

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 98

101ST GENERAL ASSEMBLY

0740S.08C

ADRIANE D. CROUSE, Secretary

AN ACT

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

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3 572.100, RSMo, are repealed and thirty-three new sections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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the 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 August 15, 2023, 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.

12 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 213.425 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 on approved**
13 **devices, to print lottery tickets, and to dispense lottery**
14 tickets;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64 [(4)] (5) Report quarterly to the governor and the
65 general assembly the total lottery revenues, prize
66 disbursements and other expenses for the preceding quarter,
67 and to make an annual report, which shall include a full and
68 complete statement of lottery revenues, prize disbursements
69 and other expenses, to the governor and the general
70 assembly, and including such recommendations for changes in
71 sections 313.200 to 313.350 as it deems necessary or
72 desirable;

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

80 [(6)] (7) Carry on a continuous study and
81 investigation of the lottery throughout the state and to

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

91 **[(7)] (8)** Ensure that all employees of the state
92 lottery commission hired after July 12, 1990, shall not be
93 related to any member of the state lottery commission or any
94 employee of the state lottery commission within the third
95 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. The commission may sell lottery tickets at its
22 office and at special events.

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

28 4. All licenses for lottery game retailers shall
29 specify the place such sales shall take place.

30 5. A lottery game retailer license shall not be
31 assignable or transferable.

32 6. A license shall be revoked upon a finding that the
33 licensee:

34 (1) Has knowingly provided false or misleading
35 information to the commission or its employees;

36 (2) Has been convicted of any felony; or

37 (3) Has endangered the security of the lottery.

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

40 (1) A change of business location;

41 (2) An insufficient sales volume;

42 (3) A delinquency in remitting money owed to the
43 lottery; [or]

44 (4) Any violation of any rule or regulation adopted
45 pursuant to this section by the commission; or

46 (5) **Possession of a gambling device as defined**
47 **pursuant to section 572.010 or possession of a device in**
48 **violation of sections 313.425 to 313.437.**

2 **313.425. Sections 313.425 to 313.437 shall be known**
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) "Centralized computer system", a computerized
4 system developed or procured by the commission that video
5 lottery game terminals are connected to using standard
6 industry protocols that can activate or deactivate a
7 particular video lottery game terminal from a remote
8 location, and that is capable of monitoring and auditing
9 video lottery game plays;

10 (2) "Commission" or "lottery commission", the five-
11 member body appointed by the governor to manage and oversee
12 the lottery under section 313.215;

13 (3) "Director", the director of the commission;

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

23 (5) "Truck stop", a location that provides parking and
24 is equipped for fueling commercial vehicles, that has sold
25 on average ten thousand gallons of diesel or biodiesel fuel
26 each month for the previous twelve months or is projected to
27 sell an average of ten thousand gallons of diesel or
28 biodiesel fuel each month for the next twelve months, that
29 is situated on two acres or more of land that operates a

30 convenience store and that obtains and maintains a lottery
31 game retailer license issued by the commission to offer
32 lottery games played on video lottery game terminals;

33 (6) "Veterans' organization", a post or organization
34 of veterans, or an auxiliary unit or society of, or a trust
35 or foundation for, any such post or organization organized
36 in the United States or any of its possessions in which at
37 least seventy-five percent of the members are veterans of
38 the United States Armed Forces and substantially all of the
39 other members are individuals who are veterans or are
40 cadets, or are spouses, widows or widowers of war veterans
41 of such individuals, in which no part of the net earnings
42 inures to the benefit of any private shareholder or
43 individual, and which has been exempted from payment of
44 federal income taxes;

45 (7) "Video lottery game", any lottery game approved by
46 the commission for play on an approved video lottery game
47 terminal where the outcome of such game is determined
48 randomly;

49 (8) "Video lottery game adjusted gross receipts", the
50 total of cash or cash equivalents used for the play of a
51 video lottery game on a video lottery game terminal minus
52 cash or cash equivalent paid to players as a result of
53 playing video lottery games on a video lottery game terminal;

54 (9) "Video lottery game handler", a person employed by
55 a licensed video lottery game operator and who is licensed
56 by the commission to handle, place, operate, and service
57 video lottery game terminals and associated equipment;

58 (10) "Video lottery game manufacturer" or
59 "distributor", any person licensed by the commission that
60 manufactures video lottery game terminals or major parts and
61 components for video lottery game terminals as approved by

