

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 44

AN ACT

To repeal sections 311.660, 311.710, 311.720, 313.004, 313.255, 313.800, 572.010, and 572.100, RSMo, and to enact in lieu thereof twenty-nine new sections relating to gaming, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 311.660, 311.710, 311.720, 313.004,
2 313.255, 313.800, 572.010, and 572.100, RSMo, are repealed and
3 twenty-nine new sections enacted in lieu thereof, to be known as
4 sections 311.660, 311.710, 311.720, 313.004, 313.255, 313.425,
5 313.427, 313.429, 313.431, 313.433, 313.434, 313.435, 313.437,
6 313.800, 313.1000, 313.1002, 313.1003, 313.1004, 313.1006,
7 313.1008, 313.1010, 313.1012, 313.1014, 313.1016, 313.1018,
8 313.1020, 313.1022, 572.010, and 572.100, to read as follows:

9 311.660. The supervisor of liquor control shall have the
10 authority to suspend or revoke for cause all such licenses; and
11 to make the following regulations, without limiting the
12 generality of provisions empowering the supervisor of liquor
13 control as in this chapter set forth as to the following matters,
14 acts and things:

15 (1) Fix and determine the nature, form and capacity of all
16 packages used for containing intoxicating liquor of any kind, to

1 be kept or sold under this law;

2 (2) Prescribe an official seal and label and determine the
3 manner in which such seal or label shall be attached to every
4 package of intoxicating liquor so sold under this law; this
5 includes prescribing different official seals or different labels
6 for the different classes, varieties or brands of intoxicating
7 liquor;

8 (3) Prescribe all forms, applications and licenses and such
9 other forms as are necessary to carry out the provisions of this
10 chapter, except that when a licensee substantially complies with
11 all requirements for the renewal of a license by the date on
12 which the application for renewal is due, such licensee shall be
13 permitted at least an additional ten days from the date notice is
14 sent that the application is deficient, in which to complete the
15 application;

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

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

21 (6) Establish rules and regulations for the conduct of the
22 business carried on by each specific licensee under the license,
23 and such rules and regulations if not obeyed by every licensee
24 shall be grounds for the revocation or suspension of the license;

25 (7) The right to examine books, records and papers of each
26 licensee and to hear and determine complaints against any
27 licensee;

28 (8) To issue subpoenas and all necessary processes and

1 require the production of papers, to administer oaths and to take
2 testimony;

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

5 (10) To refer to the Missouri gaming commission any
6 suspected illegal gambling activity punishable under chapter 572
7 being conducted on the premises of a location licensed under this
8 chapter, which shall be investigated under subsection 13 of
9 section 313.004; and

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

13 311.710. 1. In addition to the penalties and proceedings
14 for suspension or revocation of licenses provided for in this
15 chapter, and without limiting them, proceedings for the
16 suspension or revocation of any license authorizing the sale of
17 intoxicating liquor at retail may be brought in the circuit court
18 of any county in this state, or in the city of St. Louis, in
19 which the licensed premises are located and such proceedings may
20 be brought by the sheriff or any peace officer of that county or
21 by any eight or more persons who are taxpaying citizens of the
22 county or city for any of the following offenses:

23 (1) Selling, giving or otherwise supplying intoxicating
24 liquor to a habitual drunkard or to any person who is under or
25 apparently under the influence of intoxicating liquor;

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

28 (3) Permitting on the licensed premises any disorderly

1 conduct, breach of the peace, or any lewd, immoral or improper
2 entertainment, conduct or practices;

3 (4) Selling, offering for sale, possessing or knowingly
4 permitting the consumption on the licensed premises of any kind
5 of intoxicating liquors, the sale, possession or consumption of
6 which is not authorized under his license;

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

9 (6) Selling, giving or otherwise supplying intoxicating
10 liquors between the hours of 12:00 midnight Saturday night and
11 12:00 midnight Sunday night;

12 (7) Permitting on the licensed premises any form of
13 gambling device punishable under chapter 572.

14 2. Provided, that said taxpaying citizen shall submit in
15 writing, under oath, by registered United States mail to the
16 supervisor of liquor control a joint complaint, stating the name
17 of the licensee, the name under which the licensee's business is
18 conducted and the address of the licensed premises, setting out
19 in general the character and nature of the offense or offenses
20 charged, together with the names and addresses of the witnesses
21 by whom proof thereof is expected to be made; and provided, that
22 after a period of thirty days after the mailing of such complaint
23 to the supervisor of liquor control the person therein complained
24 of shall not have been cited by the supervisor to appear and show
25 cause why his license should not be suspended or revoked then
26 they shall file with the circuit clerk of the county or city in
27 which the premises are located a copy of the complaint on file
28 with the supervisor of liquor control.

1 3. If, pursuant to the receipt of such complaint by the
2 supervisor of liquor control, the licensee appears and shows
3 cause why his license should not be suspended or revoked at a
4 hearing held for that purpose by the supervisor and either the
5 complainants or the licensee consider themselves aggrieved with
6 the order of the supervisor then, after a request in writing by
7 either the complainants or the licensee, the supervisor shall
8 certify to the circuit clerk of the county or city in which the
9 licensed premises are located a copy of the original complaint
10 filed with him, together with a copy of the transcript of the
11 evidence adduced at the hearing held by him. Such certification
12 by the supervisor shall not act as a supersedeas of any order
13 made by him.

14 4. Upon receipt of such complaint, whether from the
15 complainant directly or from the supervisor of liquor control,
16 the court shall set a date for an early hearing thereon and it
17 shall be the duty of the circuit clerk to cause to be delivered
18 by registered United States mail to the prosecuting attorney of
19 the county or to the circuit attorney of the city of St. Louis
20 and to the licensee copies of the complaint and he shall, at the
21 same time, give notice of the time and place of the hearing.
22 Such notice shall be delivered to the prosecuting attorney or to
23 the circuit attorney and to the licensee at least fifteen days
24 prior to the date of the hearing.

25 5. The complaint shall be heard by the court without a jury
26 and if there has been a prior hearing thereon by the supervisor
27 of liquor control then the case shall be heard de novo and both
28 the complainants and the licensee may produce new and additional

1 evidence material to the issues.

2 6. If the court shall find upon the hearing that the
3 offense or offenses charged in the complaint have been
4 established by the evidence, the court shall order the suspension
5 or revocation of the license but, in so doing, shall take into
6 consideration whatever order, if any, may have been made in the
7 premises by the supervisor of liquor control. If the court finds
8 that to revoke the license would be unduly severe, then the court
9 may suspend the license for such period of time as the court
10 deems proper.

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

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

16 9. The jurisdiction herein conferred upon the circuit
17 courts to hear and determine complaints for the suspension or
18 revocation of licenses in the manner provided in this section
19 shall not be exclusive and any authority conferred upon the
20 supervisor of liquor control to revoke or suspend licenses shall
21 remain in full force and effect, and the suspension or revocation
22 of a license as provided in this section shall be in addition to
23 and not in lieu of any other revocation or suspension provided by
24 this chapter.

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

27 311.720. 1. Conviction in any court of any violation of
28 this chapter, or any felony violation of chapter 195, in the

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

11 2. Conviction in any court for illegal gambling activity
12 involving an illegal gambling device as defined under section
13 572.010 shall result in the automatic and permanent revocation of
14 a license issued under this chapter.

15 313.004. 1. There is hereby created the "Missouri Gaming
16 Commission" consisting of five members appointed by the governor,
17 with the advice and consent of the senate. Each member of the
18 Missouri gaming commission shall be a resident of this state. No
19 member shall have pled guilty to or shall have been convicted of
20 a felony or gambling-related offense. Not more than three
21 members shall be affiliated with the same political party. No
22 member of the commission shall be an elected official. The
23 overall membership of the commission shall reflect experience in
24 law enforcement, civil and criminal investigation and financial
25 principles.

26 2. The initial members of the commission shall be appointed
27 within thirty days of April 29, 1993. Of the members first
28 appointed, one shall be appointed for a one-year term, two shall

1 be appointed for a two-year term and two shall be appointed for a
2 three-year term. Thereafter, all members appointed shall serve
3 for a three-year term. No person shall serve as a member more
4 than six years. The governor shall designate one of the members
5 as the chair. The governor may remove any member of the
6 commission from office for malfeasance or neglect of duty in
7 office. The governor may also replace any member of the
8 commission, with the advice and consent of the senate, when any
9 responsibility concerning the state lottery, pari-mutuel wagering
10 or any other form of gaming is placed under the jurisdiction of
11 the commission.

