

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 98
AN ACT

To repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 313.905, 313.915, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof thirty-five new sections relating to gaming, with penalty provisions.

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

Section A. Sections 311.660, 311.680, 311.710, 311.720,
2 313.004, 313.230, 313.255, 313.800, 313.905, 313.915, 572.010,
3 572.015, and 572.100, RSMo, are repealed and thirty-five new
4 sections enacted in lieu thereof, to be known as sections
5 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255,
6 313.425, 313.427, 313.429, 313.431, 313.433, 313.434, 313.435,
7 313.437, 313.800, 313.905, 313.915, 313.1000, 313.1002,
8 313.1003, 313.1004, 313.1006, 313.1008, 313.1010, 313.1012,
9 313.1014, 313.1016, 313.1018, 313.1021, 313.1022, 313.1024,
10 572.010, 572.015, and 572.100, to read as follows:

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

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

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

16 (3) Prescribe all forms, applications and licenses and
17 such other forms as are necessary to carry out the
18 provisions of this chapter, except that when a licensee
19 substantially complies with all requirements for the renewal
20 of a license by the date on which the application for
21 renewal is due, such licensee shall be permitted at least an
22 additional ten days from the date notice is sent that the
23 application is deficient, in which to complete the
24 application;

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

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

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

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

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

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

43 (10) To refer to the Missouri gaming commission,
44 Missouri lottery commission, Missouri state highway patrol,
45 and local law enforcement agencies any suspected illegal
46 gambling activity punishable under chapter 572 or sections
47 313.425 to 313.437 being conducted on the premises of a
48 location licensed under this chapter, which shall be
49 investigated under section 43.380; and

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

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

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

19 3. Any solicitor licensed pursuant to this chapter in
20 lieu of the suspension or revocation authorized in
21 subsection 1 of this section may be assessed a civil penalty
22 or fine by the supervisor of liquor control of not less than

23 one hundred dollars nor more than five thousand dollars for
24 each violation.

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

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

37 6. (1) Upon notification by the Missouri gaming
38 commission, the Missouri lottery commission, or a law
39 enforcement agency of possession of a gambling device, as
40 defined pursuant to section 572.010, or of a device in
41 violation of sections 313.425 to 313.437, by a person
42 licensed pursuant to this chapter, the supervisor of liquor
43 control shall suspend or revoke the license of such person
44 on such terms and conditions as the supervisor of liquor
45 control deems appropriate, provided such person shall be
46 given ten days to remove such device from the premises prior
47 to the supervisor of liquor control taking action pursuant
48 to this subsection. Upon a second or subsequent
49 notification pursuant to this subsection of the possession
50 of such a device by a person licensed pursuant to this
51 chapter, the supervisor of liquor control shall not be
52 required to give such person ten days to remove such device
53 from the premises prior to taking action pursuant to this
54 subsection.

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

60 7. Any aggrieved person may appeal to the
61 administrative hearing commission in accordance with section
62 311.691.

63 [7.] 8. In order to encourage the early resolution of
64 disputes between the supervisor of liquor control and
65 licensees, the supervisor of liquor control, prior to
66 issuing an order of warning, probation, revocation,
67 suspension, or fine, shall provide the licensee with the
68 opportunity to meet or to confer with the supervisor of
69 liquor control, or his or her designee, concerning the
70 alleged violations. At least ten days prior to such meeting
71 or conference, the supervisor shall provide the licensee
72 with notice of the time and place of such meeting or
73 conference, and the supervisor of liquor control shall also
74 provide the licensee with a written description of the
75 specific conduct for which discipline is sought, a citation
76 of the law or rules allegedly violated, and, upon request,
77 copies of any violation report or any other documents which
78 are the basis for such action. Any order of warning,
79 probation, revocation, suspension, or fine shall be
80 effective no sooner than thirty days from the date of such
81 order.

