

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 10  
AN ACT

To repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof nine new sections relating to illegal gambling, with existing penalty provisions and an effective date.

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

Section A. Sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100, to read as follows:

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

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

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

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee

19 substantially complies with all requirements for the renewal  
20 of a license by the date on which the application for  
21 renewal is due, such licensee shall be permitted at least an  
22 additional ten days from the date notice is sent that the  
23 application is deficient, in which to complete the  
24 application;

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

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

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

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

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

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

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

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

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

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

3. Any solicitor licensed pursuant to this chapter in  
lieu of the suspension or revocation authorized in  
subsection 1 of this section may be assessed a civil penalty  
or fine by the supervisor of liquor control of not less than  
one hundred dollars nor more than five thousand dollars for  
each violation.

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

5. Any retailer with five thousand or more occupant  
capacity licensed pursuant to this chapter in lieu of the  
suspension or revocation authorized by subsection 1 of this

section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than five thousand dollars for each violation.

6. (1) Upon notification by the Missouri gaming commission or a law enforcement agency of possession of a gambling device, as defined pursuant to section 572.010, by a person licensed pursuant to this chapter, the supervisor of liquor control shall suspend or revoke the license of such person on such terms and conditions as the supervisor of liquor control deems appropriate, provided such person shall be given ten days to remove such gambling device from the premises prior to the supervisor of liquor control taking action pursuant to this subsection. Upon a second or subsequent notification pursuant to this subsection of the possession of a gambling device by a person licensed pursuant to this chapter, the supervisor of liquor control shall not be required to give such person ten days to remove such gambling device from the premises prior to taking action pursuant to this subsection.

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

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

[7.] 8. In order to encourage the early resolution of disputes between the supervisor of liquor control and licensees, the supervisor of liquor control, prior to issuing an order of warning, probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of

67 liquor control, or his or her designee, concerning the  
68 alleged violations. At least ten days prior to such meeting  
69 or conference, the supervisor shall provide the licensee  
70 with notice of the time and place of such meeting or  
71 conference, and the supervisor of liquor control shall also  
72 provide the licensee with a written description of the  
73 specific conduct for which discipline is sought, a citation  
74 of the law or rules allegedly violated, and, upon request,  
75 copies of any violation report or any other documents which  
76 are the basis for such action. Any order of warning,  
77 probation, revocation, suspension, or fine shall be  
78 effective no sooner than thirty days from the date of such  
79 order.

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

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

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

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

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

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

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

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

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

50           3. If, pursuant to the receipt of such complaint by  
51 the supervisor of liquor control, the licensee appears and  
52 shows cause why his license should not be suspended or  
53 revoked at a hearing held for that purpose by the supervisor

54 and either the complainants or the licensee consider  
55 themselves aggrieved with the order of the supervisor then,  
56 after a request in writing by either the complainants or the  
57 licensee, the supervisor shall certify to the circuit clerk  
58 of the county or city in which the licensed premises are  
59 located a copy of the original complaint filed with him,  
60 together with a copy of the transcript of the evidence  
61 adduced at the hearing held by him. Such certification by  
62 the supervisor shall not act as a supersedeas of any order  
63 made by him.

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

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

81 6. If the court shall find upon the hearing that the  
82 offense or offenses charged in the complaint have been  
83 established by the evidence, the court shall order the  
84 suspension or revocation of the license but, in so doing,  
85 shall take into consideration whatever order, if any, may  
86 have been made in the premises by the supervisor of liquor

87 control. If the court finds that to revoke the license  
88 would be unduly severe, then the court may suspend the  
89 license for such period of time as the court deems proper.

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

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

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

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

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



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

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

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

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

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

63           6. The commission shall be assigned to the department  
64 of public safety as a type III division, but the director of  
65 the department of public safety has no supervision,

66 authority or control over the actions or decisions of the  
67 commission.

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

77 8. No member or employee of the commission shall be  
78 appointed or continue to be a member or employee who is  
79 licensed by the commission as an excursion gambling boat  
80 operator or supplier and no member or employee of the  
81 commission shall be appointed or continue to be a member or  
82 employee who is related to any person within the second  
83 degree of consanguinity or affinity who is licensed by the  
84 commission as an excursion gambling boat operator or  
85 supplier. The commission shall determine by rule and  
86 regulation appropriate restrictions on the relationship of  
87 members and employees of the commission to persons holding  
88 or applying for occupational licenses from the commission or  
89 to employees of any licensee of the commission. No peace  
90 officer, as defined by section 590.010, who is designated to  
91 have direct regulator authority related to excursion  
92 gambling boats shall be employed by any excursion gambling  
93 boat or supplier licensed by the commission while employed  
94 as a peace officer. No member or employee of the commission  
95 or any employee of the state attorney general's office or  
96 the state highway patrol who has direct authority over the  
97 regulation or investigation of any applicant or licensee of  
98 the commission or any peace officer of any city or county

99 which has approved excursion boat gambling shall accept any  
100 gift or gratuity from an applicant or licensee while serving  
101 as a member or while under such employment. Any person  
102 knowingly in violation of the provisions of this subsection  
103 is guilty of a class A misdemeanor. Any such member,  
104 officer or employee who personally or whose prohibited  
105 relative knowingly violates the provisions of this  
106 subsection, in addition to the foregoing penalty, shall,  
107 upon conviction, immediately and thereupon forfeit his  
108 office or employment.

