internet via an interactive sports wagering platform
14 that is accessible to persons physically located within such designated sports district.

313.1004. 1. The commission shall have full jurisdiction to supervise all
2 gambling operators governed by sections 313.1000 to 313.1022 and shall adopt rules and
3 regulations to implement the provisions of sections 313.1000 to 313.1022. Any rule or
4 portion of a rule, as that term is defined in section 536.010, that is created under the
5 authority delegated in this section shall become effective only if it complies with and is
6 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
7 section and chapter 536 are nonseverable and if any of the powers vested with the
8 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
9 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
10 rulemaking authority and any rule proposed or adopted after the effective date of this
11 section shall be invalid and void.

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

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

16 (a) Wagers are received;

17 (b) Payouts are paid; and

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

19 (2) Standards governing how a sports wagering operator offers sports wagering
20 over the internet through an interactive sports wagering platform to patrons physically
21 located in Missouri;

22 (3) The manner in which a sports wagering operator's books and financial
23 records relating to sports wagering are maintained and audited, including standards for
24 the daily counting of a sports wagering operator's gross receipts from sports wagering
25 and standards to ensure that internal controls are followed; and

26 (4) Standards concerning the detection and prevention of compulsive gambling
27 including, but not limited to, requirements to use a nationally recognized problem
28 gambling helpline phone number in all promotional activity.

29 3. Rules adopted under this section shall require a sports wagering operator to
30 make commercially reasonable efforts to do the following:

31 (1) Designate one or more areas within the licensed facility operated by the
32 sports wagering operator if the sports wagering operator is a licensed facility that is an
33 excursion gambling boat;

34 **(2) Ensure the security and integrity of sports wagers accepted through any**
35 **interactive sports wagering platform operated or authorized by such sports wagering**
36 **operator;**

37 **(3) Ensure that the sports wagering operator's surveillance system covers all**
38 **areas of the in-person sports wagering activity conducted within a licensed facility that**
39 **is an excursion gambling boat;**

40 **(4) Allow the commission to be present through the commission's gaming agents**
41 **when sports wagering is conducted in all areas of the sports wagering operator's**
42 **licensed facility that is an excursion gambling boat in which sports wagering is**
43 **conducted to do the following:**

44 **(a) Ensure maximum security of the counting and storage of the sports wagering**
45 **revenue received by the sports wagering operator;**

46 **(b) Certify the sports wagering revenue received by the sports wagering**
47 **operator; and**

48 **(c) Receive complaints from the public;**

49 **(5) Ensure that wager results are determined only from data that is provided by**
50 **the applicable sports governing body or the licensed sports wagering suppliers;**

51 **(6) Ensure that persons who are under twenty-one years of age do not make**
52 **sports wagers;**

53 **(7) Establish house rules specifying the amounts to be paid on winning wagers**
54 **and the effect of schedule changes. The house rules shall be displayed in the sports**
55 **wagering operator's sports wagering area or posted on the sports wagering operator's**
56 **internet site or mobile application and included in the terms and conditions thereof or**
57 **another approved area; and**

58 **(8) Establish industry-standard procedures regarding the voiding or cancelling**
59 **of wagers in the sports wagering operator's internal controls and house rules.**

60 **4. (1) A sports governing body or other authorized entity that maintains official**
61 **league data may notify the commission that official league data for settling tier 2 bets is**
62 **available for sports wagering operators.**

63 **(2) The commission shall notify sports wagering operators within seven days of**
64 **receipt of the notification from the sports governing body or other authorized entity that**
65 **maintains official league data of the availability of official league data. Within sixty**
66 **days following such notification by the commission, each sports wagering operator shall**
67 **use only official league data to settle tier 2 bets on athletic events sanctioned by the**
68 **applicable sports governing body, except:**

69 (a) During the pendency of a request by such sports wagering operator to the
70 commission, under section 313.1004, to use alternative data sources approved by the
71 commission to settle such tier 2 bets; or

72 (b) Following approval by the commission of a request by such sports wagering
73 operator to use alternative data sources approved by the commission in accordance with
74 section 313.1004.

75 (3) Official league data made available to sports wagering operators by the
76 sports governing body or other authorized entity that maintains official league data
77 shall be offered on commercially reasonable terms.