 311.710. 1. In addition to the penalties and
2 proceedings for suspension or revocation of licenses
3 provided for in this chapter, and without limiting them,
4 proceedings for the suspension or revocation of any license
5 authorizing the sale of intoxicating liquor at retail may be
6 brought in the circuit court of any county in this state, or

7 in the city of St. Louis, in which the licensed premises are
8 located and such proceedings may be brought by the sheriff
9 or any peace officer of that county or by any eight or more
10 persons who are taxpaying citizens of the county or city for
11 any of the following offenses:

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

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

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

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

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

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

32 (7) Permitting on the licensed premises any form of
33 gambling device punishable under chapter 572 or in violation
34 of sections 313.425 to 313.437.

35 2. Provided, that said taxpaying citizen shall submit
36 in writing, under oath, by registered United States mail to
37 the supervisor of liquor control a joint complaint, stating
38 the name of the licensee, the name under which the
39 licensee's business is conducted and the address of the

40 licensed premises, setting out in general the character and
41 nature of the offense or offenses charged, together with the
42 names and addresses of the witnesses by whom proof thereof
43 is expected to be made; and provided, that after a period of
44 thirty days after the mailing of such complaint to the
45 supervisor of liquor control the person therein complained
46 of shall not have been cited by the supervisor to appear and
47 show cause why his license should not be suspended or
48 revoked then they shall file with the circuit clerk of the
49 county or city in which the premises are located a copy of
50 the complaint on file with the supervisor of liquor control.

51 3. If, pursuant to the receipt of such complaint by
52 the supervisor of liquor control, the licensee appears and
53 shows cause why his license should not be suspended or
54 revoked at a hearing held for that purpose by the supervisor
55 and either the complainants or the licensee consider
56 themselves aggrieved with the order of the supervisor then,
57 after a request in writing by either the complainants or the
58 licensee, the supervisor shall certify to the circuit clerk
59 of the county or city in which the licensed premises are
60 located a copy of the original complaint filed with him,
61 together with a copy of the transcript of the evidence
62 adduced at the hearing held by him. Such certification by
63 the supervisor shall not act as a supersedeas of any order
64 made by him.

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

73 of the time and place of the hearing. Such notice shall be
74 delivered to the prosecuting attorney or to the circuit
75 attorney and to the licensee at least fifteen days prior to
76 the date of the hearing.

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

82 6. If the court shall find upon the hearing that the
83 offense or offenses charged in the complaint have been
84 established by the evidence, the court shall order the
85 suspension or revocation of the license but, in so doing,
86 shall take into consideration whatever order, if any, may
87 have been made in the premises by the supervisor of liquor
88 control. If the court finds that to revoke the license
89 would be unduly severe, then the court may suspend the
90 license for such period of time as the court deems proper.

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

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

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

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

 311.720. Conviction in any court of any violation of
2 this chapter, or any felony violation of chapter 195,
3 chapter 572, or sections 313.425 to 313.437, in the course
4 of business, shall have the effect of automatically revoking
5 the license of the person convicted, and such revocation
6 shall continue operative until said case is finally disposed
7 of, and if the defendant is finally acquitted, he may apply
8 for and receive a license hereunder, upon paying the regular
9 license charge therefor, in the same manner as though he had
10 never had a license hereunder; provided, however, that the
11 provisions of this section shall not apply to violations of
12 section 311.070, and violations of said section shall be
13 punished only as therein provided.

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

 2. The initial members of the commission shall be
13 appointed within thirty days of April 29, 1993. Of the
14 members first appointed, one shall be appointed for a one-
15 year term, two shall be appointed for a two-year term and
16 two shall be appointed for a three-year term. Thereafter,
17 all members appointed shall serve for a three-year term. No

18 person shall serve as a member more than six years. The
19 governor shall designate one of the members as the chair.
20 The governor may remove any member of the commission from
21 office for malfeasance or neglect of duty in office. The
22 governor may also replace any member of the commission, with
23 the advice and consent of the senate, when any
24 responsibility concerning the state lottery, pari-mutuel
25 wagering or any other form of gaming is placed under the
26 jurisdiction of the commission.

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

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

51 wagering on any game or gaming operation subject to the
52 jurisdiction of the commission. The commission shall
53 determine if any other employees of the commission or any
54 licensee of the commission shall participate or wager in any
55 operation under the jurisdiction of the commission.