62 the lottery commission for sale to licensed video lottery
63 game operators, or a person licensed by the commission to
64 distribute or service video lottery game terminals or major
65 parts and components of video lottery game terminals
66 including buying, selling, leasing, renting, or financing
67 new, used, or refurbished video lottery game terminals to
68 and from licensed video lottery game manufacturers and
69 licensed video lottery game operators;

70 (11) "Video lottery game operator", a person licensed
71 by the commission that owns, rents, or leases and services
72 or maintains video lottery game terminals for placement in
73 licensed video lottery retailer establishments;

74 (12) "Video lottery game retailer", a retail
75 establishment meeting the requirements of a lottery game
76 retailer under section 313.260, that secures and maintains a
77 license to conduct video lottery games played on a video
78 lottery game terminal or terminals and that is a fraternal
79 organization, veterans organization, or truck stop. A video
80 lottery game retailer shall not operate in any location that
81 is within a ten mile radius of an excursion gambling boat
82 licensed pursuant to this chapter;

83 (13) "Video lottery game terminal", a player-activated
84 terminal that exchanges coins, currency, tickets, ticket
85 vouchers, or electronic payment methods approved by the
86 commission for credit on such terminal used to play video
87 lottery games approved by the commission. Such video
88 lottery game terminals shall use a video display and
89 microprocessor capable of randomly generating the outcome of
90 such video lottery games and be capable of printing and
91 issuing a ticket at the conclusion of any video lottery game
92 play that may be redeemed at a video lottery game ticket
93 redemption terminal or may be reinserted into a video

94 lottery game terminal at the retail establishment where it
95 was printed for video lottery game credit and game plays.
96 All video lottery games approved by the commission for play
97 on a video lottery game terminal shall have a minimum
98 theoretical payout of eighty-five percent. The term "video
99 lottery game terminal" shall include any video pull-tab
100 machine approved by the commission;

101 (14) "Video lottery game terminal credit", one cent,
102 five cents, ten cents, or twenty-five cents either won or
103 purchased by a player on a video lottery game terminal that
104 may be used to play video lottery games and that may be
105 converted into a video lottery game ticket;

106 (15) "Video lottery game ticket" or "ticket", a
107 document printed at the conclusion of any video lottery game
108 play or group of plays on a video lottery game terminal that
109 is redeemable for cash utilizing a video lottery game ticket
110 redemption terminal or that may be reinserted into a video
111 lottery game terminal in the establishment from which such
112 ticket is issued for video lottery game terminal credit;

113 (16) "Video lottery game ticket redemption terminal",
114 the collective hardware, software, communications
115 technology, and other ancillary equipment used to facilitate
116 the payment of tickets cashed out by players as a result of
117 playing a video lottery game terminal.

313.429. 1. Beginning January 1, 2024, the commission
2 shall implement a system of video lottery game terminals
3 utilizing a licensing structure for processing license
4 applications and issuing licenses to video lottery game
5 manufacturers, video lottery game distributors, video
6 lottery game operators, video lottery game handlers, and
7 video lottery game retailers for the conduct of lottery

8 games utilizing video lottery game terminals within the
9 state; except that, a person licensed 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 from obtaining a video lottery game
22 manufacturer's license and a video lottery game
23 distributor's license and providing and operating the
24 centralized computer system for monitoring video lottery
25 game terminals.

26 2. Under no circumstances shall the commission:

27 (1) 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 (2) 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 shall be connected to a
40 centralized computer system developed or procured by the
41 commission. The commission shall provide licensed video
42 lottery game operators with the necessary protocols to
43 connect the operators' video lottery game terminal or
44 terminals to the centralized computer system after such
45 terminal or terminals have been approved by the commission.
46 No video lottery game terminal shall be in operation unless
47 connected to the centralized computer system after such
48 terminal or terminals have been approved by the commission.
49 A vendor that provides the centralized computer system
50 authorized under this subsection shall not be eligible to be
51 licensed as a video lottery game operator or video lottery
52 game retailer. The commission may impose an initial
53 nonrefundable license application fee to cover the cost of
54 investigating the background of the licensee, including a
55 criminal background check, as follows:

56 (a) For video lottery game manufacturers, video
57 lottery game distributors, and video lottery game operators,
58 no more than fifteen thousand dollars;

59 (b) For video lottery game retailer establishments, no
60 more than five hundred dollars; or

61 (c) For video lottery game handlers, no more than one
62 hundred dollars.

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

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

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

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

76 (3) In addition to the license fees required in
77 subdivisions (1) and (2) of this subsection, video lottery
78 game operators shall pay the commission an annual license
79 fee of two hundred dollars for each video lottery game
80 terminal placed in service. Such video lottery game
81 terminal license shall be renewed each year and cost two
82 hundred dollars. A license issued under this subsection is
83 nontransferable.