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

19 4. The commission shall perform all duties and have all the
20 powers and responsibilities conferred and imposed upon it
21 relating to excursion gambling boats and, after June 30, 1994,
22 the lawful operation of the game of bingo under this chapter.
23 Within the commission, there shall be established a division of
24 gambling and after June 30, 1994, the division of bingo. Subject
25 to appropriations, the commission may hire an executive director
26 and any employees as it may deem necessary to carry out the
27 commission's duties. The commission shall have authority to
28 require investigations of any employee or applicant for

1 employment as deemed necessary and use such information or any
2 other information in the determination of employment. The
3 commission shall promulgate rules and regulations establishing a
4 code of ethics for its employees which shall include, but not be
5 limited to, restrictions on which employees shall be prohibited
6 from participating in or wagering on any game or gaming operation
7 subject to the jurisdiction of the commission. The commission
8 shall determine if any other employees of the commission or any
9 licensee of the commission shall participate or wager in any
10 operation under the jurisdiction of the commission.

11 5. On April 29, 1993, all the authority, powers, duties,
12 functions, records, personnel, property, matters pending and all
13 other pertinent vestiges of the state tourism commission relating
14 to the regulation of excursion gambling boats and, after June 30,
15 1994, of the department of revenue relating to the regulation of
16 the game of bingo shall be transferred to the Missouri gaming
17 commission.

18 6. The commission shall be assigned to the department of
19 public safety as a type III division, but the director of the
20 department of public safety has no supervision, authority or
21 control over the actions or decisions of the commission.

22 7. Members of the Missouri gaming commission shall receive
23 as compensation, the amount of one hundred dollars for every day
24 in which the commission holds a meeting, when such meeting is
25 subject to the recording of minutes as provided in chapter 610,
26 and shall be reimbursed for reasonable expenses incurred in the
27 performance of their duties. The chair shall receive as
28 additional compensation one hundred dollars for each month such

1 person serves on the commission in that capacity.

2 8. No member or employee of the commission shall be
3 appointed or continue to be a member or employee who is licensed
4 by the commission as an excursion gambling boat operator or
5 supplier and no member or employee of the commission shall be
6 appointed or continue to be a member or employee who is related
7 to any person within the second degree of consanguinity or
8 affinity who is licensed by the commission as an excursion
9 gambling boat operator or supplier. The commission shall
10 determine by rule and regulation appropriate restrictions on the
11 relationship of members and employees of the commission to
12 persons holding or applying for occupational licenses from the
13 commission or to employees of any licensee of the commission. No
14 peace officer, as defined by section 590.010, who is designated
15 to have direct regulator authority related to excursion gambling
16 boats shall be employed by any excursion gambling boat or
17 supplier licensed by the commission while employed as a peace
18 officer. No member or employee of the commission or any employee
19 of the state attorney general's office or the state highway
20 patrol who has direct authority over the regulation or
21 investigation of any applicant or licensee of the commission or
22 any peace officer of any city or county which has approved
23 excursion boat gambling shall accept any gift or gratuity from an
24 applicant or licensee while serving as a member or while under
25 such employment. Any person knowingly in violation of the
26 provisions of this subsection is guilty of a class A misdemeanor.
27 Any such member, officer or employee who personally or whose
28 prohibited relative knowingly violates the provisions of this

1 subsection, in addition to the foregoing penalty, shall, upon
2 conviction, immediately and thereupon forfeit his office or
3 employment.

4 9. The commission may enter into agreements with the
5 Federal Bureau of Investigation, the Federal Internal Revenue
6 Service, the state attorney general or any state, federal or
7 local agency the commission deems necessary to carry out the
8 duties of the commission, including investigations relating to
9 and the enforcement of the provisions of chapter 572 relating to
10 illegal gambling. No state agency shall count employees used in
11 any agreements entered into with the commission against any
12 personnel cap authorized by any statute. Any consideration paid
13 by the commission for the purpose of entering into, or to carry
14 out, any agreement shall be considered an administrative expense
15 of the commission. When such agreements are entered into for
16 responsibilities relating to excursion gambling boats, the
17 commission shall require excursion gambling boat licensees to pay
18 for such services under rules and regulations of the commission.
19 The commission may provide by rules and regulations for the
20 offset of any prize or winnings won by any person making a wager
21 subject to the jurisdiction of the commission, when practical,
22 when such person has an outstanding debt owed the state of
23 Missouri.

24 10. No person who has served as a member or employee of the
25 commission, as a member of the general assembly, as an elected or
26 appointed official of the state or of any city or county of this
27 state in which the licensing of excursion gambling boats has been
28 approved in either the city or county or both or any employee of

1 the state highway patrol designated by the superintendent of the
2 highway patrol or any employee of the state attorney general's
3 office designated by the state attorney general to have direct
4 regulatory authority related to excursion gambling boats shall,
5 while in such office or during such employment and during the
6 first two years after termination of his office or position,
7 obtain direct ownership interest in or be employed by any
8 excursion gambling boat licensed by the commission or which has
9 applied for a license to the commission or enter into a
10 contractual relationship related to direct gaming activity. A
11 "direct ownership interest" shall be defined as any financial
12 interest, equitable interest, beneficial interest, or ownership
13 control held by the public official or employee, or such person's
14 family member related within the second degree of consanguinity
15 or affinity, in any excursion gambling boat operation or any
16 parent or subsidiary company which owns or operates an excursion
17 gambling boat or as a supplier to any excursion gambling boat
18 which has applied for or been granted a license by the
19 commission, provided that a direct ownership interest shall not
20 include any equity interest purchased at fair market value or
21 equity interest received as consideration for goods and services
22 provided at fair market value of less than one percent of the
23 total outstanding shares of stock of any publicly traded
24 corporation or certificates of partnership of any limited
25 partnership which is listed on a regulated stock exchange or
26 automated quotation system. Any person who knowingly violates
27 the provisions of this subsection is guilty of a class E felony.
28 Any such member, officer or employee who personally and knowingly

1 violates the provisions of this subsection, in addition to the
2 foregoing penalty, shall, upon conviction, immediately and
3 thereupon forfeit his office or employment. For purposes of this
4 subsection, "appointed official" shall mean any official of this
5 state or of any city or county authorized under subsection 10 of
6 section 313.812 appointed to a position which has discretionary
7 powers over the operations of any licensee or applicant for
8 licensure by the commission. This shall only apply if the
9 appointed official has a direct ownership interest in an
10 excursion gambling boat licensed by the commission or which has
11 applied for a license to the commission to be docked within the
12 jurisdiction of his or her appointment. No elected or appointed
13 official, his or her spouse or dependent child shall, while in
14 such office or within two years after termination of his or her
15 office or position, be employed by an applicant for an excursion
16 gambling boat license or an excursion gambling boat licensed by
17 the commission. Any other person related to an elected or
18 appointed official within the second degree of consanguinity or
19 affinity employed by an applicant for an excursion gambling boat
20 license or excursion gambling boat licensed by the commission
21 shall disclose this relationship to the commission. Such
22 disclosure shall be in writing and shall include who is employing
23 such individual, that person's relationship to the elected or
24 appointed official, and a job description for which the person is
25 being employed. The commission may require additional
26 information as it may determine necessary.

27 11. The commission may enter into contracts with any
28 private entity the commission deems necessary to carry out the

1 duties of the commission, other than criminal law enforcement,
2 provision of legal counsel before the courts and other agencies
3 of this state, and the enforcement of liquor laws. The
4 commission may require provisions for special auditing
5 requirements, investigations and restrictions on the employees of
6 any private entity with which a contract is entered into by the
7 commission.

8 12. Notwithstanding the provisions of chapter 610 to the
9 contrary, all criminal justice records shall be available to any
10 agency or commission responsible for licensing or investigating
11 applicants or licensees applying to any gaming commission of this
12 state.

13 13. (1) The commission shall establish a telephone contact
14 number, which shall be prominently displayed on the commission's
15 website, to receive reports of suspected illegal gambling
16 activities. Upon the receipt of such report, the commission
17 shall initiate an investigation of such suspected illegal
18 activity. The commission shall notify the subject of such
19 investigation within thirty days of receiving a report under this
20 subsection.