78 (4) A sports wagering operator may submit a written request to the commission
79 for the use, or continued use, of alternative data sources approved by the commission
80 within sixty days of receiving the notification from the commission regarding the
81 availability of official league data. The request shall demonstrate in detail that the
82 sports governing body or other authorized entity that maintains official league data is
83 unable or unwilling to offer official league data on commercially reasonable terms.
84 Within sixty days of receipt of the written request from a sports wagering operator to
85 use an alternative data source, the commission shall issue a written approval or
86 disapproval of such a request.

87 (5) The commission shall publish a list of official league data providers on its
88 website.

89 5. The commission may enter into agreements with other jurisdictions to
90 facilitate, administer, and regulate multi-jurisdictional sports betting by sports betting
91 operators to the extent that entering into the agreement is consistent with state and
92 federal laws and the sports betting agreement is conducted only in the United States.

313.1006. 1. A licensed applicant holding a license issued under section 313.807
2 to operate an excursion gambling boat who wishes to offer sports wagering under
3 sections 313.1000 to 313.1022 shall:

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

7 (2) Pay an initial application fee not to exceed one hundred thousand dollars,
8 which shall be deposited in the gaming commission fund and distributed according to
9 section 313.835; and

10 (3) Submit to the commission a responsible gambling plan that shall include, but
11 is not limited to:

12 (a) Annual training for all staff regarding the practice of responsible gambling
13 and identifying compulsive or problem gamblers;

14 **(b) Policies and strategies for handling situations in which players indicate they**
15 **are in distress or experiencing a problem; and**

16 **(c) Policies and strategies to address third-party concerns about players'**
17 **gambling behavior.**

18 **2. Upon receipt of the application and fee required under subsection 1 of this**
19 **section, the commission shall issue a certificate of authority to a licensed applicant**
20 **authorizing the licensed applicant to conduct sports wagering under sections 313.1000 to**
21 **313.1022 in a licensed facility or through an interactive sports wagering platform.**

313.1008. 1. The commission shall ensure that new sports wagering devices and
2 **new forms, variations, or composites of sports wagering are tested under the terms and**
3 **conditions that the commission considers appropriate prior to authorizing a sports**
4 **wagering operator to offer a new sports wagering device or a new form, variation, or**
5 **composite of sports wagering. The commission may utilize an approved independent**
6 **testing laboratory to assist with any requirements of this section. The commission shall**
7 **accept such testing of another sports wagering governing body in the United States if the**
8 **commission determines the testing of that governing body is substantially similar to the**
9 **testing that would otherwise be required by the commission and the sports wagering**
10 **operator verifies that its sports wagering devices and forms have not materially changed**
11 **since such testing.**

12 **2. A licensed facility that is an excursion gambling boat may also offer sports**
13 **wagering through up to three individually branded interactive sports wagering**
14 **platforms under the brand, trade name, or another name it is doing business as (d/b/**
15 **a) selected by the sports wagering operator or, as applicable, the interactive sports**
16 **wagering platform operator. A sports wagering operator may operate each interactive**
17 **sports wagering platform or contract with one or more interactive sports wagering**
18 **platform operators to administer any or all of the interactive sports wagering platforms**
19 **on the licensed facility's behalf. Notwithstanding any provision of this section and**
20 **anything to the contrary set forth under sections 313.1000 to 313.1022, in no event shall**
21 **sports wagering be offered through more than six sports wagering platforms**
22 **contracting with any one owner of a licensed facility, directly or indirectly through**
23 **any parent company, subsidiary, or affiliate of such owner.**

24 **3. Each designated sports district mobile licensee may offer sports wagering**
25 **within the state through one interactive sports wagering platform. Each designated**
26 **sports district mobile licensee shall be required to be licensed by the commission as an**
27 **interactive sports wagering platform operator. Sports wagering over the internet**
28 **through any interactive sports wagering platform may be offered by any licensed sports**
29 **wagering operator within any designated sports district.**

30 **4. Notwithstanding anything to the contrary set forth under sections 313.1000 to**
31 **313.1022, no sports wagering operator may offer sports wagering in person or through**
32 **any sports wagering kiosk, except within a licensed facility that is an excursion**
33 **gambling boat.**

34 **5. (1) Sports wagering may be conducted with chips, tokens, electronic cards,**
35 **cash, cash equivalents, debit or credit cards, other negotiable currency, online payment**
36 **services, automated clearing houses, promotional funds, or any other means approved**
37 **by the commission.**