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

63 6. The commission shall be assigned to the department
64 of public safety as a type III division, but the director of
65 the department of public safety has no supervision,
66 authority or control over the actions or decisions of the
67 commission.

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

77 8. No member or employee of the commission shall be
78 appointed or continue to be a member or employee who is
79 licensed by the commission as an excursion gambling boat
80 operator or supplier and no member or employee of the
81 commission shall be appointed or continue to be a member or
82 employee who is related to any person within the second
83 degree of consanguinity or affinity who is licensed by the

84 commission as an excursion gambling boat operator or
85 supplier. The commission shall determine by rule and
86 regulation appropriate restrictions on the relationship of
87 members and employees of the commission to persons holding
88 or applying for occupational licenses from the commission or
89 to employees of any licensee of the commission. No peace
90 officer, as defined by section 590.010, who is designated to
91 have direct regulator authority related to excursion
92 gambling boats shall be employed by any excursion gambling
93 boat or supplier licensed by the commission while employed
94 as a peace officer. No member or employee of the commission
95 or any employee of the state attorney general's office or
96 the state highway patrol who has direct authority over the
97 regulation or investigation of any applicant or licensee of
98 the commission or any peace officer of any city or county
99 which has approved excursion boat gambling shall accept any
100 gift or gratuity from an applicant or licensee while serving
101 as a member or while under such employment. Any person
102 knowingly in violation of the provisions of this subsection
103 is guilty of a class A misdemeanor. Any such member,
104 officer or employee who personally or whose prohibited
105 relative knowingly violates the provisions of this
106 subsection, in addition to the foregoing penalty, shall,
107 upon conviction, immediately and thereupon forfeit his
108 office or employment.

109 9. The commission may enter into agreements with the
110 Federal Bureau of Investigation, the Federal Internal
111 Revenue Service, the state attorney general, the Missouri
112 state highway patrol, or any state, federal or local agency
113 the commission deems necessary to carry out the duties of
114 the commission, including investigations relating to and the
115 enforcement of the provisions of chapter 572 relating to
116 illegal gambling. No state agency shall count employees

117 used in any agreements entered into with the commission
118 against any personnel cap authorized by any statute. Any
119 consideration paid by the commission for the purpose of
120 entering into, or to carry out, any agreement shall be
121 considered an administrative expense of the commission.
122 When such agreements are entered into for responsibilities
123 relating to excursion gambling boats, or for the purpose of
124 investigating illegal gambling pursuant to chapter 572
125 utilizing existing Missouri state highway patrol personnel
126 assigned to enforce the regulations of licensed gaming
127 activities governed by chapter 313, the commission shall
128 require excursion gambling boat licensees to pay for such
129 services under rules and regulations of the commission. The
130 commission may provide by rules and regulations for the
131 offset of any prize or winnings won by any person making a
132 wager subject to the jurisdiction of the commission, when
133 practical, when such person has an outstanding debt owed the
134 state of Missouri.

135 10. No person who has served as a member or employee
136 of the commission, as a member of the general assembly, as
137 an elected or appointed official of the state or of any city
138 or county of this state in which the licensing of excursion
139 gambling boats has been approved in either the city or
140 county or both or any employee of the state highway patrol
141 designated by the superintendent of the highway patrol or
142 any employee of the state attorney general's office
143 designated by the state attorney general to have direct
144 regulatory authority related to excursion gambling boats
145 shall, while in such office or during such employment and
146 during the first two years after termination of his office
147 or position, obtain direct ownership interest in or be
148 employed by any excursion gambling boat licensed by the
149 commission or which has applied for a license to the