21 (2) (a) If the commission finds sufficient evidence of a
22 violation punishable under chapter 572, the commission shall
23 refer such violations to the prosecuting attorney.

24 (b) Upon the request of a prosecuting attorney, the
25 attorney general shall aid a prosecuting attorney in prosecuting
26 violations referred by the commission.

27 (3) Any person or establishment licensed under this chapter
28 that is convicted of or pleads guilty to a violation punishable

1 under chapter 572, and any affiliated company of such person or
2 establishment, shall be permanently prohibited from being
3 licensed to participate in any way in a program implementing
4 video lottery gaming terminals should such a program be
5 implemented in this state.

6 313.255. 1. The director shall issue, suspend, revoke, and
7 renew licenses for lottery game retailers pursuant to rules and
8 regulations adopted by the commission. Such rules shall specify
9 that at least ten percent of all licenses awarded to lottery game
10 retailers in constitutional charter cities not within a county
11 and constitutional charter cities with a population of at least
12 four hundred fifty thousand not located wholly within a county of
13 the first class with a charter form of government shall be
14 awarded to minority-owned and -controlled business enterprises.
15 Licensing rules and regulations shall include requirements
16 relating to the financial responsibility of the licensee, the
17 accessibility of the licensee's place of business or activity to
18 the public, the sufficiency of existing licenses to serve the
19 public interest, the volume of expected sales, the security and
20 efficient operation of the lottery, and other matters necessary
21 to protect the public interest and trust in the lottery and to
22 further the sales of lottery tickets or shares. Lottery game
23 retailers shall be selected without regard to political
24 affiliation.

25 2. The commission may sell lottery tickets at its office
26 and at special events.

27 3. The commission shall require every retailer to post a
28 bond, a bonding fee or a letter of credit in such amount as may

1 be required by the commission, and upon licensure shall
2 prominently display his license, or a copy thereof, as provided
3 in the rules and regulations of the commission.

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

6 5. A lottery game retailer license shall not be assignable
7 or transferable.

8 6. A license shall be revoked upon a finding that the
9 licensee:

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

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

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

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

16 (1) A change of business location;

17 (2) An insufficient sales volume;

18 (3) A delinquency in remitting money owed to the lottery;

19 or

20 (4) Any violation of any rule or regulation adopted
21 pursuant to this section by the commission.

22 8. A lottery game retailer license shall be permanently
23 revoked upon a finding that the licensee has been convicted of or
24 pleaded guilty to illegal gambling activity involving an illegal
25 gambling device punishable under chapter 572.

26 313.425. Sections 313.425 to 313.437 shall be known and may
27 be cited as the "Missouri Video Lottery Control Act" and shall
28 establish the regulatory framework for the use of

1 player-activated video terminals for the conduct of lottery
2 games.

3 313.427. As used in sections 313.425 to 313.437, the
4 following words and phrases shall mean:

5 (1) "Centralized computer system", a computerized system
6 developed or procured by the commission that video lottery game
7 terminals are connected to using standard industry protocols that
8 can activate or deactivate a particular video lottery game
9 terminal from a remote location, and that is capable of
10 monitoring and auditing video lottery game plays;

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

14 (3) "Establishment", any establishment that is or becomes
15 registered to do business in this state and is one or more of the
16 following:

17 (a) A fraternal organization;

18 (b) A truck stop; or

19 (c) A veterans' organization;

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

1 (5) "Truck stop", a location equipped for fueling
2 commercial vehicles, that has sold on average ten thousand
3 gallons of diesel or biodiesel fuel each month for the previous
4 twelve months or is projected to sell an average of ten thousand
5 gallons of diesel or biodiesel fuel each month for the next
6 twelve months, that is situated on more than two acres of land
7 that obtains and maintains a license issued by the commission to
8 offer lottery games played on video lottery game terminals;

9 (6) "Veterans' organization", a post or organization of
10 veterans, or an auxiliary unit or society of, or a trust or
11 foundation for, any such post or organization organized in the
12 United States or any of its possessions in which at least
13 seventy-five percent of the members are veterans of the United
14 States armed forces and substantially all of the other members
15 are individuals who are veterans or are cadets, or are spouses,
16 widows or widowers of war veterans of such individuals, in which
17 no part of the net earnings inures to the benefit of any private
18 shareholder or individual, and which has been exempted from
19 payment of federal income taxes;

20 (7) "Video lottery game", any lottery game approved by the
21 commission for play on a video lottery game terminal using video
22 lottery game terminal credits that have been purchased with cash,
23 cash equivalents, or by a winning video lottery game terminal
24 ticket;

25 (8) "Video lottery game adjusted gross receipts", the total
26 of cash or cash equivalents used for the play of a video lottery
27 game on a video lottery game terminal minus cash or cash
28 equivalent paid to players as a result of playing video lottery

1 games on a video lottery game terminal;

2 (9) "Video lottery game handler", a person employed by a
3 licensed video lottery game operator and who is licensed by the
4 commission to handle, place, operate, and service video lottery
5 game terminals and associated equipment;

6 (10) "Video lottery game manufacturer" or "distributor",
7 any person licensed by the commission that manufactures video
8 lottery game terminals or major parts and components for video
9 lottery game terminals as approved by the lottery commission for
10 sale to licensed video lottery game operators, or a person
11 licensed by the commission to distribute or service video lottery
12 game terminals or major parts and components of video lottery
13 game terminals including buying, selling, leasing, renting, or
14 financing new, used, or refurbished video lottery game terminals
15 to and from licensed video lottery game manufacturers and
16 licensed video lottery game operators;

17 (11) "Video lottery game operator", a person licensed by
18 the commission that owns, rents, or leases and services or
19 maintains video lottery game terminals for placement in licensed
20 video lottery retailer establishments;

21 (12) "Video lottery game retailer", a person meeting the
22 requirements of a lottery game retailer under section 313.260,
23 possessing a video lottery game retailer's license, and
24 possessing a license to sell liquor with whom a licensed video
25 lottery game operator has contracted for the placement of a video
26 lottery game terminal or terminals;

27 (13) "Video lottery game terminal", player-activated
28 terminal that exchanges coins, currency, tickets, ticket vouchers

1 or other electronic payment methods approved by the commission
2 for video lottery game terminal credits used to play video
3 lottery games approved by the commission. Such video lottery
4 game terminals shall use a video display and microprocessor
5 capable of randomly generating the outcome of video lottery games
6 and be capable of printing a ticket at the conclusion of any
7 video lottery game play that is redeemable at a video lottery
8 game ticket redemption terminal or reinserted into a video
9 lottery game terminal for video lottery game credit. All video
10 lottery games approved by the commission for play on a video
11 lottery game terminal shall have a minimum theoretical payout of
12 eighty-five percent;

13 (14) "Video lottery game terminal credit", one cent, five
14 cents, ten cents, or twenty-five cents either won or purchased by
15 a player on a video lottery game terminal that is used to play
16 video lottery games and that may be converted into a video
17 lottery game ticket;

18 (15) "Video lottery game ticket" or "ticket", a document
19 printed at the conclusion of any lottery game play or group of
20 plays on a video lottery game terminal that is redeemable for
21 cash utilizing a video lottery game ticket redemption terminal or
22 that may be reinserted into a video lottery game terminal in the
23 establishment for which it was issued for video lottery terminal
24 game play credit;

25 (16) "Video lottery game ticket redemption terminal", the
26 collective hardware, software, communications technology, and
27 other ancillary equipment used to facilitate the payment of
28 tickets cashed out by players as a result of playing a video

1 lottery game terminal.

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

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

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

19
20 Nothing in this subsection shall prevent a video lottery game
21 manufacturer from obtaining a video lottery game manufacturer's
22 license and a video lottery game distributor's license and
23 providing and operating the centralized computer system for
24 monitoring video lottery game terminals.

25 2. Under no circumstances shall the commission:

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

1 (2) Allow a single licensed video lottery game operator to
2 control or operate more than twenty percent of video lottery game
3 terminals in the state after December 31, 2025.