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

89 4. No license shall be issued to any person, and no
90 person shall be allowed to serve as a sales agent, who has
91 been convicted of a felony or a crime involving illegal
92 gambling. Sales agents shall register with the commission
93 and may not solicit or enter into any agreement with a
94 retailer or retail establishment prior to such registration
95 with the commission.

96 5. No license requirement, sticker fee, or tax shall
97 be imposed by any local jurisdiction upon a video lottery
98 game manufacturer, video lottery game distributor, video
99 lottery game operator, video lottery game retailer, video
100 lottery game handler, or video lottery game terminal or an

101 establishment relating to the operation of video lottery
102 games, video lottery game terminals, or associated equipment.

103 6. (1) Video lottery game terminals shall meet
104 independent testing standards approved by the commission.
105 Video lottery game terminal testing shall be performed under
106 the supervision of the Missouri gaming commission authorized
107 pursuant to section 313.004 or by one or more licensed
108 independent test labs approved by the Missouri gaming
109 commission. Video lottery game terminals shall be capable
110 of printing a ticket redeemable for winning video lottery
111 game plays. Such video lottery game terminals shall be
112 inspected and approved by the Missouri gaming commission
113 prior to being sold, leased, or transferred.

114 (2) Licensed video lottery game manufacturers may buy,
115 sell, or lease new or refurbished video lottery game
116 terminals to and from licensed video lottery game
117 distributors.

118 (3) Licensed video lottery game distributors may buy,
119 sell, or lease new or refurbished video lottery game
120 terminals to or from licensed video lottery game
121 manufacturers or licensed video lottery game operators.

122 7. (1) Licensed video lottery game operators:

123 (a) May buy, lease, or rent video lottery game
124 terminals from licensed video lottery game manufacturers,
125 operators, or distributors;

126 (b) May handle, place, and service video lottery game
127 terminals;

128 (c) Shall connect such video lottery game terminals to
129 the centralized computer system approved by the commission;
130 and

131 (d) Shall, notwithstanding the provisions of section
132 313.321 to the contrary, pay all video lottery game winnings

133 using a video lottery game ticket redemption terminal. Such
134 video lottery ticket redemption terminal shall be located
135 within the video lottery game retailer's establishment in
136 direct proximity of where such video lottery games are
137 offered. Video lottery game operators shall pay the
138 commission thirty-two percent of any unclaimed cash prize
139 associated with a winning ticket that has not been redeemed
140 within one hundred eighty days of issue.

141 Rents or leases for video lottery game terminals shall be
142 written at a flat rate and shall not include revenue
143 splitting as a method used in the calculation of the lease
144 or rent.

145 (2) Licensed video lottery game operators and licensed
146 video lottery game retailers shall enter into a written
147 agreement for the placement of video lottery game
148 terminals. The agreement shall be on a form approved by the
149 commission and shall specify an equal division of adjusted
150 gross receipts between the video lottery game operator and
151 the video lottery game retailer after adjustments for taxes
152 and administrative fees are made. A video lottery game
153 operator shall be responsible for remitting to the
154 commission and the video lottery game retailer its share of
155 adjusted gross receipts. Nothing in this subdivision shall
156 prohibit a licensed video lottery game operator from
157 entering into an agreement with a sales agent for retailer
158 agreements provided such agreement is in writing and
159 approved by the commission prior to beginning sales
160 activities and prior to the start date established pursuant
161 to section 313.431. Video lottery game operators and their
162 sales agents and affiliates and video lottery game retailers
163 are specifically prohibited from offering anything of value,

164 other than the percentage of adjusted gross receipts
165 provided under this subsection, or entering into an
166 agreement with a retailer prior to the start date for the
167 initial or continued placement of video lottery game
168 terminals. Contract agreements entered into prior to the
169 start date established pursuant to section 313.431 between a
170 prospective video lottery game terminal operator or sales
171 agent with a prospective video lottery game retailer shall
172 be invalid. Persons violating this subdivision shall
173 forfeit their right to a license to operate video lottery
174 game terminals for a period of one year.

175 (3) To combat problem gambling, video lottery game
176 operators shall allow players to be self-excluded from video
177 lottery game play. Operators shall provide the commission
178 with a list of players that have elected to be excluded from
179 video lottery game play within thirty days of such election
180 and shall update such list periodically as required by the
181 commission. Such self-excluded list shall be considered
182 confidential information and shall not be released to the
183 public. The commission shall issue such self-exclusion
184 procedures by rule.