38 **(2) A sports wagering operator shall in its internal controls or house rules**
39 **determine a minimum wager amount in sports wagering conducted by the sports**
40 **wagering operator and may determine a maximum wager amount.**

41 **6. A sports wagering operator shall not permit any sports wagering on the**
42 **premises of the licensed facility except as provided under this chapter.**

43 **7. A sports wagering device, point-of-contact sports wagering device, or sports**
44 **wagering kiosk shall be approved by the commission and acquired by a sports wagering**
45 **operator from a licensed supplier.**

46 **8. The commission shall determine the occupations related to sports wagering**
47 **that require an occupational license, which shall not include employees that do not**
48 **possess the authority or ability to alter material systems required for sports wagering in**
49 **this state.**

50 **9. A sports wagering operator may lay off one or more sports wagers. The**
51 **commission may promulgate rules permitting sports wagering operators or platforms to**
52 **employ systems that offset loss or manage risk in the operation of sports wagering under**
53 **sections 313.1000 to 313.1022 through the use of liquidity pools in other jurisdictions in**
54 **which the sports wagering operator, platform, an affiliate of the sports wagering**
55 **operator or platform, or a third party also holds licenses to conduct sports wagering;**
56 **provided that, at all times adequate protections are maintained to ensure sufficient**
57 **funds are available to pay winnings to patrons.**

58 **10. A sports wagering operator shall include information and tools to assist**
59 **players in making responsible decisions. The sports wagering operator shall provide at**
60 **a minimum:**

61 **(1) Prominently displayed tools to set limits on the amount of time and money a**
62 **player spends on any interactive sports wagering platform;**

63 **(2) Prominently displayed information regarding compulsive gambling and ways**
64 **to seek treatment and support if a player believes he or she has a problem; and**

65 **(3) Provide a player with the ability to exclude the use of certain electronic**
66 **payment methods if desired by the player.**

313.1010. 1. An interactive sports wagering platform operator shall offer sports wagering on behalf of a licensed facility only if the interactive sports wagering platform operator is properly licensed by the commission and has contracted with a licensed facility.

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

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

(2) Pay an initial application fee not to exceed one hundred fifty thousand dollars; and

(3) Submit to the commission a responsible gambling plan that shall include, but is not limited to:

(a) Annual training for all staff regarding the practice of responsible gambling and identifying compulsive or problem gamblers;

(b) Policies and strategies for handling situations in which players indicate they are in distress or experiencing a problem; and

(c) Policies and strategies to address third-party concerns about players' gambling behavior.

3. On or before the anniversary date of the payment of the initial application fee under this section, an interactive sports wagering platform provider holding a license issued under this section shall pay to the commission a license renewal fee not to exceed one hundred twenty-five thousand dollars. Such funds shall be deposited into the gaming commission fund established under section 313.835.

4. Notwithstanding any other provision of law to the contrary, the following information shall be confidential and shall not be disclosed to the public unless required by court order or by any other provision of sections 313.1000 to 313.1022:

(1) Any application submitted to the commission relating to sports wagering in this state; and

(2) All documents, reports, and data submitted by an applicant relating to sports wagering in this state to the commission containing proprietary information, trade secrets, financial information, or personally identifiable information about any person.

313.1011. 1. The commission may issue a supplier's license to a sports wagering supplier.

2. A sports wagering supplier may provide its services to licensees under a fixed-fee or revenue-sharing agreement only if the supplier is properly licensed by the commission.

3. At the request of an applicant for a sports wagering supplier's license, the commission may issue a provisional license to the applicant, as long as the applicant has

8 submitted a completed application for the license, including paying the required
9 application fee. The commission may prescribe by rule the requirements to receive a
10 provisional license.

11 4. An applicant for a sports wagering supplier's license shall disclose the identity
12 of:

13 (1) The applicant's principal owners who directly own ten percent or more of the
14 applicant;

15 (2) Each holding, intermediary, or parent company that directly owns fifteen
16 percent or more of the applicant; and

17 (3) The applicant's CEO and CFO, or their equivalents, as determined by the
18 commission.

19 5. Government-created entities, including statutory authorized pension
20 investment boards and Canadian Crown corporations, that are direct or indirect
21 shareholders of an applicant shall be waived in the applicant's disclosure of ownership
22 and control as determined by the commission.