4 3. (1) The video lottery game system authorized by this
5 section shall allow for multiple video lottery game
6 manufacturers, video lottery game distributors, and video lottery
7 game operators to encourage private sector investment and job
8 opportunities for Missouri citizens. Video lottery game
9 terminals shall be connected to a centralized computer system
10 developed or procured by the commission. The commission shall
11 provide licensed video lottery game operators with the necessary
12 protocols to connect the operators' video lottery game terminal
13 or terminals to the centralized computer system after such
14 terminal or terminals have been approved by the commission. No
15 video lottery game terminal shall be placed in operation without
16 first connecting to the centralized computer system after such
17 terminal or terminals have been approved by the commission. A
18 vendor that provides the centralized computer system authorized
19 under this subsection shall not be eligible to be licensed as a
20 video lottery game operator or video lottery game retailer. The
21 commission may impose an initial nonrefundable license
22 application fee as follows:

23 (a) For video lottery game manufacturers, video lottery
24 game distributors, and video lottery game operators, no more than
25 fifty thousand dollars;

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

28 (c) For video lottery game handlers, no more than one

1 hundred dollars.

2 (2) The initial license and first subsequent license
3 renewal shall be for a period of one year. Thereafter, license
4 renewal periods shall be four years with the applicable annual
5 renewal fee paid for each year such license is renewed. Annual
6 license renewal fees for anyone licensed pursuant to this
7 subsection shall be as follows:

8 (a) Five thousand dollars for video lottery game
9 manufacturers and video lottery game distributors;

10 (b) Five thousand dollars for video lottery game operators;

11 (c) Fifty dollars for video lottery game handlers; and

12 (d) Five hundred dollars for each video lottery game
13 retailer's establishment.

14 (3) In addition to the license fees required in
15 subdivisions (1) and (2) of this subsection, video lottery game
16 operators shall pay the commission an annual license fee of two
17 hundred dollars for each video lottery game terminal placed in
18 service. Such video lottery game terminal license shall be
19 renewed each year and cost two hundred dollars. A license issued
20 under this subsection is nontransferable.

21 (4) Nothing in this subsection shall be construed to
22 relieve the licensee of the affirmative duty to notify the
23 commission of any change relating to the status of the license or
24 to any other information contained in the application materials
25 on file with the commission.

26 4. No license shall be issued to any person, and no person
27 shall be allowed to serve as a sales agent, who has been
28 convicted of a felony or a crime involving illegal gambling.

1 5. No license requirement, sticker fee, or tax shall be
2 imposed by any local jurisdiction upon a video lottery game
3 manufacturer, video lottery game distributor, video lottery game
4 operator, video lottery game retailer, video lottery game
5 handler, or video lottery game terminal or an establishment
6 relating to the operation of video lottery games, video lottery
7 game terminals, or associated equipment.

8 6. (1) Video lottery game terminals shall meet independent
9 testing standards approved by the commission, as tested by one or
10 more approved independent test labs, and be capable of randomly
11 generating the outcome of video lottery games approved by the
12 commission. Video lottery game terminals shall be capable of
13 printing a ticket redeemable for winning video lottery game
14 plays. Such video lottery game terminals shall be inspected and
15 approved by the commission prior to being sold, leased, or
16 transferred.

17 (2) Licensed video lottery game manufacturers may buy,
18 sell, or lease new or refurbished video lottery game terminals to
19 and from licensed video lottery game distributors.

20 (3) Licensed video lottery game distributors may buy, sell,
21 or lease new or refurbished video lottery game terminals to or
22 from licensed video lottery game manufacturers or licensed video
23 lottery game operators.

24 7. (1) Licensed video lottery game operators:

25 (a) May buy, lease, or rent video lottery game terminals
26 from licensed video lottery game manufacturers, operators, or
27 distributors;

28 (b) May handle, place, and service video lottery game

1 terminals;

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

4 (d) Shall pay winning tickets using a video lottery game
5 ticket redemption terminal, except that a ticket with winnings in
6 excess of six hundred dollars shall be redeemed at a Missouri
7 lottery office. Such video lottery ticket redemption terminal
8 shall be located within the video lottery game retailer's
9 establishment in direct proximity of where such video lottery
10 games are offered. Video lottery game operators shall pay the
11 commission thirty-two percent of any unclaimed cash prize
12 associated with a winning ticket that has not been redeemed
13 within one hundred eighty days of issue.

14
15 Rents or leases for video lottery game terminals shall be written
16 at a flat rate and shall not include revenue splitting as a
17 method used in the calculation of the lease or rent.

18 (2) Licensed video lottery game operators and licensed
19 video lottery game retailers shall enter into a written agreement
20 for the placement of video lottery game terminals. The agreement
21 shall be on a form approved by the commission and shall specify
22 an equal division of adjusted gross receipts between the video
23 lottery game operator and the video lottery game retailer after
24 adjustments for taxes and administrative fees are made. A video
25 lottery game operator shall be responsible for remitting to the
26 commission and the video lottery game retailer its share of
27 adjusted gross receipts. Nothing in this subdivision shall
28 prohibit a licensed video lottery game operator from entering

1 into an agreement with a sales agent for retailer agreements
2 provided such agreement is in writing and approved by the
3 commission. Video lottery game operators and their sales agents
4 and affiliates and video lottery game retailers are specifically
5 prohibited from offering anything of value, other than the
6 percentage of adjusted gross receipts provided under this
7 subsection, for the initial or continued placement of video
8 lottery game terminals. An agreement for the placement of video
9 lottery game terminals, or any similar agreement, entered into
10 prior to the enactment of sections 313.425 to 313.437 shall be
11 invalid and unenforceable. Persons violating this subdivision
12 are subject to the suspension or revocation of their video
13 lottery game operator's license.

14 (3) To combat problem gambling, video lottery game
15 operators shall allow players to be self-excluded from video
16 lottery game play. Operators shall provide the commission with a
17 list of players that have elected to be excluded from video
18 lottery game play within thirty days of such election and shall
19 update such list periodically as required by the commission.
20 Such self-excluded list shall be considered confidential
21 information and shall not be released to the public. The
22 commission shall issue such self-exclusion procedures by rule.

23 (4) Nothing in this section shall be construed to prevent a
24 video lottery game operator or a video lottery retailer from
25 using a player rewards system as approved by the commission. No
26 player shall be required to enroll in a rewards program offered
27 by a video lottery game operator or video lottery game retailer
28 as a condition to play video lottery games.

1 8. No licensed video lottery game operator shall:

2 (1) Offer video lottery gaming terminals that directly
3 dispense anything of value except for tickets for winning plays.
4 Tickets shall be dispensed by pressing the ticket dispensing
5 button on the video lottery gaming terminal at the end of any
6 video lottery game play. The ticket shall indicate the total
7 amount of video lottery game terminal credits and the cash award,
8 the time of day in a 24-hour format showing hours and minutes,
9 the date, the terminal serial number, the sequential number of
10 the ticket, and an encrypted validation number from which the
11 validity of the prize may be determined. The cost of the video
12 lottery game terminal credits shall be one cent, five cents, ten
13 cents, or twenty-five cents, and the maximum wager played per
14 video lottery game shall not exceed five dollars. No cash award
15 for the maximum wager played on any individual video lottery game
16 shall exceed one thousand dollars;

17 (2) Operate more than six video lottery game terminals at
18 one video lottery game retailer establishment;

19 (3) Advertise video lottery games outside of a licensed
20 video lottery game retailer's establishment through any media
21 outlets or direct mail or telephone solicitations. The
22 advertising prohibition contained in this subdivision shall apply
23 to all licensees including, but not limited to, video lottery
24 game manufacturers, video lottery game distributors, video
25 lottery game operators, video lottery game retailers, and video
26 lottery game handlers, except that a video lottery retailer may
27 participate in an advertising program that is promoted through
28 and sponsored by the state lottery and may advertise in or on the

1 outside of the establishment's building and parking lot;

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

5 9. (1) A person under twenty-one years of age shall not
6 play video lottery games, and such video lottery game terminals
7 shall be under the supervision of a person that is at least
8 twenty-one years of age to prevent persons under twenty-one years
9 of age from playing video lottery games. Video lottery game
10 terminals shall be placed in a fully enclosed room that is
11 continually monitored by video surveillance and where access to
12 persons under twenty-one years of age is denied. A warning sign
13 shall be posted in a conspicuous location where such video
14 lottery game terminals are located, containing in red lettering
15 at least one-half inch high on a white background the following:

