

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 431
100TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, March 14, 2019, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

1518S.04C

AN ACT

To repeal sections 311.660, 311.710, 311.720, 313.004, 313.255, 572.010, and 572.100, RSMo, and to enact in lieu thereof seven new sections relating to illegal gambling, with existing penalty provisions, with an emergency clause.

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

Section A. Sections 311.660, 311.710, 311.720, 313.004, 313.255, 572.010, 2 and 572.100, RSMo, are repealed and seven new sections enacted in lieu thereof, 3 to be known as sections 311.660, 311.710, 311.720, 313.004, 313.255, 572.010, and 4 572.100, to read as follows:

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

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

8 (2) Prescribe an official seal and label and determine the manner in which 9 such seal or label shall be attached to every package of intoxicating liquor so sold 10 under this law; this includes prescribing different official seals or different labels 11 for the different classes, varieties or brands of intoxicating liquor;

12 (3) Prescribe all forms, applications and licenses and such other forms as 13 are necessary to carry out the provisions of this chapter, except that when a 14 licensee substantially complies with all requirements for the renewal of a license 15 by the date on which the application for renewal is due, such licensee shall be 16 permitted at least an additional ten days from the date notice is sent that the

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

17 application is deficient, in which to complete the application;

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

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

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

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

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

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

32 (10) **To refer to the Missouri gaming commission any suspected**
33 **illegal gambling activity punishable under chapter 572 being conducted**
34 **on the premises of a location licensed under this chapter, which shall**
35 **be investigated under subsection 13 of section 313.004; and**

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

311.710. 1. In addition to the penalties and proceedings for suspension
2 or revocation of licenses provided for in this chapter, and without limiting them,
3 proceedings for the suspension or revocation of any license authorizing the sale
4 of intoxicating liquor at retail may be brought in the circuit court of any county
5 in this state, or in the city of St. Louis, in which the licensed premises are located
6 and such proceedings may be brought by the sheriff or any peace officer of that
7 county or by any eight or more persons who are taxpaying citizens of the county
8 or city for any of the following offenses:

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

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

14 (3) Permitting on the licensed premises any disorderly conduct, breach of

15 the peace, or any lewd, immoral or improper entertainment, conduct or practices;

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

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

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

23 **(7) Permitting on the licensed premises any form of gambling**
24 **punishable under chapter 572.**

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

37 3. If, pursuant to the receipt of such complaint by the supervisor of liquor
38 control, the licensee appears and shows cause why his license should not be
39 suspended or revoked at a hearing held for that purpose by the supervisor and
40 either the complainants or the licensee consider themselves aggrieved with the
41 order of the supervisor then, after a request in writing by either the complainants
42 or the licensee, the supervisor shall certify to the circuit clerk of the county or
43 city in which the licensed premises are located a copy of the original complaint
44 filed with him, together with a copy of the transcript of the evidence adduced at
45 the hearing held by him. Such certification by the supervisor shall not act as a
46 supersedeas of any order made by him.

47 4. Upon receipt of such complaint, whether from the complainant directly
48 or from the supervisor of liquor control, the court shall set a date for an early
49 hearing thereon and it shall be the duty of the circuit clerk to cause to be
50 delivered by registered United States mail to the prosecuting attorney of the

51 county or to the circuit attorney of the city of St. Louis and to the licensee copies
52 of the complaint and he shall, at the same time, give notice of the time and place
53 of the hearing. Such notice shall be delivered to the prosecuting attorney or to
54 the circuit attorney and to the licensee at least fifteen days prior to the date of
55 the hearing.

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

60 6. If the court shall find upon the hearing that the offense or offenses
61 charged in the complaint have been established by the evidence, the court shall
62 order the suspension or revocation of the license but, in so doing, shall take into
63 consideration whatever order, if any, may have been made in the premises by the
64 supervisor of liquor control. If the court finds that to revoke the license would be
65 unduly severe, then the court may suspend the license for such period of time as
66 the court deems proper.