23 6. Investment funds or entities registered with the Securities and Exchange
24 Commission (SEC), including investment advisors and entities under the management
25 of the SEC-registered entity, that are direct or indirect shareholders of an applicant
26 shall be waived in the applicant's disclosure of ownership and control as determined by
27 the commission.

28 7. A supplier's license or provisional supplier's license shall be sufficient to
29 provide sports wagering supplier services to licensees. A renewal fee shall be submitted
30 biennially as determined by the commission.

313.1012. 1. A sports wagering operator shall verify that a person placing a
2 wager is at least the legal minimum age for placing a wager under sections 313.1000 to
3 313.1022.

4 2. The commission shall establish an online method for a player to apply for
5 placement in the self-exclusion program. Each sports wagering operator shall include a
6 link to such application on all sports wagering platforms.

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

15 then the grant of rulemaking authority and any rule proposed or adopted after the
16 effective date of this section shall be invalid and void.

17 4. The commission shall adopt rules to ensure that advertisements for sports
18 wagering:

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

21 (2) Disclose the identity of the sports wagering operator;

22 (3) Provide information about or links to resources relating to gambling
23 addiction;

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

25 (5) Are not included on internet sites or pages dedicated to compulsive or
26 problem gambling; and

27 (6) Include responsible gambling messages and a nationally recognized problem
28 gambling helpline number in all promotional activity.

29 5. The commission shall establish penalties of not less than ten thousand dollars
30 but not more than one hundred thousand dollars for any sports wagering operator who
31 violates the restrictions placed on advertising to persons listed in subdivision (1) of
32 subsection 4 of this section.

313.1014. 1. The commission shall conduct background checks on individuals
2 seeking licenses under sections 313.1000 to 313.1022. A background check conducted
3 under this section shall include a search for criminal history and any charges or
4 convictions involving corruption or manipulation of sporting events. A background
5 check under this section shall be consistent with the provisions of section 313.810.

6 2. (1) A sports wagering operator shall employ commercially reasonable
7 methods to:

8 (a) Prohibit the sports wagering operator; directors, officers, and employees of
9 the sports wagering operator; and any relative of an operator, director, or officer living
10 in the same household from placing sports wagers with the sports wagering operator;

11 (b) Prohibit any person with access to nonpublic confidential information held
12 by the sports wagering operator from placing sports wagers with the sports wagering
13 operator;

14 (c) Prevent the sharing of confidential information that could affect sports
15 wagering offered by the sports wagering operator or by third parties until the
16 information is made publicly available; and

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

19 **(2) Nothing in this section shall preclude the use of internet-based hosting or**
20 **cloud-based hosting of data or any disclosure of information required by court order or**
21 **other provisions of law.**

22 **3. (1) The following individuals are prohibited from engaging in sports wagering**
23 **under sections 313.1000 to 313.1022:**

24 **(a) Any person whose participation may undermine the integrity of the betting**
25 **or sports event; or**

26 **(b) Any person who is prohibited for other good cause including, but not limited**
27 **to:**

28 **a. Any person placing a wager as an agent or proxy;**

29 **b. Any person who is an athlete, coach, referee, player, or referee personnel**
30 **member in or on any sports event overseen by that person's sports governing body**
31 **based on publicly available information;**

32 **c. Any person who holds a position of authority or influence sufficient to exert**
33 **influence over the participants in a sporting contest including, but not limited to,**
34 **coaches, managers, handlers, or athletic trainers;**

35 **d. Any person under twenty-one years of age;**

36 **e. Any person with access to certain types of exclusive information on any sports**
37 **event overseen by that person's sports governing body based on publicly available**
38 **information; or**

39 **f. Any person identified by any lists provided by the commission.**

40 **(2) The direct or indirect legal or beneficial owner of five percent or more of a**
41 **sports governing body or any of its member teams shall not place or accept any wager**
42 **on a sports event in which any member team of that sports governing body participates.**
43 **Any violation of this subdivision shall constitute disorderly conduct. Disorderly conduct**
44 **under this subdivision shall be a class C misdemeanor.**

45 **(3) The provisions of subdivision (1) of this subsection shall not apply to any**
46 **person who is a direct or indirect owner of a specific sports governing body member**
47 **team and:**

48 **(a) Has less than five percent direct or indirect ownership interest in a casino or**
49 **sports wagering operator; or**