16 "YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY VIDEO LOTTERY
17 GAMES"

18
19 In addition to the placement and supervision requirements of this
20 subsection, a video lottery game operator shall provide video
21 surveillance in the immediate area of the video lottery game
22 retailer's establishment where video lottery game terminals are
23 located. Recorded video from such surveillance system shall be
24 made available to the commission upon request and shall be
25 reviewed by video lottery game operators as reasonably and
26 specifically requested by the commission for any violation of
27 law, rules or regulations governing the conduct of video lottery
28 games. A video lottery game operator that fails to review such

1 surveillance video and report any known violation of law, rules
2 or regulations governing the conduct of video lottery games in
3 conformance with established commission procedures may be subject
4 to an administrative fine not to exceed five thousand dollars.
5 Any video lottery game retailer that fails to report any known
6 violation of law, rules or regulations governing the conduct of
7 video lottery games in conformance with established commission
8 procedures may be subject to an administrative fine not to exceed
9 five thousand dollars. In the event a video lottery game
10 operator or retailer is found to have knowingly committed a
11 violation governing the conduct of video lottery games the
12 commission may impose an administrative fine not to exceed five
13 thousand dollars, suspend such operator's or retailer's license
14 for up to thirty days, or in the case of repeated violations
15 revoke such operator's or retailer's license for a period of one
16 year. Any video lottery game operator or retailer aggrieved by
17 the commission's decision in any disciplinary action that results
18 in the suspension or revocation of such operator's or retailer's
19 video lottery game license may appeal such decision by filing an
20 action in circuit court. The commission shall refer a violation
21 of the criminal code, with any evidence thereof, to the
22 appropriate law enforcement officials. Video lottery game
23 retailers shall provide an intrusion detection system capable of
24 detecting unauthorized entrance of the video lottery game
25 retailer's establishment during nonbusiness hours and shall
26 report to the commission any unauthorized entrance of the video
27 lottery game retailer's establishment. Such surveillance and
28 intrusion detection system shall meet specifications as defined

1 by the commission.

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

7 10. (1) Video lottery game operators shall pay the
8 commission thirty-six percent of the video lottery game adjusted
9 gross receipts, which shall be deposited in the state lottery
10 fund. The commission shall transfer, subject to appropriation,
11 the amount received from the operator from the lottery fund to
12 the lottery proceeds fund after administrative expenses equal to
13 four percent of the video lottery game adjusted gross receipts
14 are paid to the municipality where a licensed video lottery game
15 retailer maintains an establishment licensed for the operation of
16 video lottery game terminals, or if such licensed establishment
17 is not located within the corporate boundaries of a municipality,
18 then the county where such licensed establishment is located to
19 reimburse such municipality or county for administrative
20 expenses, and any administrative expenses for the commission that
21 are not covered by reimbursements from operators are deducted.
22 Net proceeds transferred to the lottery proceeds fund shall be
23 appropriated to public elementary and secondary education and
24 public institutions of higher education with an emphasis on
25 programs to promote science, technology, engineering, and
26 mathematics (STEM), including tutoring programs for math,
27 science, and reading skills, and programs to promote workforce
28 development.

1 (2) Video lottery game operators shall retain the remainder
2 of the video lottery game adjusted gross receipts, a portion of
3 which shall be utilized to pay for administrative expenses which
4 shall include the cost of the centralized computer system, which
5 cost shall be paid by video lottery game operators in proportion
6 to the number of video lottery game terminals operated. Fifty
7 percent of the costs of the centralized computer system shall be
8 apportioned by the video lottery game operator among video
9 lottery game retailers to which it provides operations based on
10 the number of video lottery game terminals located at the video
11 lottery game retailer's establishment. The remainder of adjusted
12 gross receipts retained by the video lottery game operator, after
13 the cost of the centralized computer system and administrative
14 costs are paid and apportioned, shall be divided equally between
15 the video lottery game operator and video lottery game retailer
16 as agreed under subdivision (2) of subsection 6 of this section.

17 11. All revenues received by the commission from license
18 fees and any reimbursements associated with the administration of
19 the provisions of sections 313.425 to 313.437, and all interest
20 earned thereon, shall be considered administrative expenses and
21 shall be deposited in the state lottery fund. Moneys deposited
22 into the state lottery fund from license fees and any
23 reimbursements of commission administrative expenses to
24 administer sections 313.425 to 313.437 shall be considered
25 administrative expenses and shall not be considered net proceeds
26 pursuant to Article III, Section 39(b) of the Missouri
27 Constitution. Subject to appropriation, up to one percent of
28 such license fees shall be deposited to the credit of the

1 compulsive gamblers fund created under section 313.842. The
2 remainder of the money deposited in the state lottery fund from
3 video lottery game license fees and any reimbursements of
4 commission administrative expenses to enforce sections 313.425 to
5 313.437 shall, subject to appropriation, be used for
6 administrative expenses associated with supervising and enforcing
7 the provisions of sections 313.425 to 313.437.

8 12. The commission shall contract with a state law
9 enforcement entity to assist in conducting investigations into
10 applicants for any video lottery game license and to investigate
11 violations by any retail lottery game licensee of any of the
12 provisions of sections 313.425 to 313.437 or state law regulating
13 illegal gambling activities. A video lottery game licensee
14 suspected of a violation shall be afforded an administrative
15 hearing on the record and any action taken to impose a fine on
16 such licensee, or to suspend or revoke the ability of a licensee
17 to offer lottery game products for sale, shall be appealed to the
18 commission. Any such administrative suspension or revocation
19 upheld by the commission may be appealed by the video lottery
20 game licensee in a state court of competent jurisdiction.

21 13. The possession or use of any video gaming terminal,
22 machine, or device capable of simulating lottery games, games of
23 chance, or gambling games, whether or not there is an element of
24 skill involved, that uses a video display and microprocessor
25 capable of randomly generating the outcome of such games that is
26 not authorized by the commission or the Missouri gaming
27 commission established pursuant to section 313.004, shall be a
28 violation of chapter 572 and shall be prosecuted as an illegal

1 gambling activity. The commission shall have the power to
2 investigate suspected violations by any lottery license holder
3 and to refer any violations or suspected violations to the
4 appropriate law enforcement authority. Any lottery vendor or
5 licensee that violates the provisions of this subsection shall be
6 deemed guilty of a class D felony and fined up to ten thousand
7 dollars per occurrence, and such fines shall be deposited in the
8 compulsive gamblers fund created under section 313.842. The
9 commission shall suspend or revoke the license of any lottery
10 vendor or licensee that allows the use of any video terminal,
11 machine, or device other than a video lottery game terminal
12 authorized pursuant to sections 313.425 to 313.437.

13 14. The commission shall adopt rules for the implementation
14 of the video lottery game system authorized under sections
15 313.425 to 313.437, including, but not limited to, the placement
16 of video lottery terminals within a retail establishment and for
17 the active oversight of the conduct of video lottery games. Any
18 rule or portion of a rule, as that term is defined in section
19 536.010 that is created under the authority delegated in this
20 section shall become effective only if it complies with and is
21 subject to all of the provisions of chapter 536, and, if
22 applicable, section 536.028. This section and chapter 536 are
23 nonseverable and if any of the powers vested with the general
24 assembly pursuant to chapter 536, to review, to delay the
25 effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2019,
28 shall be invalid and void.

1 313.431. In order to expedite the orderly implementation of
2 the video lottery game system authorized under sections 313.425
3 to 313.437, the commission shall:

4 (1) Issue a request for proposal for the supply and
5 operation of a centralized computer system for video lottery
6 games within one hundred twenty days of the effective date of
7 this section;

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

16 313.433. 1. Notwithstanding any other provision of law to
17 the contrary, participation by a person, firm, corporation, or
18 organization in any aspect of the state lottery under sections
19 313.425 to 313.437 shall not be construed to be a lottery or gift
20 enterprise in violation of section 39 of article III of the
21 Constitution of Missouri.

22 2. The sale of lottery tickets, shares, or lottery game
23 plays using a video lottery game terminal under sections 313.425
24 to 313.437 shall not constitute a valid reason to refuse to issue
25 or renew or to revoke or suspend any license or permit issued
26 under the provisions of chapter 311.