185 (4) Nothing in this section shall be construed to
186 prevent a video lottery game operator or a video lottery
187 retailer from using a player rewards system as approved by
188 the commission. No player shall be required to enroll in a
189 rewards program offered by a video lottery game operator or
190 video lottery game retailer as a condition to play video
191 lottery games.

192 8. No licensed video lottery game operator shall:

193 (1) Offer video lottery gaming terminals that directly
194 dispense anything of value except for tickets for winning
195 plays. Tickets shall be dispensed by pressing the ticket

196 dispensing button on the video lottery gaming terminal at
197 the end of any video lottery game play. The ticket shall
198 indicate the total amount of video lottery game terminal
199 credits and the cash award, the time of day in a 24-hour
200 format showing hours and minutes, the date, the terminal
201 serial number, the sequential number of the ticket, and an
202 encrypted validation number from which the validity of the
203 prize may be determined. The cost of the video lottery game
204 terminal credits shall be one cent, five cents, ten cents,
205 or twenty-five cents, and the maximum wager played per video
206 lottery game shall not exceed five dollars, with the payoff
207 for a winning maximum wager for a single game play being no
208 more than one thousand dollars;

209 (2) Operate more than five video lottery game
210 terminals per location on the premises of a fraternal
211 organization, veterans organization, or truck stop that has
212 secured and maintains a video lottery game retailer's
213 license;

214 (3) Advertise video lottery games outside of a
215 licensed video lottery game retailer's establishment through
216 any media outlets or direct mail or telephone
217 solicitations. The advertising prohibition contained in
218 this subdivision shall apply to all licensees including, but
219 not limited to, video lottery game manufacturers, video
220 lottery game distributors, video lottery game operators,
221 video lottery game retailers, and video lottery game
222 handlers, except that a video lottery retailer may
223 participate in an advertising program that is promoted
224 through and sponsored by the state lottery and may advertise
225 in or on the outside of the establishment's building and
226 parking lot;

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

230 9. (1) A person under twenty-one years of age shall
231 not play video lottery games, and such video lottery game
232 terminals shall be under the supervision of a person that is
233 at least twenty-one years of age to prevent persons under
234 twenty-one years of age from playing video lottery games.
235 Video lottery game terminals shall be placed in a fully
236 enclosed room that is continually monitored by video
237 surveillance and where access to persons under twenty-one
238 years of age is denied by a procedure approved by the
239 commission. A warning sign shall be posted in a conspicuous
240 location where such video lottery game terminals are
241 located, containing in red lettering at least one-half inch
242 high on a white background the following:

243 "YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY
244 VIDEO LOTTERY GAMES"

245 In addition to the placement and supervision requirements of
246 this subsection, a video lottery game operator shall provide
247 video surveillance in the immediate area of the video
248 lottery game retailer's establishment where video lottery
249 game terminals are located. Recorded video from such
250 surveillance system shall be made available to the
251 commission upon request and shall be reviewed by video
252 lottery game operators as required by the commission for any
253 violation of law, rules, or regulations governing the
254 conduct of video lottery games. A video lottery game
255 operator that fails to review such surveillance video and
256 report any known violation of law, rules, or regulations
257 governing the conduct of video lottery games in conformance

258 with established commission procedures may be subject to an
259 administrative fine not to exceed five thousand dollars.
260 Any video lottery game retailer that fails to report any
261 known violation of law, rules, or regulations governing the
262 conduct of video lottery games in conformance with
263 established commission procedures may be subject to an
264 administrative fine not to exceed five thousand dollars.
265 Video lottery game retailers shall provide an intrusion
266 detection system capable of detecting unauthorized entrance
267 of the video lottery game retailer's establishment during
268 nonbusiness hours and shall report to the commission any
269 unauthorized entrance of the video lottery game retailer's
270 establishment. Such surveillance and intrusion detection
271 system shall meet specifications as defined by the
272 commission.

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

278 10. (1) Video lottery game operators shall pay the
279 commission thirty-six percent of the video lottery game
280 adjusted gross receipts, which shall be deposited in the
281 state lottery fund. The commission shall transfer, subject
282 to appropriation, the amount received from the operator from
283 the lottery fund to the lottery proceeds fund after
284 administrative expenses equal to four percent of the video
285 lottery game adjusted gross receipts are paid to the
286 municipality where a licensed video lottery game retailer
287 maintains an establishment licensed for the operation of
288 video lottery game terminals, or if such licensed
289 establishment is not located within the corporate boundaries

290 of a municipality, then the county where such licensed
291 establishment is located to reimburse such municipality or
292 county for administrative expenses, and any administrative
293 expenses for the commission that are not covered by
294 reimbursements from operators are deducted. Net proceeds
295 transferred to the lottery proceeds fund shall be
296 appropriated to public elementary and secondary education
297 and public institutions of higher education.