150 commission or enter into a contractual relationship related
151 to direct gaming activity. A "direct ownership interest"
152 shall be defined as any financial interest, equitable
153 interest, beneficial interest, or ownership control held by
154 the public official or employee, or such person's family
155 member related within the second degree of consanguinity or
156 affinity, in any excursion gambling boat operation or any
157 parent or subsidiary company which owns or operates an
158 excursion gambling boat or as a supplier to any excursion
159 gambling boat which has applied for or been granted a
160 license by the commission, provided that a direct ownership
161 interest shall not include any equity interest purchased at
162 fair market value or equity interest received as
163 consideration for goods and services provided at fair market
164 value of less than one percent of the total outstanding
165 shares of stock of any publicly traded corporation or
166 certificates of partnership of any limited partnership which
167 is listed on a regulated stock exchange or automated
168 quotation system. Any person who knowingly violates the
169 provisions of this subsection is guilty of a class E
170 felony. Any such member, officer or employee who personally
171 and knowingly violates the provisions of this subsection, in
172 addition to the foregoing penalty, shall, upon conviction,
173 immediately and thereupon forfeit his office or employment.
174 For purposes of this subsection, "appointed official" shall
175 mean any official of this state or of any city or county
176 authorized under subsection 10 of section 313.812 appointed
177 to a position which has discretionary powers over the
178 operations of any licensee or applicant for licensure by the
179 commission. This shall only apply if the appointed official
180 has a direct ownership interest in an excursion gambling
181 boat licensed by the commission or which has applied for a
182 license to the commission to be docked within the

183 jurisdiction of his or her appointment. No elected or
184 appointed official, his or her spouse or dependent child
185 shall, while in such office or within two years after
186 termination of his or her office or position, be employed by
187 an applicant for an excursion gambling boat license or an
188 excursion gambling boat licensed by the commission. Any
189 other person related to an elected or appointed official
190 within the second degree of consanguinity or affinity
191 employed by an applicant for an excursion gambling boat
192 license or excursion gambling boat licensed by the
193 commission shall disclose this relationship to the
194 commission. Such disclosure shall be in writing and shall
195 include who is employing such individual, that person's
196 relationship to the elected or appointed official, and a job
197 description for which the person is being employed. The
198 commission may require additional information as it may
199 determine necessary.

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

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

214 13. (1) The commission shall establish a telephone
215 contact number, which shall be prominently displayed on the

216 commission's website, to receive reports of suspected
217 illegal gambling activities. Upon the receipt of such
218 report, the commission shall refer such reports to the
219 Missouri state highway patrol for investigation pursuant to
220 this section. The commission shall notify the subject of
221 such investigation within thirty days of receiving a report
222 under this subsection.

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

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

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

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

240 (6) Any person or establishment licensed under this
241 chapter that is convicted of or pleads guilty to a violation
242 punishable under chapter 572, or sections 313.425 to
243 313.437, and any affiliated company of such person or
244 establishment, shall be permanently prohibited from being
245 licensed to participate in any way in the video lottery
246 gaming program authorized pursuant to sections 313.425 to
247 313.437.

313.230. The commission shall:

2 (1) Issue rules and regulations concerning the
3 operation of the Missouri state lottery. The rules and
4 regulations shall include, but shall not be limited to, the
5 following:

6 (a) The type of lottery to be conducted, [except no
7 lottery may use any coin- or token-operated amusement device
8 and no lottery game shall be based in any form on the
9 outcome of sporting events. However, it shall be legal to]
10 including the use of clerk- or player-activated terminals[,
11 which are coin- or currency-operated,] to conduct lottery
12 games, to offer electronic lottery game plays, to print
13 lottery tickets, and to dispense lottery tickets;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 [(1)] (2) Such other matters necessary or desirable
52 for the efficient and economical operation and
53 administration of the lottery and for the convenience of the
54 purchasers of tickets or shares and the holders of winning
55 tickets or shares. The commission may disburse money for
56 payment of lottery prizes;

57 [(2)] (3) Amend, repeal, or supplement any such rules
58 and regulations from time to time as it deems necessary or
59 desirable;

60 [(3)] (4) Advise and make recommendations to the
61 director regarding the operation and administration of the
62 lottery;

63 [(4)] (5) Report quarterly to the governor and the
64 general assembly the total lottery revenues, prize
65 disbursements and other expenses for the preceding quarter,
66 and to make an annual report, which shall include a full and
67 complete statement of lottery revenues, prize disbursements