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

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

72 9. The jurisdiction herein conferred upon the circuit courts to hear and
73 determine complaints for the suspension or revocation of licenses in the manner
74 provided in this section shall not be exclusive and any authority conferred upon
75 the supervisor of liquor control to revoke or suspend licenses shall remain in full
76 force and effect, and the suspension or revocation of a license as provided in this
77 section shall be in addition to and not in lieu of any other revocation or
78 suspension provided by this chapter.

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

311.720. 1. Conviction in any court of any violation of this chapter, or any
2 felony violation of chapter 195, in the course of business, shall have the effect of
3 automatically revoking the license of the person convicted, and such revocation
4 shall continue operative until said case is finally disposed of, and if the defendant
5 is finally acquitted, he may apply for and receive a license hereunder, upon
6 paying the regular license charge therefor, in the same manner as though he had

7 never had a license hereunder; provided, however, that the provisions of this
8 section shall not apply to violations of section 311.070, and violations of said
9 section shall be punished only as therein provided.

10 **2. Conviction in any court for illegal gambling activity under**
11 **chapter 572 shall result in the automatic and permanent revocation of**
12 **a license issued under this chapter.**

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

10 2. The initial members of the commission shall be appointed within thirty
11 days of April 29, 1993. Of the members first appointed, one shall be appointed
12 for a one-year term, two shall be appointed for a two-year term and two shall be
13 appointed for a three-year term. Thereafter, all members appointed shall serve
14 for a three-year term. No person shall serve as a member more than six
15 years. The governor shall designate one of the members as the chair. The
16 governor may remove any member of the commission from office for malfeasance
17 or neglect of duty in office. The governor may also replace any member of the
18 commission, with the advice and consent of the senate, when any responsibility
19 concerning the state lottery, pari-mutuel wagering or any other form of gaming
20 is placed under the jurisdiction of the commission.

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

26 4. The commission shall perform all duties and have all the powers and
27 responsibilities conferred and imposed upon it relating to excursion gambling
28 boats and, after June 30, 1994, the lawful operation of the game of bingo under
29 this chapter. Within the commission, there shall be established a division of
30 gambling and after June 30, 1994, the division of bingo. Subject to

31 appropriations, the commission may hire an executive director and any employees
32 as it may deem necessary to carry out the commission's duties. The commission
33 shall have authority to require investigations of any employee or applicant for
34 employment as deemed necessary and use such information or any other
35 information in the determination of employment. The commission shall
36 promulgate rules and regulations establishing a code of ethics for its employees
37 which shall include, but not be limited to, restrictions on which employees shall
38 be prohibited from participating in or wagering on any game or gaming operation
39 subject to the jurisdiction of the commission. The commission shall determine if
40 any other employees of the commission or any licensee of the commission shall
41 participate or wager in any operation under the jurisdiction of the commission.

42 5. On April 29, 1993, all the authority, powers, duties, functions, records,
43 personnel, property, matters pending and all other pertinent vestiges of the state
44 tourism commission relating to the regulation of excursion gambling boats and,
45 after June 30, 1994, of the department of revenue relating to the regulation of the
46 game of bingo shall be transferred to the Missouri gaming commission.

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

50 7. Members of the Missouri gaming commission shall receive as
51 compensation, the amount of one hundred dollars for every day in which the
52 commission holds a meeting, when such meeting is subject to the recording of
53 minutes as provided in chapter 610, and shall be reimbursed for reasonable
54 expenses incurred in the performance of their duties. The chair shall receive as
55 additional compensation one hundred dollars for each month such person serves
56 on the commission in that capacity.