50 **(b) The value of the ownership of such team represents less than one percent of**
51 **the person's total enterprise value and such shares of such person are registered under**
52 **section 12 of the Securities Exchange Act of 1934, 15 U.S.C. Section 78l, as amended.**

53 **(4) (a) A sports wagering operator shall adopt procedures to prevent wagering**
54 **on sports events by persons who are prohibited from placing sports wagers.**

55 (b) A sports wagering operator shall not knowingly accept wagers from any
56 person whose identity is known to the operator and:

- 57 a. Whose name appears on the exclusion list maintained by the commission;
58 b. Who is the operator, director, officer, owner, or employee of the operator;
59 c. Who has access to nonpublic confidential information held by the operator; or
60 d. Who is an agent or proxy for any other person.

61 (5) An operator shall adopt procedures to obtain personally identifiable
62 information from any individual who places any single wager of ten thousand dollars or
63 more on a sports event while physically present at a casino.

64 4. Given good and sufficient reason, each of the commission and sports wagering
65 operators shall cooperate with investigations conducted by law enforcement agencies or
66 sports governing bodies, including providing or facilitating the provision of relevant
67 betting information and audio or video files relating to persons placing sports wagers;
68 except that, with respect to any such information or files disclosed by a sports wagering
69 operator to a sports governing body, the sports governing body shall:

- 70 (1) Maintain the confidentiality of such information or files;
71 (2) Comply with all privacy laws applicable to such information or files; and
72 (3) Use the information or files solely in connection with the sports governing
73 body's investigation.

74 5. A sports wagering operator shall immediately report to the commission any
75 information relating to:

- 76 (1) Criminal or disciplinary proceedings commenced against the sports wagering
77 operator in connection with its operations;
78 (2) Bets or wagers that violate state or federal law;
79 (3) Abnormal wagering activity or patterns that may indicate a concern
80 regarding the integrity of a sporting event or events;
81 (4) Any other conduct that corrupts the wagering outcome of a sporting event or
82 events for purposes of financial gain; and
83 (5) Suspicious or illegal wagering activities.

84

85 A sports wagering operator shall also immediately report any information relating to
86 conduct described in subdivision (3) or (4) of this subsection to the applicable sports
87 governing body.

88 6. A sports wagering operator shall maintain the confidentiality of information
89 provided by a sports governing body to the sports wagering operator unless disclosure is
90 required by court order, the commission, or any other provision of law.

91 **7. A sports governing body may submit to the commission a request in writing to**
92 **restrict, limit, or exclude a type or form of sports wagering on its sporting events if such**
93 **body believes that such sports wagering affects the integrity or perceived integrity of its**
94 **sport. The commission may grant the request upon a showing of good cause by the**
95 **applicable sports governing body. The commission shall promptly review any**
96 **information provided and respond as expeditiously as practicable to the request.**
97 **Prior to making a determination, the commission shall notify and consult with sports**
98 **wagering operators. If the commission deems it relevant, it may also consult with any**
99 **applicable independent monitoring providers or other jurisdictions. No restrictions,**
100 **limitations, or exclusions of wagers shall be conducted without the express written**
101 **approval of the commission. Sports wagering operators shall be notified of any**
102 **restrictions, limitations, or exclusions granted by the commission.**

103 **8. No sports wagering operator shall offer any sports wagers on an elementary**
104 **or secondary school athletic or sporting event in which a school team from this state is a**
105 **participant, or on the individual performance statistics of an athlete in an elementary or**
106 **secondary school athletic or sporting event in which a school team from this state is a**
107 **participant.**

313.1016. 1. A sports wagering operator shall, for a wager that exceeds ten
2 **thousand dollars and that is placed in person by a patron, maintain the following**
3 **records for a period of at least three years after the sporting event occurs:**

- 4 **(1) Personally identifiable information of the patron;**
- 5 **(2) The amount and type of bet placed;**
- 6 **(3) The time and date the bet was placed;**
- 7 **(4) The location, including specific information pertaining to the betting window**
8 **or sports wagering device, where the bet was placed;**
- 9 **(5) The outcome of the bet; and**
- 10 **(6) Any discernible pattern of abnormal betting activity by the patron.**

11 **2. A licensed facility, interactive sports wagering platform operator, or sports**
12 **wagering supplier where applicable, for all bets and wagers placed through an**
13 **interactive sports wagering platform, shall maintain the following records for a period**
14 **of at least three years after the sporting event occurs:**