68 and other expenses, to the governor and the general
69 assembly, and including such recommendations for changes in
70 sections 313.200 to 313.350 as it deems necessary or
71 desirable;

72 [(5)] (6) Report to the governor and general assembly
73 any matters which shall require immediate changes in the
74 laws of this state in order to prevent abuses and evasions
75 of sections 313.200 to 313.350 or rules and regulations
76 promulgated thereunder or to rectify undesirable conditions
77 in connection with the administration or operation of the
78 lottery;

79 [(6)] (7) Carry on a continuous study and
80 investigation of the lottery throughout the state and to
81 make a continuous study and investigation of the operation
82 and the administration of similar laws which may be in
83 effect in other states or countries, any literature on the
84 subject which from time to time may be published or
85 available, any federal laws which may affect the operation
86 of the lottery, and the reaction of Missouri citizens to
87 existing and potential features of the lottery with a view
88 to recommending or effecting changes that will tend to serve
89 the purposes of sections 313.200 to 313.350;

90 [(7)] (8) Ensure that all employees of the state
91 lottery commission hired after July 12, 1990, shall not be
92 related to any member of the state lottery commission or any
93 employee of the state lottery commission within the third
94 degree of consanguinity or affinity.

313.255. 1. The director shall issue, suspend,
2 revoke, and renew licenses for lottery game retailers
3 pursuant to rules and regulations adopted by the
4 commission. Such rules shall specify that at least ten
5 percent of all licenses awarded to lottery game retailers in
6 constitutional charter cities not within a county and

7 constitutional charter cities with a population of at least
8 four hundred fifty thousand not located wholly within a
9 county of the first class with a charter form of government
10 shall be awarded to minority-owned and -controlled business
11 enterprises. Licensing rules and regulations shall include
12 requirements relating to the financial responsibility of the
13 licensee, the accessibility of the licensee's place of
14 business or activity to the public, the sufficiency of
15 existing licenses to serve the public interest, the volume
16 of expected sales, the security and efficient operation of
17 the lottery, and other matters necessary to protect the
18 public interest and trust in the lottery and to further the
19 sales of lottery tickets or shares. Lottery game retailers
20 shall be selected without regard to political affiliation.

21 2. (1) The commission may sell lottery tickets at its
22 office and at special events.

23 (2) The commission may authorize the placement of pull-
24 tab machines, in substantially the same form as such pull-
25 tab machines are authorized as of August 28, 2021, in any
26 video lottery game retailer, as such term is defined in
27 section 313.427. Beginning January 1, 2023, the commission
28 may authorize the use of pull-tab machines that utilize
29 electronically generated ticket facsimiles where game plays
30 are pre-determined from a finite pool of ticket results.

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

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

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

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

- 42 (1) Has knowingly provided false or misleading
- 43 information to the commission or its employees;
- 44 (2) Has been convicted of any felony; or
- 45 (3) Has endangered the security of the lottery.

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

- 48 (1) A change of business location;
- 49 (2) An insufficient sales volume;
- 50 (3) A delinquency in remitting money owed to the
- 51 lottery; [or]
- 52 (4) Any violation of any rule or regulation adopted
- 53 pursuant to this section by the commission; or
- 54 (5) Possession of a gambling device as defined
- 55 pursuant to section 572.010 or possession of a device in
- 56 violation of sections 313.425 to 313.437.

313.425. Sections 313.425 to 313.437 shall be known
2 and may be cited as the "Missouri Video Lottery Control Act"
3 and shall establish the regulatory framework for the use of
4 player-activated video terminals for the conduct of lottery
5 games.