57 8. No member or employee of the commission shall be appointed or
58 continue to be a member or employee who is licensed by the commission as an
59 excursion gambling boat operator or supplier and no member or employee of the
60 commission shall be appointed or continue to be a member or employee who is
61 related to any person within the second degree of consanguinity or affinity who
62 is licensed by the commission as an excursion gambling boat operator or
63 supplier. The commission shall determine by rule and regulation appropriate
64 restrictions on the relationship of members and employees of the commission to
65 persons holding or applying for occupational licenses from the commission or to
66 employees of any licensee of the commission. No peace officer, as defined by

67 section 590.010, who is designated to have direct regulator authority related to
68 excursion gambling boats shall be employed by any excursion gambling boat or
69 supplier licensed by the commission while employed as a peace officer. No
70 member or employee of the commission or any employee of the state attorney
71 general's office or the state highway patrol who has direct authority over the
72 regulation or investigation of any applicant or licensee of the commission or any
73 peace officer of any city or county which has approved excursion boat gambling
74 shall accept any gift or gratuity from an applicant or licensee while serving as a
75 member or while under such employment. Any person knowingly in violation of
76 the provisions of this subsection is guilty of a class A misdemeanor. Any such
77 member, officer or employee who personally or whose prohibited relative
78 knowingly violates the provisions of this subsection, in addition to the foregoing
79 penalty, shall, upon conviction, immediately and thereupon forfeit his office or
80 employment.

81 9. The commission may enter into agreements with the Federal Bureau
82 of Investigation, the Federal Internal Revenue Service, the state attorney general
83 or any state, federal or local agency the commission deems necessary to carry out
84 the duties of the commission, **including investigations relating to and the**
85 **enforcement of the provisions of chapter 572 relating to illegal**
86 **gambling.** No state agency shall count employees used in any agreements
87 entered into with the commission against any personnel cap authorized by any
88 statute. Any consideration paid by the commission for the purpose of entering
89 into, or to carry out, any agreement shall be considered an administrative
90 expense of the commission. When such agreements are entered into for
91 responsibilities relating to excursion gambling boats, the commission shall
92 require excursion gambling boat licensees to pay for such services under rules
93 and regulations of the commission. The commission may provide by rules and
94 regulations for the offset of any prize or winnings won by any person making a
95 wager subject to the jurisdiction of the commission, when practical, when such
96 person has an outstanding debt owed the state of Missouri.

97 10. No person who has served as a member or employee of the
98 commission, as a member of the general assembly, as an elected or appointed
99 official of the state or of any city or county of this state in which the licensing of
100 excursion gambling boats has been approved in either the city or county or both
101 or any employee of the state highway patrol designated by the superintendent of
102 the highway patrol or any employee of the state attorney general's office

103 designated by the state attorney general to have direct regulatory authority
104 related to excursion gambling boats shall, while in such office or during such
105 employment and during the first two years after termination of his office or
106 position, obtain direct ownership interest in or be employed by any excursion
107 gambling boat licensed by the commission or which has applied for a license to
108 the commission or enter into a contractual relationship related to direct gaming
109 activity. A "direct ownership interest" shall be defined as any financial interest,
110 equitable interest, beneficial interest, or ownership control held by the public
111 official or employee, or such person's family member related within the second
112 degree of consanguinity or affinity, in any excursion gambling boat operation or
113 any parent or subsidiary company which owns or operates an excursion gambling
114 boat or as a supplier to any excursion gambling boat which has applied for or
115 been granted a license by the commission, provided that a direct ownership
116 interest shall not include any equity interest purchased at fair market value or
117 equity interest received as consideration for goods and services provided at fair
118 market value of less than one percent of the total outstanding shares of stock of
119 any publicly traded corporation or certificates of partnership of any limited
120 partnership which is listed on a regulated stock exchange or automated quotation
121 system. Any person who knowingly violates the provisions of this subsection is
122 guilty of a class E felony. Any such member, officer or employee who personally
123 and knowingly violates the provisions of this subsection, in addition to the
124 foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his
125 office or employment. For purposes of this subsection, "appointed official" shall
126 mean any official of this state or of any city or county authorized under
127 subsection 10 of section 313.812 appointed to a position which has discretionary
128 powers over the operations of any licensee or applicant for licensure by the
129 commission. This shall only apply if the appointed official has a direct ownership
130 interest in an excursion gambling boat licensed by the commission or which has
131 applied for a license to the commission to be docked within the jurisdiction of his
132 or her appointment. No elected or appointed official, his or her spouse or
133 dependent child shall, while in such office or within two years after termination
134 of his or her office or position, be employed by an applicant for an excursion
135 gambling boat license or an excursion gambling boat licensed by the
136 commission. Any other person related to an elected or appointed official within
137 the second degree of consanguinity or affinity employed by an applicant for an
138 excursion gambling boat license or excursion gambling boat licensed by the