- 15 **(1) Personally identifiable information of the patron;**
- 16 **(2) The amount and type of bet placed;**
- 17 **(3) The time and date the bet was placed;**
- 18 **(4) The location, including specific information pertaining to the internet**
19 **protocol address, where the bet was placed;**
- 20 **(5) The outcome of the bet; and**

21 **(6) Any discernible pattern of abnormal betting activity by the patron.**

22 **3. A sports wagering operator shall make the records and data that it is required**
23 **to maintain under this section available for inspection upon request of the commission**
24 **or as required by court order.**

313.1018. A sports wagering operator is not liable under the laws of this state to
2 **any party, including patrons, for disclosing information as required under sections**
3 **313.1000 to 313.1022 and is not liable for refusing to disclose information unless**
4 **required under sections 313.1000 to 313.1022.**

313.1021. 1. A wagering tax of ten percent is imposed on the adjusted gross
2 **receipts received from sports wagering conducted by a sports wagering operator under**
3 **sections 313.1000 to 313.1022. If an interactive sports wagering platform operator is**
4 **contracted to conduct sports wagering at a certificate holder's licensed facility that is an**
5 **excursion gambling boat, or through an interactive sports wagering platform, the**
6 **licensed interactive sports wagering platform operator may fulfill the certificate**
7 **holder's duties under this section.**

8 **2. A certificate holder or interactive sports wagering platform operator shall**
9 **remit the tax imposed by subsection 1 of this section to the department no later than one**
10 **day prior to the last business day of the month following the month in which the taxes**
11 **were generated. In a month when the adjusted gross receipts of a certificate holder or**
12 **interactive sports wagering platform operator is a negative number, the certificate**
13 **holder or interactive sports wagering platform operator may carry over the negative**
14 **amount for a period of twelve months.**

15 **3. The payment of the tax under this section shall be by an electronic funds**
16 **transfer by an automated clearing house.**

17 **4. Revenues received from the tax imposed under subsection 1 of this section**
18 **shall be deposited in the state treasury to the credit of the "Gaming Proceeds for**
19 **Education Fund", which shall be distributed as provided under section 313.822.**

20 **5. (1) A licensed facility that is an excursion gambling boat shall pay to the**
21 **commission an annual license renewal fee not to exceed fifty thousand dollars. The fee**
22 **imposed shall be due on the anniversary date of issuance of the license and on each**
23 **anniversary date thereafter. The commission shall deposit the annual license renewal**
24 **fees received under this subdivision in the gaming commission fund established under**
25 **section 313.835.**

26 **(2) In addition to the annual license renewal fee required in this subsection, a**
27 **certificate holder shall pay to the commission a fee of ten thousand dollars to cover the**
28 **costs of a full reinvestigation of the certificate holder in the fourth year after the date on**
29 **which the certificate holder commences sports wagering operations under sections**

30 **313.1000 to 313.1022 and on each fourth year thereafter. The commission shall deposit**
31 **the fees received under this subdivision in the gaming commission fund established**
32 **under section 313.835.**

33 **6. Subject to appropriation, five hundred thousand dollars shall be appropriated**
34 **from the gaming commission fund created under section 313.835 and credited annually**
35 **to the compulsive gamblers fund created under section 313.842. When considering the**
36 **amount of funds to appropriate to the compulsive gamblers fund, the general assembly**
37 **shall consider the findings and recommendations contained in the annual research**
38 **report required under subsection 2 of section 313.842 for increased funding in excess of**
39 **the five hundred thousand dollars.**

313.1022. 1. All sports wagers authorized under sections 313.1000 to 313.1022
2 **shall be deemed initiated, received, and otherwise made on the property of an excursion**
3 **gambling boat within this state.**

4 **2. Only to the extent required by federal law, all servers necessary to the**
5 **placement or resolution of wagers, other than backup servers, shall be physically**
6 **located within a certificate holder's licensed facility that is an excursion gambling boat**
7 **in the state. Consistent with the intent of the United States Congress as articulated in**
8 **the Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. Sections 5361 to**
9 **5367, as amended, the intermediate routing of electronic data relating to lawful**
10 **intrastate sports wagers authorized under sections 313.1000 to 313.1022 shall not**
11 **determine the location or locations in which such wager is initiated, received, or**
12 **otherwise made. This subsection shall apply only to the extent required by federal law.**

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