27 313.434. 1. The state of Missouri shall be exempt from the
28 provisions of 15 U.S.C. Section 1172.

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

7 313.435. A municipality may adopt an ordinance prohibiting
8 video lottery game terminals within the corporate limits of such
9 municipality within one hundred eighty days from the effective
10 date of this act. A county commission may, for the
11 unincorporated area of the county, adopt an ordinance prohibiting
12 video lottery game terminals within the unincorporated area of
13 the county within one hundred eighty days from the effective date
14 of this act. The commission shall not license video lottery game
15 retailers within such area covered by such ordinance. Any such
16 municipality or county that has opted to prohibit the use of
17 video lottery game terminals to play video lottery games may
18 repeal such ordinance and upon such repeal the commission may
19 license video lottery game retailers within such municipality or
20 county to conduct video lottery games.

21 313.437. If any provision of sections 313.425 to 313.437 or
22 the application thereof to anyone or to any circumstance is held
23 invalid, the remainder of those sections and the application of
24 such provisions to others or other circumstances shall not be
25 affected thereby.

26 313.800. 1. As used in sections 313.800 to 313.850, unless
27 the context clearly requires otherwise, the following terms mean:

28 (1) "Adjusted gross receipts", the gross receipts from

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

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

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

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

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

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

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

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

27 (9) "Excursion gambling boat", a boat, ferry or other
28 floating facility licensed by the commission on which gambling

1 games are allowed;

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

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

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

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

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

20 (15) "Games of skill", any gambling game in which there is
21 an opportunity for the player to use his or her reason,
22 foresight, dexterity, sagacity, design, information or strategy
23 to favorably increase the player's expected return; including,
24 but not limited to, the gambling games known as "poker",
25 "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow
26 poker", "Texas hold'em", "double down stud", sports wagering, and
27 any video representation of such games;

28 (16) "Gross receipts", the total sums wagered by patrons of

1 licensed gambling games;

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

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

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

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

17 2. In addition to the games of skill defined in this
18 section, the commission may approve other games of skill upon
19 receiving a petition requesting approval of a gambling game from
20 any applicant or licensee. The commission may set the matter for
21 hearing by serving the applicant or licensee with written notice
22 of the time and place of the hearing not less than five days
23 prior to the date of the hearing and posting a public notice at
24 each commission office. The commission shall require the
25 applicant or licensee to pay the cost of placing a notice in a
26 newspaper of general circulation in the applicant's or licensee's
27 home dock city or county. The burden of proof that the gambling
28 game is a game of skill is at all times on the petitioner. The

1 petitioner shall have the affirmative responsibility of
2 establishing his or her case by a preponderance of evidence
3 including:

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

6 (2) Is the gambling game a game of chance or a game of
7 skill?
8

9 All testimony shall be given under oath or affirmation. Any
10 citizen of this state shall have the opportunity to testify on
11 the merits of the petition. The commission may subpoena
12 witnesses to offer expert testimony. Upon conclusion of the
13 hearing, the commission shall evaluate the record of the hearing
14 and issue written findings of fact that shall be based
15 exclusively on the evidence and on matters officially noticed.
16 The commission shall then render a written decision on the merits
17 which shall contain findings of fact, conclusions of law and a
18 final commission order. The final commission order shall be
19 within thirty days of the hearing. Copies of the final
20 commission order shall be served on the petitioner by certified
21 or overnight express mail, postage prepaid, or by personal
22 delivery.

23 313.1000. As used in sections 313.1000 to 313.1020, the
24 following terms shall mean:

25 (1) "Adjusted gross receipts":

26 (a) The total of all cash and cash equivalents received by
27 a sports wagering operator from sports wagering minus:

28 (b) The total of:

1 a. All cash and cash equivalents paid out as winnings to
2 sports wagering patrons;

3 b. The actual costs paid by a sports wagering operator for
4 any personal property or services distributed to sports wagering
5 patrons as prizes;

6 c. Voided wagers; and

7 d. Uncollectible sports wagering receivables, not to exceed
8 the lesser of:

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

11 (ii) Two percent of the total of all sums, including
12 checks, whether collected or not, less the amount paid out as
13 winnings to sports wagering patrons. For purposes of this
14 section, a counter or personal check that is invalid or
15 unenforceable under this section is considered cash received by
16 the sports wagering operator from sports wagering operations;

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

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

22 (4) "Commission", the Missouri gaming commission;

23 (5) "Department", the department of revenue;

24 (6) "Excursion gambling boat", the same meaning as defined
25 under section 313.800;

26 (7) "Gross receipts", the total amount of cash and cash
27 equivalents paid by sports wagering patrons to a sports wagering
28 operator to participate in sports wagering;

1 (8) "Interactive sports wagering platform" or "platform", a
2 person that offers sports wagering over the internet, including
3 on internet websites and mobile devices on behalf of a
4 certificate holder;

5 (9) "Licensed applicant", a person holding a license issued
6 under section 313.807 to operate an excursion gambling boat;

7 (10) "Licensed facility", an excursion gambling boat
8 licensed under this chapter;

9 (11) "Licensed supplier", a person holding a supplier's
10 license issued by the commission;

11 (12) "Occupational license", a license issued by the
12 commission;

13 (13) "Person", an individual, sole proprietorship,
14 partnership, association, fiduciary, corporation, limited
15 liability company, or any other business entity;

16 (14) "Sports wagering", wagering conducted under sections
17 313.1000 to 313.1022 on athletic and sporting events involving
18 human competitors or on other events as approved by the
19 commission. Sports wagering shall not include money spent to
20 participate in paid fantasy sports under sections 313.900 to
21 313.955;

22 (15) "Sports wagering device", a mechanical, electrical, or
23 computerized contrivance, terminal, device, apparatus, piece of
24 equipment, or supply approved by the commission for conducting
25 sports wagering under sections 313.1000 to 313.1022. Sports
26 wagering device shall not include a device used by a sports
27 wagering patron to access an interactive sports wagering
28 platform;

1 (16) "Sports wagering operator" or "operator", a
2 certificate holder or an interactive sports wagering platform
3 offering sports wagering on behalf of a certificate holder;

4 (17) "Supplier's license", a license issued by the
5 commission under section 313.807.

6 313.1002. 1. The state of Missouri shall be exempt from
7 the provisions of 15 U.S.C. Section 1172.

8 2. All shipments of gambling devices used to conduct sports
9 wagering under sections 313.1000 to 313.1022 to licensed
10 applicants or certificate holders, the registering, recording,
11 and labeling of which have been completed by the manufacturer or
12 dealer thereof in accordance with 15 U.S.C. Sections 1171 to
13 1178, shall be legal shipments of gambling devices into this
14 state.

15 313.1003. 1. Sports wagering shall not be offered in this
16 state except by a licensed facility.

17 2. A licensed facility may offer sports wagering:

18 (1) In person at the licensed facility; and

19 (2) Over the internet via an interactive sports wagering
20 platform to persons physically located in this state.

21 313.1004. 1. The commission shall adopt rules to implement
22 the provisions of sections 313.1000 to 313.1022. Any rule or
23 portion of a rule, as that term is defined in section 536.010,
24 that is created under the authority delegated in this section
25 shall become effective only if it complies with and is subject to
26 all of the provisions of chapter 536, and, if applicable, section
27 536.028. This section and chapter 536 are nonseverable and if
28 any of the powers vested with the general assembly pursuant to

1 chapter 536 to review, to delay the effective date, or to
2 disapprove and annul a rule are subsequently held
3 unconstitutional, then the grant of rulemaking authority and any
4 rule proposed or adopted after August 28, 2019, shall be invalid
5 and void.

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

8 (1) Standards for the conduct of sports wagering;

9 (2) Standards and procedures to govern the conduct of
10 sports wagering, including the manner in which:

11 (a) Wagers are received;

12 (b) Payouts are paid; and

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

14 (3) Standards governing how a certificate holder offers
15 sports wagering over the internet through an interactive sports
16 wagering platform to patrons physically located in Missouri;

17 (4) The manner in which a certificate holder's books and
18 financial records relating to sports wagering are maintained and
19 audited, including standards for the daily counting of a
20 certificate holder's gross receipts from sports wagering and
21 standards to ensure that internal controls are followed;

22 (5) Standards concerning the detection and prevention of
23 compulsive gambling.