298 (2) Video lottery game operators shall retain the
299 remainder of the video lottery game adjusted gross receipts,
300 a portion of which shall be utilized to pay for
301 administrative expenses which shall include the cost of the
302 centralized computer system, which cost shall be paid by
303 video lottery game operators in proportion to the number of
304 video lottery game terminals operated. Fifty percent of the
305 costs of the centralized computer system shall be
306 apportioned by the video lottery game operator among video
307 lottery game retailers to which it provides operations based
308 on the number of video lottery game terminals located at the
309 video lottery game retailer's establishment. The remainder
310 of adjusted gross receipts retained by the video lottery
311 game operator, after the cost of the centralized computer
312 system and administrative costs are paid and apportioned,
313 shall be divided equally between the video lottery game
314 operator and video lottery game retailer as agreed under
315 subdivision (2) of subsection 6 of this section.

316 11. All revenues received by the commission from
317 license fees and any reimbursements associated with the
318 administration of the provisions of sections 313.425 to
319 313.437, and all interest earned thereon, shall be
320 considered administrative expenses and shall be deposited in
321 the state lottery fund. Moneys deposited into the state

322 lottery fund from license fees and any reimbursements of
323 commission administrative expenses to administer sections
324 313.425 to 313.437 shall be considered administrative
325 expenses and shall not be considered net proceeds pursuant
326 to Article III, Section 39(b) of the Missouri Constitution.
327 Subject to appropriation, up to one percent of such license
328 fees shall be deposited to the credit of the compulsive
329 gamblers fund created under section 313.842. The remainder
330 of the money deposited in the state lottery fund from video
331 lottery game license fees and any reimbursements of
332 commission administrative expenses to enforce sections
333 313.425 to 313.437 shall, subject to appropriation, be used
334 for administrative expenses associated with supervising and
335 enforcing the provisions of sections 313.425 to 313.437.

336 12. (1) The commission shall conduct background
337 investigations into applicants for any video lottery game
338 license. The director may contract with a state law
339 enforcement entity or the Missouri gaming commission to
340 assist in such background investigations or any
341 investigation of a violation of sections 313.425 to 313.437.

342 (2) The Missouri gaming commission shall report any
343 violation of sections 313.425 to 313.437 to the director for
344 appropriate disciplinary action, and shall refer any
345 potential criminal violation, with any evidence thereof, to
346 the appropriate law enforcement agency. Any appeal of
347 disciplinary action taken shall be pursuant to rules and
348 regulations adopted by the commission and shall be
349 consolidated with any appeal of disciplinary action taken
350 against any other license issued by the commission to the
351 same licensee. Upon a finding that a video lottery game
352 licensee committed a violation of sections 313.425 to
353 313.437, the director may impose an administrative fine not

354 to exceed five thousand dollars, suspend the applicable
355 license for up to thirty days, and, in the case of a
356 repeated knowing violation, revoke such license for a period
357 of one year.

358 (3) Any such administrative fine, suspension, or
359 revocation upheld by the commission may be appealed by the
360 video lottery game licensee in a state court of competent
361 jurisdiction.

362 13. In addition to any other penalties provided by
363 law, the possession or use of any video gaming terminal,
364 machine, or device capable of simulating lottery games,
365 games of chance, or gambling games, whether or not there is
366 an element of skill involved, that uses a video display and
367 microprocessor capable of randomly generating the outcome of
368 such games in the possession of any video lottery game
369 licensee that is not authorized by the commission, shall be
370 a violation of sections 313.425 to 313.437. Any lottery
371 vendor or licensee that violates the provisions of this
372 subsection shall be deemed guilty of a class D felony and
373 fined up to ten thousand dollars per occurrence, and such
374 fines shall be deposited in the compulsive gamblers fund
375 created under section 313.842. The commission shall suspend
376 or revoke the license of any lottery vendor or licensee that
377 allows the use of any video terminal, gambling machine, or
378 device other than a video lottery game terminal authorized
379 pursuant to sections 313.425 to 313.437.