109 9. The commission may enter into agreements with the  
110 Federal Bureau of Investigation, the Federal Internal  
111 Revenue Service, the state attorney general, the Missouri  
112 state highway patrol, or any state, federal or local agency  
113 the commission deems necessary to carry out the duties of  
114 the commission, including investigations relating to and the  
115 enforcement of the provisions of chapter 572 relating to  
116 illegal gambling. No state agency shall count employees  
117 used in any agreements entered into with the commission  
118 against any personnel cap authorized by any statute. Any  
119 consideration paid by the commission for the purpose of  
120 entering into, or to carry out, any agreement shall be  
121 considered an administrative expense of the commission.  
122 When such agreements are entered into for responsibilities  
123 relating to excursion gambling boats, or for the purpose of  
124 investigating illegal gambling pursuant to chapter 572  
125 utilizing existing Missouri state highway patrol personnel  
126 assigned to enforce the regulations of licensed gaming  
127 activities governed by chapter 313, the commission shall  
128 require excursion gambling boat licensees to pay for such  
129 services under rules and regulations of the commission. The  
130 commission may provide by rules and regulations for the  
131 offset of any prize or winnings won by any person making a

wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding

shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class E felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The

commission may require additional information as it may determine necessary.

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

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

13. (1) The commission shall establish a telephone contact number, which shall be prominently displayed on the commission's website, to receive reports of suspected illegal gambling activities. Upon the receipt of such report, the commission shall refer such reports to the Missouri state highway patrol for investigation pursuant to this section. The commission shall notify the subject of such investigation within thirty days of receiving a report under this subsection.

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

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

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

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

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

313.255. 1. The director shall issue, suspend,  
2 revoke, and renew licenses for lottery game retailers  
3 pursuant to rules and regulations adopted by the  
4 commission. Such rules shall specify that at least ten  
5 percent of all licenses awarded to lottery game retailers in  
6 constitutional charter cities not within a county and  
7 constitutional charter cities with a population of at least  
8 four hundred fifty thousand not located wholly within a  
9 county of the first class with a charter form of government  
10 shall be awarded to minority-owned and -controlled business  
11 enterprises. Licensing rules and regulations shall include  
12 requirements relating to the financial responsibility of the  
13 licensee, the accessibility of the licensee's place of  
14 business or activity to the public, the sufficiency of  
15 existing licenses to serve the public interest, the volume  
16 of expected sales, the security and efficient operation of  
17 the lottery, and other matters necessary to protect the



public interest and trust in the lottery and to further the sales of lottery tickets or shares. Lottery game retailers shall be selected without regard to political affiliation.

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

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

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

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

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

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

(2) Has been convicted of any felony; or

(3) Has endangered the security of the lottery.

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

(1) A change of business location;

(2) An insufficient sales volume;

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

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

(5) Possession of a gambling device as defined pursuant to section 572.010.

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

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

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

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

34           (4) "Gambling", a person engages in gambling when he  
35 or she stakes or risks something of value upon the outcome

36 of a contest of chance or a future contingent event not  
37 under his or her control or influence, upon an agreement or  
38 understanding that he or she will receive something of value  
39 in the event of a certain outcome. Gambling does not  
40 include bona fide business transactions valid under the law  
41 of contracts, including but not limited to contracts for the  
42 purchase or sale at a future date of securities or  
43 commodities, and agreements to compensate for loss caused by  
44 the happening of chance, including but not limited to  
45 contracts of indemnity or guaranty and life, health or  
46 accident insurance; nor does gambling include playing an  
47 amusement device that confers only an immediate right of  
48 replay not exchangeable for something of value. Gambling  
49 does not include any licensed activity, or persons  
50 participating in such games which are covered by sections  
51 313.800 to 313.840;

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

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

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

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

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

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

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

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

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

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

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

129           (12) "Something of value", any money or property, any  
130 token, object or article exchangeable for money or property,  
131 or any form of credit or promise directly or indirectly  
132 contemplating transfer of money or property or of any  
133 interest therein or involving extension of a service,

entertainment or a privilege of playing at a game or scheme without charge;

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

572.015. 1. Nothing in this chapter prohibits constitutionally authorized activities under Article III, Sections 39(a) to 39(f) of the Missouri Constitution.

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

(1) "Net proceeds", the gross amount paid for tickets for a raffle or sweepstakes minus the payment of prizes and administrative expenses. Administrative expenses relating to the purchase or rental of supplies and equipment utilized in conducting the raffle or sweepstakes shall not be in excess of the reasonable market purchase price or reasonable market rental rate for such supplies and equipment, and in no case shall such administrative expenses be based on a percentage of proceeds;

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

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

572.100. The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by this chapter. No governmental subdivision or agency may

4 enact or enforce a law that regulates or makes any conduct  
5 in the area covered by this chapter an offense, or the  
6 subject of a criminal or civil penalty or sanction of any  
7 kind, except for the revocation, suspension, or denial by  
8 the Missouri lottery commission, the Missouri gaming  
9 commission, or the division of alcohol and tobacco control  
10 of a license issued under chapter 311 or 313. The term  
11 "gambling", as used in this chapter, does not include  
12 licensed activities under sections 313.800 to 313.840.

Section B. Section A of this act shall become  
2 effective July 1, 2021.