139 commission shall disclose this relationship to the commission. Such disclosure
140 shall be in writing and shall include who is employing such individual, that
141 person's relationship to the elected or appointed official, and a job description for
142 which the person is being employed. The commission may require additional
143 information as it may determine necessary.

144 11. The commission may enter into contracts with any private entity the
145 commission deems necessary to carry out the duties of the commission, other than
146 criminal law enforcement, provision of legal counsel before the courts and other
147 agencies of this state, and the enforcement of liquor laws. The commission may
148 require provisions for special auditing requirements, investigations and
149 restrictions on the employees of any private entity with which a contract is
150 entered into by the commission.

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

155 **13. (1) The commission shall establish a telephone contact**
156 **number, which shall be prominently displayed on the commission's**
157 **website, to receive reports of suspected illegal gambling**
158 **activities. Upon the receipt of such report, the commission shall**
159 **initiate an investigation of such suspected illegal activity. The**
160 **commission shall notify the subject of such investigation within thirty**
161 **days of receiving a report under this subsection.**

162 **(2) If the subject of an investigation conducted under this**
163 **subsection is licensed under chapter 311 to sell intoxicating liquor, or**
164 **under this chapter, such license shall be temporarily suspended**
165 **pending completion of the investigation.**

166 **(3) (a) If the commission finds sufficient evidence of a violation**
167 **punishable under chapter 572, the commission shall refer such**
168 **violations to the prosecuting attorney.**

169 **(b) If a prosecuting attorney determines not to commence a case**
170 **against a person after the commission notifies the prosecuting attorney**
171 **of a violation of chapter 572, the commission may forward such case to**
172 **the attorney general's office for review. After review, if the attorney**
173 **general determines there was probable cause of a violation of state law,**
174 **the attorney general may prosecute such case.**

175 **(4) Any person or establishment licensed under chapter 313 that**
176 **is convicted of or pleads guilty to a violation punishable under chapter**
177 **572, and any affiliated company of such person or establishment, shall**
178 **be permanently prohibited from being licensed to participate in any**
179 **way in a program implementing video lottery gaming terminals should**
180 **such a program be implemented in this state.**

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

16 2. The commission may sell lottery tickets at its office and at special
17 events.

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

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

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

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

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

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

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

30 7. A license may be suspended, revoked, or not renewed for any of the

31 following causes:

32 (1) A change of business location;

33 (2) An insufficient sales volume;

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

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

37 **8. A lottery game retailer license shall be permanently revoked**
38 **upon a finding that the licensee has been convicted of or pleaded guilty**
39 **to illegal gambling activity punishable under chapter 572.**

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

2 (1) "Advance gambling activity", a person advances gambling activity if,
3 acting other than as a player, he or she engages in conduct that materially aids
4 any form of gambling activity. Conduct of this nature includes but is not limited
5 to conduct directed toward the creation or establishment of the particular game,
6 lottery, contest, scheme, device or activity involved, toward the acquisition or
7 maintenance of premises, paraphernalia, equipment or apparatus therefor, toward
8 the solicitation or inducement of persons to participate therein, toward the actual
9 conduct of the playing phases thereof, toward the arrangement or communication
10 of any of its financial or recording phases, or toward any other phase of its
11 operation. A person advances gambling activity if, having substantial proprietary
12 control or other authoritative control over premises being used with his or her
13 knowledge for purposes of gambling activity, he or she permits that activity to
14 occur or continue or makes no effort to prevent its occurrence or
15 continuation. The supplying, servicing and operation of a licensed excursion
16 gambling boat under sections 313.800 to 313.840 does not constitute advancing
17 gambling activity;