380 14. The commission shall adopt rules for the
381 implementation of the video lottery game system authorized
382 under sections 313.425 to 313.437, including, but not
383 limited to, the placement of video lottery terminals within
384 a retail establishment and for the active oversight of the
385 conduct of video lottery games. Any rule or portion of a

386 rule, as that term is defined in section 536.010, that is
387 created under the authority delegated in this section shall
388 become effective only if it complies with and is subject to
389 all of the provisions of chapter 536 and, if applicable,
390 section 536.028. This section and chapter 536 are
391 nonseverable and if any of the powers vested with the
392 general assembly pursuant to chapter 536 to review, to delay
393 the effective date, or to disapprove and annul a rule are
394 subsequently held unconstitutional, then the grant of
395 rulemaking authority and any rule proposed or adopted after
396 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 twenty 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, and
10 video lottery game handlers available to applicants and
11 promulgate any emergency or regular rules and regulations
12 needed for the implementation of the video lottery system
13 authorized under sections 313.425 to 313.437 within one
14 hundred twenty days of the effective date of this act;

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

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 date shall be set no more than sixty days
29 after applications are made available.

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 winnings paid to
6 wagerers. "Adjusted gross receipts" shall not include
7 adjusted gross receipts from sports wagering as defined in
8 section 313.1000;

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

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

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

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

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

40 (7) "Credit instrument", a written check, negotiable
41 instrument, automatic bank draft or other authorization from
42 a qualified person to an excursion gambling boat licensee or
43 any of its affiliated companies licensed by the commission
44 authorizing the licensee to withdraw the amount of credit
45 extended by the licensee to such person from the qualified
46 person's banking account in an amount determined under
47 section 313.817 on or after a date certain of not more than
48 thirty days from the date the credit was extended, and
49 includes any such writing taken in consolidation, redemption
50 or payment of a previous credit instrument, but does not
51 include any interest-bearing installment loan or other
52 extension of credit secured by collateral;

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

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

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

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

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

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

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

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

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

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

99 (18) "Licensee", any person licensed under sections
100 313.800 to 313.850;

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

109 (20) "Supplier", a person who sells or leases gambling
110 equipment and gambling supplies to any licensee.

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

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

129 (2) Is the gambling game a game of chance or a game of
130 skill?

131 All testimony shall be given under oath or affirmation. Any
132 citizen of this state shall have the opportunity to testify
133 on the merits of the petition. The commission may subpoena
134 witnesses to offer expert testimony. Upon conclusion of the
135 hearing, the commission shall evaluate the record of the
136 hearing and issue written findings of fact that shall be
137 based exclusively on the evidence and on matters officially
138 noticed. The commission shall then render a written
139 decision on the merits which shall contain findings of fact,
140 conclusions of law and a final commission order. The final
141 commission order shall be within thirty days of the
142 hearing. Copies of the final commission order shall be
143 served on the petitioner by certified or overnight express
144 mail, postage prepaid, or by personal delivery.

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

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

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

7 **(b) The total of:**

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

10 **b. The actual costs paid by a sports wagering operator**
11 **for any personal property or services distributed to sports**
12 **wagering patrons as prizes;**

13 **c. Voided wagers; and**

14 **d. Uncollectible sports wagering receivables, not to**
15 **exceed the lesser of:**

16 **(i) A reasonable provision for uncollectible patron**
17 **checks received from sports wagering operations; or**

18 (ii) Two percent of the total of all sums, including
19 checks, whether collected or not, less the amount paid out
20 as winnings to sports wagering patrons. For purposes of
21 this section, a counter or personal check that is invalid or
22 unenforceable under this section is considered cash received
23 by the sports wagering operator from sports wagering
24 operations;

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

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

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

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

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

34 (7) "Designated entertainment district", any
35 establishment registered to do business in this state that
36 is or becomes licensed pursuant to chapter 311 to sell
37 liquor at retail, and that is an area owned and operated by
38 an entity or affiliated entities that are licensed pursuant
39 to chapter 311 as an entertainment district as defined in
40 section 313.086, and such entity or affiliate entities have
41 made a verifiable financial investment of more than two
42 hundred million dollars to develop such district;

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

44 (a) Any area within this state that is a designated
45 entertainment district as of the effective date of sections
46 313.1000 to 313.1024 and continues to be qualified as a
47 designated entertainment district thereafter; provided,
48 however, that for the purposes of sections 313.1000 to
49 313.1024 the boundaries of such designated entertainment

50 district shall not be enlarged or otherwise modified after
51 the effective date of sections 313.1000 to 313.1024; or

52 (b) The premises of a facility located in this state
53 with a seating capacity of seventeen thousand five hundred
54 people or more, at which one or more professional sports
55 teams plays its home games, and the surrounding area within
56 four hundred yards of such premises;