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

- 3 (1) "Bar", a business registered to do business in the
- 4 state of Missouri that maintains a license issued pursuant
- 5 to chapter 311 to sell liquor at retail for onsite
- 6 consumption;
- 7 (2) "Centralized computer system", a computerized
- 8 system developed or procured by the commission that video
- 9 lottery game terminals are connected to using standard
- 10 industry protocols that can activate or deactivate a
- 11 particular video lottery game terminal from a remote

12 location, and that is capable of monitoring and auditing
13 video lottery game plays;

14 (3) "Commission" or "lottery commission", the five-
15 member body appointed by the governor to manage and oversee
16 the lottery under section 313.215;

17 (4) "Director", the director of the commission;

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

27 (6) "Sales agent", any person who, directly or
28 indirectly, solicits, procures, or negotiates a contract
29 between or on behalf of a video lottery game retailer or a
30 video lottery game operator for the placement and operation
31 of a video lottery game terminal;

32 (7) "Truck stop", a location that provides parking and
33 is equipped for fueling commercial vehicles, that has sold
34 on average ten thousand gallons of diesel or biodiesel fuel
35 each month for the previous twelve months or is projected to
36 sell an average of ten thousand gallons of diesel or
37 biodiesel fuel each month for the next twelve months, that
38 is situated on two acres or more of land that operates a
39 convenience store and that obtains and maintains a lottery
40 game retailer license issued by the commission to offer
41 lottery games played on video lottery game terminals;

42 (8) "Veterans' organization", a post or organization
43 of veterans, or an auxiliary unit or society of, or a trust
44 or foundation for, any such post or organization organized

45 in the United States or any of its possessions in which at
46 least seventy-five percent of the members are veterans of
47 the United States Armed Forces and substantially all of the
48 other members are individuals who are veterans or are
49 cadets, or are spouses, widows or widowers of war veterans
50 of such individuals, in which no part of the net earnings
51 inures to the benefit of any private shareholder or
52 individual, and which has been exempted from payment of
53 federal income taxes;

54 (9) "Video lottery game", any lottery game approved by
55 the commission for play on an approved video lottery game
56 terminal;

57 (10) "Video lottery game adjusted gross receipts", the
58 total of cash or cash equivalents used for the play of a
59 video lottery game on a video lottery game terminal minus
60 cash or cash equivalent paid to players as a result of
61 playing video lottery games on a video lottery game terminal;

62 (10) "Video lottery game handler", a person employed
63 by a licensed video lottery game operator and who is
64 licensed by the commission to handle, place, operate, and
65 service video lottery game terminals and associated
66 equipment;

67 (12) "Video lottery game manufacturer" or
68 "distributor", any person licensed by the commission that
69 manufactures video lottery game terminals or major parts and
70 components for video lottery game terminals as approved by
71 the lottery commission for sale to licensed video lottery
72 game operators, or a person licensed by the commission to
73 distribute or service video lottery game terminals or major
74 parts and components of video lottery game terminals
75 including buying, selling, leasing, renting, or financing
76 new, used, or refurbished video lottery game terminals to

77 and from licensed video lottery game manufacturers and
78 licensed video lottery game operators;

79 (13) "Video lottery game operator", a person licensed
80 by the commission that owns, rents, or leases and services
81 or maintains video lottery game terminals for placement in
82 licensed video lottery retailer establishments;

83 (14) "Video lottery game retailer", a retail
84 establishment possessing a lottery game retailer license
85 under section 313.255, that also secures and maintains a
86 license to conduct video lottery games played on a video
87 lottery game terminal or terminals and that is a fraternal
88 organization, veterans organization, bar, or truck stop;

89 (15) "Video lottery game terminal", a player-activated
90 terminal that exchanges coins, currency, tickets, ticket
91 vouchers, or electronic payment methods approved by the
92 commission for credit on such terminal used to play video
93 lottery games approved by the commission. Such video
94 lottery game terminals shall use a video display and may use
95 a microprocessor capable of randomly generating the outcome
96 of such video lottery games and be capable of printing and
97 issuing a ticket at the conclusion of any video lottery game
98 play that may be redeemed at a video lottery game ticket
99 redemption terminal or may be reinserted into a video
100 lottery game terminal at the retail establishment where it
101 was printed for video lottery game credit and game plays.
102 All video lottery games approved by the commission for play
103 on a video lottery game terminal shall have a minimum
104 theoretical payout of eighty-five percent. The term "video
105 lottery game terminal" shall not include any pull-tab
106 machine approved by the commission;