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

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

25 (4) "Gambling", a person engages in gambling when he or she stakes or
26 risks something of value upon the outcome of a contest of chance or a future
27 contingent event not under his or her control or influence, upon an agreement or

28 understanding that he or she will receive something of value in the event of a
29 certain outcome. Gambling does not include bona fide business transactions valid
30 under the law of contracts, including but not limited to contracts for the purchase
31 or sale at a future date of securities or commodities, and agreements to
32 compensate for loss caused by the happening of chance, including but not limited
33 to contracts of indemnity or guaranty and life, health or accident insurance; nor
34 does gambling include playing an amusement device that confers only an
35 immediate right of replay not exchangeable for something of value. Gambling
36 does not include any licensed activity, or persons participating in such games
37 which are covered by sections 313.800 to 313.840;

38 (5) "Gambling device", any device, machine, paraphernalia or equipment
39 **not approved by the Missouri gaming commission or state lottery**
40 **commission under the provisions of chapter 313** that is used or usable in
41 the playing phases of any gambling activity, whether that activity consists of
42 gambling between persons or gambling by a person with a machine. However,
43 lottery tickets, policy slips and other items used in the playing phases of lottery
44 and policy schemes are not gambling devices within this definition;

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

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

51 (8) "Player", a person who engages in any form of gambling solely as a
52 contestant or bettor, without receiving or becoming entitled to receive any profit
53 therefrom other than personal gambling winnings, and without otherwise
54 rendering any material assistance to the establishment, conduct or operation of
55 the particular gambling activity. A person who gambles at a social game of
56 chance on equal terms with the other participants therein does not otherwise
57 render material assistance to the establishment, conduct or operation thereof by
58 performing, without fee or remuneration, acts directed toward the arrangement
59 or facilitation of the game, such as inviting persons to play, permitting the use
60 of premises therefor and supplying cards or other equipment used therein. A
61 person who engages in "bookmaking" as defined in subdivision (2) of this section
62 is not a player;

63 (9) "Professional player", a player who engages in gambling for a

64 livelihood or who has derived at least twenty percent of his or her income in any
65 one year within the past five years from acting solely as a player;

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

70 (11) "Slot machine", a gambling device that as a result of the insertion of
71 a coin or other object operates, either completely automatically or with the aid of
72 some physical act by the player, in such a manner that, depending upon elements
73 of chance, it may eject something of value. A device so constructed or readily
74 adaptable or convertible to such use is no less a slot machine because it is not in
75 working order or because some mechanical act of manipulation or repair is
76 required to accomplish its adaptation, conversion or workability. Nor is it any
77 less a slot machine because apart from its use or adaptability as such it may also
78 sell or deliver something of value on a basis other than chance;

79 (12) "Something of value", any money or property, any token, object or
80 article exchangeable for money or property, or any form of credit or promise
81 directly or indirectly contemplating transfer of money or property or of any
82 interest therein or involving extension of a service, entertainment or a privilege
83 of playing at a game or scheme without charge;

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

572.100. The general assembly by enacting this chapter intends to
2 preempt any other regulation of the area covered by this chapter. No
3 governmental subdivision or agency may enact or enforce a law that regulates or
4 makes any conduct in the area covered by this chapter an offense, or the subject
5 of a criminal or civil penalty or sanction of any kind, **except for the revocation**
6 **or prohibition of a license issued under chapters 311 or 313.** The term
7 "gambling", as used in this chapter, does not include licensed activities under
8 sections 313.800 to 313.840.

Section B. Because of the need to eliminate illegal gambling activity in
2 this state, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and
5 section A of this act shall be in full force and effect upon its passage and
6 approval.

✓