57 (9) "Designated sports and entertainment district
58 entity":

59 (a) An establishment that is a designated
60 entertainment district as of the effective date of sections
61 313.1000 to 313.1024; or

62 (b) A person or entity registered to do business in
63 this state that owns or operates a professional sports team
64 that plays its home games within a designated sports and
65 entertainment district;

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

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

71 (12) "Interactive sports wagering platform" or
72 "platform", a person that offers sports wagering over the
73 internet, including on internet websites and mobile devices
74 on behalf of a certificate holder;

75 (13) "Licensed applicant", a person holding a license
76 issued under section 313.807 to operate an excursion
77 gambling boat;

78 (14) "Licensed facility", an excursion gambling boat
79 licensed under this chapter;

80 (15) "Licensed supplier", a person holding a
81 supplier's license issued by the commission;

82 (16) "Official league data", statistics, results,
83 outcomes, and other data relating to an athletic or sporting
84 event obtained pursuant to an agreement with the relevant
85 sports governing body, or an entity contracted with the
86 sports governing body to provide such information to sports
87 wagering operators, which authorizes the use of such data
88 for determining the outcome of tier two sports wagers;

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

91 (18) "Person", an individual, sole proprietorship,
92 partnership, association, fiduciary, corporation, limited
93 liability company, or any other business entity;

94 (19) "Personal biometric data", an athlete's
95 information derived from DNA, heart rate, blood pressure,
96 perspiration rate, internal or external body temperature,
97 hormone levels, glucose levels, hydration levels, vitamin
98 levels, bone density, muscle density, and sleep patterns;

99 (20) "Sports governing body", the organization that
100 prescribes final rules and enforces codes of conduct with
101 respect to a sporting event and participants therein;

102 (21) "Sports wagering", wagering conducted under
103 sections 313.1000 to 313.1024 on athletic and sporting
104 events involving human competitors or on other events as
105 approved by the commission. Sports wagering shall not
106 include money spent to participate in paid fantasy sports
107 under sections 313.900 to 313.955;

108 (22) "Sports wagering commercial activity", any
109 operation, promotion, signage, advertising, or other
110 business activity relating to sports wagering, including the
111 operating or advertising of a business or location at which
112 sports wagering is offered or a business or location at

113 which sports wagering through one or more interactive sports
114 wagering platforms is promoted or advertised;

115 (23) "Sports wagering device", a mechanical,
116 electrical, or computerized contrivance, terminal, device,
117 apparatus, piece of equipment, or supply approved by the
118 commission for conducting sports wagering under sections
119 313.1000 to 313.1024. Sports wagering device shall not
120 include a device used by a sports wagering patron to access
121 an interactive sports wagering platform;

122 (24) "Sports wagering operator" or "operator", a
123 certificate holder or an interactive sports wagering
124 platform offering sports wagering on behalf of a certificate
125 holder;

126 (25) "Supplier's license", a license issued by the
127 commission under section 313.807;

128 (26) "Tier one sports wager", a sports wager that is
129 determined solely by the final score or final outcome of the
130 sporting event and is placed before the sporting event has
131 begun;

132 (27) "Tier two sports wager", a sports wager that is
133 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
2 sports wagering under sections 313.1000 to 313.1024 shall:

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

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

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

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

7 2. (1) A certificate holder shall designate an area
8 or areas within the certificate holder's licensed facility
9 for conducting sports wagering. In addition to such
10 designated area, sports wagering may be conducted at any
11 location authorized under subsection 9 of this section
12 through the use of an approved limited mobile gaming system.

13 (2) A certificate holder may administer or contract
14 with up to three individually branded interactive sports

15 wagering platforms to administer interactive sports wagering
16 on the certificate holder's behalf.

17 3. (1) Sports wagering may be conducted with chips,
18 tokens, electronic cards, or money or other negotiable
19 currency.

20 (2) A certificate holder shall determine the minimum
21 and maximum wagers in sports wagering conducted in the
22 certificate holder's licensed facility.

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

26 5. A sports wagering device shall be approved by the
27 commission and acquired by a certificate holder from a
28 licensed supplier.

29 6. The commission shall determine the occupations
30 related to sports wagering that require an occupational
31 license.

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

43 8. Subject to the approval of the commission, a
44 certificate holder may contract with a third party to
45 conduct sports wagering at the certificate holder's licensed
46 facility.

47 9. (1) A certificate holder may request approval from
48 the commission to use a limited mobile gaming system in the
49 certificate holder's sports wagering operations.