24 3. Rules adopted under this section shall require a
25 certificate holder to do the following:

26 (1) Designate an area within the licensed facility operated
27 by the certificate holder for sports wagering conducted under
28 sections 313.1000 to 313.1022;

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

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

6 (4) Allow the commission to be present through the
7 commission's gaming agents during the time sports wagering is
8 conducted in all areas of the certificate holder's licensed
9 facility in which sports wagering is conducted, to do the
10 following:

11 (a) Ensure maximum security of the counting and storage of
12 the sports wagering revenue received by the certificate holder;

13 (b) Certify the sports wagering revenue received by the
14 certificate holder;

15 (c) Receive complaints from the public;

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

18 (6) Provide written information to sports wagering patrons
19 about sports wagering, payouts, winning wagers, and other
20 information considered relevant by the commission;

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

23 313.1006. 1. A licensed applicant who wishes to offer
24 sports wagering under sections 313.1000 to 313.1022 shall:

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

28 (2) Pay an initial application fee of twenty-five thousand

1 dollars, which shall be deposited in the gaming commission fund
2 and distributed according to section 313.835.

3 2. Upon receipt of the application and fee required under
4 subsection 1 of this section, the commission shall issue a
5 certificate of authority to a licensed applicant authorizing the
6 licensed applicant to conduct sports wagering under sections
7 313.1000 to 313.1022 in a licensed facility or through an
8 interactive sports wagering platform.

9 313.1008. 1. The commission shall test new sports wagering
10 devices and new forms, variations, or composites of sports
11 wagering under the terms and conditions that the commission
12 considers appropriate prior to authorizing a certificate holder
13 to offer a new sports wagering device or a new form, variation,
14 or composite of sports wagering.

15 2. (1) A certificate holder shall designate an area or
16 areas within the certificate holder's licensed facility for
17 conducting sports wagering.

18 (2) A certificate holder may administer or contract with an
19 interactive sports wagering platform to administer interactive
20 sports wagering on the certificate holder's behalf.

21 3. (1) Sports wagering may be conducted with chips,
22 tokens, electronic cards, or money or other negotiable currency.

23 (2) A certificate holder shall determine the minimum and
24 maximum wagers in sports wagering conducted in the certificate
25 holder's licensed facility.

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

1 5. A sports wagering device shall be approved by the
2 commission and acquired by a certificate holder from a licensed
3 supplier.

4 6. The commission shall determine the occupations related
5 to sports wagering that require an occupational license.

6 7. A certificate holder may lay off one or more sports
7 wagers. The commission may promulgate rules permitting
8 certificate holders or platforms to employ systems that offset
9 loss or manage risk in the operation of sports wagering under
10 sections 313.1000 to 313.1022 through the use of liquidity pools
11 in other jurisdictions in which the certificate holder, platform,
12 an affiliate of the certificate holder or platform, or a third
13 party also holds licenses to conduct sports wagering; provided
14 that at all times adequate protections are maintained to ensure
15 sufficient funds are available to pay winnings to patrons.

16 8. Subject to the approval of the commission, a certificate
17 holder may contract with a third party to conduct sports wagering
18 at the certificate holder's licensed facility.

19 313.1010. 1. An interactive sports wagering platform
20 provider may offer sports wagering on behalf of a certificate
21 holder only if the interactive sports wagering platform holds an
22 interactive sports wagering platform license issued by the
23 commission.

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

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

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

3 3. Each year on or before the anniversary date of the
4 payment of the initial application fee under subsection 2 of this
5 section, an interactive sports wagering platform provider holding
6 a license issued under this section shall pay to the commission
7 an annual license renewal fee of fifty thousand dollars. Such
8 license renewal fees and the initial application fee provided for
9 under subdivision (2) of subsection 2 of this section shall be
10 deposited in the gaming commission fund and distributed according
11 to section 313.835.

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

16 (1) An interactive sports wagering platform license
17 application; and

18 (2) All documents, reports, and data submitted by an
19 interactive sports wagering platform provider to the commission
20 containing proprietary information, trade secrets, financial
21 information, or personally identifiable information about any
22 person.

23 313.1012. 1. A certificate holder shall verify that a
24 person placing a wager is of the legal minimum age for placing a
25 wager under sections 313.1000 to 313.1022.

26 2. The commission shall adopt rules and regulations for a
27 sports wagering self-exclusion program consistent with those
28 adopted under sections 313.800 to 313.850. Any rule or portion

1 of a rule, as that term is defined in section 536.010, that is
2 created under the authority delegated in this section shall
3 become effective only if it complies with and is subject to all
4 of the provisions of chapter 536, and, if applicable, section
5 536.028. This section and chapter 536 are nonseverable and if
6 any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to
8 disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after August 28, 2019, shall be invalid
11 and void.

12 3. The commission shall adopt rules to ensure that
13 advertisements for sports wagering:

14 (1) Do not target minors or other persons who are
15 ineligible to place wagers, problem gamblers, or other vulnerable
16 persons;

17 (2) Disclose the identity of the sports wagering
18 certificate holder;

19 (3) Provide information about or links to resources
20 relating to gambling addiction; and

21 (4) Are not otherwise false, misleading, or deceptive to a
22 reasonable consumer.

23 313.1014. 1. The commission shall conduct background
24 checks on individuals seeking licenses under sections 313.1000 to
25 313.1022. A background check conducted under this section shall
26 be consistent with the provisions of section 313.810, and shall
27 include a search for criminal history and any charges or
28 convictions involving corruption or manipulation of sporting

1 events.

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

4 (a) Prohibit the certificate holder, directors, officers,
5 and employees of the certificate holder, and any relative living
6 in the same household of a person described in this paragraph
7 from placing sports wagers with the certificate holder;

8 (b) Prohibit any individual with access to nonpublic
9 confidential information held by the certificate holder from
10 placing sports wagers with the certificate holder;

11 (c) Prevent the sharing of confidential information that
12 could affect sports wagering offered by the certificate holder or
13 by third parties until the information is made publicly
14 available; and

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

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

20 3. The commission and certificate holders shall cooperate
21 with investigations conducted by law enforcement agencies,
22 including by providing or facilitating the provision of betting
23 information and audio or video files relating to persons placing
24 sports wagers.

25 4. A certificate holder shall immediately report to the
26 commission any information relating to:

27 (1) Criminal or disciplinary proceedings commenced against
28 the certificate holder in connection with its operations;

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

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

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

7 (5) Suspicious or illegal wagering activities.

8 5. A certificate holder shall maintain the confidentiality
9 of information provided by a sports governing body to the
10 certificate holder unless disclosure is required by court order,
11 the commission, or any other provision of law.

12 313.1016. 1. A certificate holder, for bets and wagers
13 that exceed ten thousand dollars in a twenty-four-hour period and
14 that were placed in person by a patron, shall maintain the
15 following records for a period of at least three years after the
16 sporting event occurs:

17 (1) Personally identifiable information of the bettor;

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

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

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

22 (5) The outcome of the bet; and

23 (6) Any discernable pattern of abnormal betting activity by
24 the patron.

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

1 (1) Personally identifiable information of the bettor;
2 (2) The amount and type of bet placed;
3 (3) The time and date the bet was placed;
4 (4) The location, including specific information pertaining
5 to the internet protocol address, where the bet was placed;
6 (5) The outcome of the bet; and
7 (6) Any discernable pattern of abnormal betting activity by
8 the patron.

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

13 313.1018. 1. The performance of any act required, or the
14 forbearance of any act prohibited, by sections 313.1000 to
15 313.1022, by an interactive sports wagering platform provider is
16 imputed to the certificate holder on behalf of which the platform
17 is operating, and vice versa.

18 2. A certificate holder is not liable under the laws of
19 this state to any party, including patrons, for disclosing
20 information as required under sections 313.1000 to 313.1022, and
21 is not liable for refusing to disclose information unless
22 required under sections 313.1000 to 313.1022.

23 3. Any person, firm, corporation, association, agent, or
24 employee who knowingly violates any procedure implemented under
25 sections 313.1000 to 313.1022 shall be liable for a civil penalty
26 of not more than five thousand dollars for each violation, not to
27 exceed fifty thousand dollars for violations arising out of the
28 same transaction or occurrence, which shall accrue to the state

1 and may be recovered in a civil action brought by the commission.
2 Any licensee who violates any provision under sections 313.1000
3 to 313.1022 shall be subject to the actions and penalties
4 provided under subdivision (6) of section 313.805, excluding any
5 financial penalties in excess of those provided under this
6 subsection.

7 4. (1) Any person, firm, corporation, association, agent,
8 or employee who:

9 (a) Places, or causes to be placed, a bet or wager on the
10 basis of material nonpublic information relating to that bet or
11 wager; or

12 (b) Knowingly engages in, facilitates, or conceals conduct
13 that intends to improperly influence a betting outcome of a
14 sporting event for purposes of financial gain, in connection with
15 betting or wagering on a sporting event,
16
17 shall be guilty of a class E felony.

18 (2) For the purposes of this subsection, a bet or wager
19 shall be "on the basis of material nonpublic information" if the
20 person placing the bet or wager, or causing it to be placed, was
21 aware of the material nonpublic information when such person
22 placed the bet or wager or caused it to be placed.

23 313.1020. 1. A wagering tax of nine percent is imposed on
24 the adjusted gross receipts received from sports wagering
25 conducted by a certificate holder under sections 313.1000 to
26 313.1022. If a third party is contracted with to conduct sports
27 wagering at a certificate holder's licensed facility, the third
28 party contractor shall fulfill the certificate holder's duties

1 under this section.

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

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

12 4. Revenues received from the tax imposed under subsection
13 1 of this section shall be deposited in the state treasury to the
14 credit of the "Gaming Proceeds for Education Fund" and shall be
15 distributed as provided under section 313.822.

16 5. (1) A certificate holder shall pay to the commission an
17 annual administrative fee of fifty thousand dollars. The fee
18 imposed shall be due one year after the date on which the
19 certificate holder commences sports wagering operations under
20 sections 313.1000 to 313.1022, and on each annual anniversary
21 date thereafter. The commission shall deposit the administrative
22 fees received under this subsection in the gaming commission fund
23 and shall distribute such fees according to section 313.835.

24 (2) In addition to the annual administrative fee required
25 under this subsection, a certificate holder shall pay to the
26 commission a fee of ten thousand dollars to cover the costs of a
27 full reinvestigation of the certificate holder in the fifth year
28 after the date on which the certificate holder commences sports

1 wagering operations under sections 313.1000 to 313.1022 and on
2 each fifth year thereafter. The commission shall deposit the
3 fees received under this subdivision in the gaming commission
4 fund and shall distribute such fees according to section 313.835.

5 313.1022. All sports wagers authorized under sections
6 313.1000 to 313.1022 shall be deemed initiated, received, and
7 otherwise made on the property of an excursion gambling boat
8 within this state. Consistent with the intent of the United
9 States Congress as articulated in the Unlawful Internet Gambling
10 Enforcement Act of 2006, 31 U.S.C. Sections 5361 to 5367, as
11 amended, the intermediate routing of electronic data relating to
12 lawful intrastate sports wagers authorized under sections
13 313.1000 to 313.1022 shall not determine the location or
14 locations in which such wager is initiated, received, or
15 otherwise made.

16 572.010. As used in this chapter the following terms mean:

17 (1) "Advance gambling activity", a person advances gambling
18 activity if, acting other than as a player, he or she engages in
19 conduct that materially aids any form of gambling activity.
20 Conduct of this nature includes but is not limited to conduct
21 directed toward the creation or establishment of the particular
22 game, lottery, contest, scheme, device or activity involved,
23 toward the acquisition or maintenance of premises, paraphernalia,
24 equipment or apparatus therefor, toward the solicitation or
25 inducement of persons to participate therein, toward the actual
26 conduct of the playing phases thereof, toward the arrangement or
27 communication of any of its financial or recording phases, or
28 toward any other phase of its operation. A person advances

1 gambling activity if, having substantial proprietary control or
2 other authoritative control over premises being used with his or
3 her knowledge for purposes of gambling activity, he or she
4 permits that activity to occur or continue or makes no effort to
5 prevent its occurrence or continuation. The supplying, servicing
6 and operation of a licensed excursion gambling boat under
7 sections 313.800 to 313.840 does not constitute advancing
8 gambling activity;

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

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

17 (4) "Gambling", a person engages in gambling when he or she
18 stakes or risks something of value upon the outcome of a contest
19 of chance or a future contingent event not under his or her
20 control or influence, upon an agreement or understanding that he
21 or she will receive something of value in the event of a certain
22 outcome. Gambling does not include bona fide business
23 transactions valid under the law of contracts, including but not
24 limited to contracts for the purchase or sale at a future date of
25 securities or commodities, and agreements to compensate for loss
26 caused by the happening of chance, including but not limited to
27 contracts of indemnity or guaranty and life, health or accident
28 insurance; nor does gambling include playing an amusement device

1 that confers only an immediate right of replay not exchangeable
2 for something of value. Gambling does not include any licensed
3 activity, or persons participating in such games which are
4 covered by sections 313.800 to 313.840;

5 (5) "Gambling device", any device, machine, paraphernalia
6 or equipment that:

7 (a) Is not approved by the Missouri gaming commission or
8 state lottery commission under the provisions of chapter 313;

9 (b) Contains a random number generator where prize payout
10 percentages are controlled or adjustable;

11 (c) Is used in any scenario where cash prizes are involved
12 or any prize is converted to cash or monetary credit of any kind
13 related to the use of the gambling device; and

14 (d) Is used or usable in the playing phases of any gambling
15 activity, whether that activity consists of gambling between
16 persons or gambling by a person with a machine. However, lottery
17 tickets, policy slips and other items used in the playing phases
18 of lottery and policy schemes are not gambling devices within
19 this definition;

20 (6) "Gambling record", any article, instrument, record,
21 receipt, ticket, certificate, token, slip or notation used or
22 intended to be used in connection with unlawful gambling
23 activity;

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

28 (8) "Player", a person who engages in any form of gambling

1 solely as a contestant or bettor, without receiving or becoming
2 entitled to receive any profit therefrom other than personal
3 gambling winnings, and without otherwise rendering any material
4 assistance to the establishment, conduct or operation of the
5 particular gambling activity. A person who gambles at a social
6 game of chance on equal terms with the other participants therein
7 does not otherwise render material assistance to the
8 establishment, conduct or operation thereof by performing,
9 without fee or remuneration, acts directed toward the arrangement
10 or facilitation of the game, such as inviting persons to play,
11 permitting the use of premises therefor and supplying cards or
12 other equipment used therein. A person who engages in
13 "bookmaking" as defined in subdivision (2) of this section is not
14 a player;

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

19 (10) "Profit from gambling activity", a person profits from
20 gambling activity if, other than as a player, he or she accepts
21 or receives money or other property pursuant to an agreement or
22 understanding with any person whereby he participates or is to
23 participate in the proceeds of gambling activity;

24 (11) "Slot machine", a gambling device that as a result of
25 the insertion of a coin or other object operates, either
26 completely automatically or with the aid of some physical act by
27 the player, in such a manner that, depending upon elements of
28 chance, it may eject something of value. A device so constructed

1 or readily adaptable or convertible to such use is no less a slot
2 machine because it is not in working order or because some
3 mechanical act of manipulation or repair is required to
4 accomplish its adaptation, conversion or workability. Nor is it
5 any less a slot machine because apart from its use or
6 adaptability as such it may also sell or deliver something of
7 value on a basis other than chance;

8 (12) "Something of value", any money or property, any
9 token, object or article exchangeable for money or property, or
10 any form of credit or promise directly or indirectly
11 contemplating transfer of money or property or of any interest
12 therein or involving extension of a service, entertainment or a
13 privilege of playing at a game or scheme without charge;

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

15 572.100. The general assembly by enacting this chapter
16 intends to preempt any other regulation of the area covered by
17 this chapter. No governmental subdivision or agency may enact or
18 enforce a law that regulates or makes any conduct in the area
19 covered by this chapter an offense, or the subject of a criminal
20 or civil penalty or sanction of any kind, except for the
21 revocation, suspension, or denial by the Missouri lottery
22 commission, the Missouri gaming commission, or the division of
23 alcohol and tobacco control of a license issued under chapters
24 311 or 313. The term "gambling", as used in this chapter, does
25 not include licensed activities under sections 313.800 to
26 313.840.