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

53 (a) The area designated under subsection 2 of this
54 section;

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

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

61 A patron shall not transmit a sports wager using a limited
62 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. The commission shall determine what, if any,
29 restrictions, limits, or exclusions shall be imposed on tier
30 two sports wagers placed on non-exhibition games or events
31 of professional sports organizations or the National
32 Collegiate Athletics Association. For the purposes of this
33 subsection, "professional sports organization" shall
34 include, but shall not be limited to, the National Football
35 League, Major League Baseball, the National Basketball
36 Association, the National Hockey League, Major League
37 Soccer, and the Professional Golfers Association. Such term
38 shall not include minor league baseball or any other
39 developmental league, whether or not such league is
40 affiliated with a professional sports organization. The
41 provisions of this subsection shall not apply to tier one
42 sports wagers.

43 4. The commission and certificate holders shall
44 cooperate with investigations conducted by law enforcement

45 agencies, including by providing or facilitating the
46 provision of betting information and audio or video files
47 relating to persons placing sports wagers.

48 5. A certificate holder shall immediately report to
49 the commission any information relating to:

50 (1) Criminal or disciplinary proceedings commenced
51 against the certificate holder in connection with its
52 operations;

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

54 (3) Abnormal wagering activity or patterns that may
55 indicate a concern regarding the integrity of a sporting
56 event or events;

57 (4) Any other conduct that corrupts the wagering
58 outcome of a sporting event or events for purposes of
59 financial gain; and

60 (5) Suspicious or illegal wagering activities.

61 6. A certificate holder shall maintain the
62 confidentiality of information provided by a sports
63 governing body to the certificate holder unless disclosure
64 is required by court order, the commission, or any other
65 provision of law.

66 7. (1) Certificate holders may use any data source to
67 determine the results of tier one sports wagers, provided
68 the data is not obtained directly or indirectly from live
69 event attendees who collect the data in violation of the
70 terms of admittance to an event or through automated
71 computer programs that compile data from the internet in
72 violation of the terms of service of the relevant website or
73 other internet platform.

74 (2) Certificate holders shall use official league data
75 to determine the results of tier two wagers, unless the
76 certificate holder can demonstrate to the commission that

77 the sports governing body or its designee cannot provide a
78 feed of official league data to the certificate holder on
79 commercially reasonable terms.

80 (3) Certificate holders shall not purchase or utilize
81 any personal biometric data of an athlete unless the
82 certificate holder has received written permission from the
83 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.

 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.

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

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

20 4. Revenues received from the tax imposed under
21 subsection 1 of this section shall be deposited in the state
22 treasury to the credit of the "Gaming Proceeds for Education
23 Fund" and shall be distributed as provided under section
24 313.822.

25 5. (1) A certificate holder shall pay to the
26 commission an annual administrative fee of fifty thousand
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. **1.** Nothing in this chapter prohibits
2 constitutionally authorized activities under Article III,
3 Sections 39(a) to 39(f) of the Missouri Constitution.

2. For the purposes of this section and Article III,
4 **Section 39(f) of the Missouri Constitution, the following**
5 **terms shall mean:**
6

7 (1) "Net proceeds", the gross amount paid for tickets
8 for a raffle or sweepstakes minus the payment of prizes and
9 administrative expenses. Administrative expenses relating

10 to the purchase or rental of supplies and equipment utilized
11 in conducting the raffle or sweepstakes shall not be in
12 excess of the reasonable market purchase price or reasonable
13 market rental rate for such supplies and equipment, and in
14 no case shall such administrative expenses be based on a
15 percentage of proceeds;

16 (2) "Raffle" or "sweepstakes", the award by chance of
17 one or more prizes to one or more persons among a group of
18 persons who have paid or promised something of value in
19 exchange for a ticket that represents one or more equal
20 chances to win a prize, and for which all tickets have been
21 sold prior to the selection of a winner or winners;

22 (3) "Sponsor", the offering of a raffle or sweepstakes
23 by an organization recognized as charitable or religious
24 pursuant to federal law in which the entire net proceeds of
25 such raffle or sweepstakes shall be exclusively devoted to
26 the lawful purposes of the organization permitted to conduct
27 the raffle or sweepstakes.

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.

Section B. This act is hereby submitted to the
2 qualified voters of this state for approval or rejection at

3 an election which is hereby ordered and which shall be held
4 and conducted on Tuesday next following the first Monday in
5 November, 2022, pursuant to the laws and constitutional
6 provisions of this state for the submission of referendum
7 measures by the general assembly, and this act shall become
8 effective when approved by a majority of the votes cast
9 thereon at such election and not otherwise.

✓