107 (16) "Video lottery game terminal credit", one cent,
108 five cents, ten cents, or twenty-five cents either won or
109 purchased by a player on a video lottery game terminal that

110 may be used to play video lottery games and that may be
111 converted into a video lottery game ticket;

112 (17) "Video lottery game ticket" or "ticket", a
113 document printed or electronically created at the conclusion
114 of any video lottery game play or group of plays on a video
115 lottery game terminal that is redeemable for cash utilizing
116 a video lottery game ticket redemption terminal or that may
117 be reinserted into a video lottery game terminal in the
118 establishment from which such ticket is issued for video
119 lottery game terminal credit;

120 (18) "Video lottery game ticket redemption terminal",
121 the collective hardware, software, communications
122 technology, and other ancillary equipment used to facilitate
123 the payment of tickets cashed out by players as a result of
124 playing a video lottery game terminal.

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

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

13 (2) Video lottery game operator shall not be issued a
14 license as a video lottery game manufacturer, a video
15 lottery game distributor, or a video lottery game retailer;
16 and

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

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

24 2. Under no circumstances shall the commission:

25 (1) Allow the placement of more than twelve thousand
26 five hundred video lottery game terminals in the state;

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

30 (3) Allow a single licensed video lottery game
31 operator to control or operate more than twenty-five percent
32 of video lottery game terminals in the state after December
33 31, 2029.

34 3. (1) The video lottery game system authorized by
35 this section shall allow for multiple video lottery game
36 manufacturers, video lottery game distributors, and video
37 lottery game operators to encourage private sector
38 investment and job opportunities for Missouri citizens.
39 Video lottery game terminals and video lottery game ticket
40 redemption terminals shall be connected to a centralized
41 computer system developed or procured by the commission.
42 The commission shall provide licensed video lottery game
43 operators with the necessary protocols to connect the
44 operators' video lottery game terminal or terminals to the
45 centralized computer system after such terminal or terminals
46 have been approved by the commission. No video lottery game
47 terminal or video lottery game ticket redemption terminal
48 shall be in operation unless connected to the centralized
49 computer system after such terminal or terminals have been

50 approved by the commission. A vendor that provides the
51 centralized computer system authorized under this subsection
52 shall not be eligible to be licensed as a video lottery game
53 operator or video lottery game retailer. The commission may
54 impose an initial nonrefundable license application fee to
55 cover the cost of investigating the background of the
56 licensee, including a criminal background check, as follows:

57 (a) For video lottery game manufacturers, video
58 lottery game distributors, and video lottery game operators,
59 no more than twenty-five thousand dollars;

60 (b) For sales agents, no more than one thousand
61 dollars;

62 (c) For video lottery game retailer establishments, no
63 more than five hundred dollars; or

64 (d) For video lottery game handlers, no more than one
65 hundred dollars.

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

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

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

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

78 (3) In addition to the license fees required in
79 subdivisions (1) and (2) of this subsection, video lottery
80 game operators shall pay the commission an annual license
81 fee of two hundred dollars for each video lottery game
82 terminal placed in service. Such video lottery game

83 terminal license shall be renewed each year and cost two
84 hundred dollars. A license issued under this subsection is
85 nontransferable.

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

91 4. No license shall be issued to any person, and no
92 person shall be allowed to serve as a sales agent, who has
93 been convicted of a felony or a crime involving illegal
94 gambling. Sales agents shall register with the commission,
95 and shall not, directly or indirectly, solicit, procure, or
96 negotiate any contract between or on behalf of a video
97 lottery game retailer or a video lottery game operator for
98 the placement and operation of a video lottery game terminal
99 before registering with the commission. Any sales agent who
100 violates the provisions of this subsection shall have such
101 sales agent's registration revoked.

102 5. No license requirement, sticker fee, or tax shall
103 be imposed by any local jurisdiction upon a video lottery
104 game manufacturer, video lottery game distributor, video
105 lottery game operator, video lottery game retailer, video
106 lottery game handler, or video lottery game terminal or an
107 establishment relating to the operation of video lottery
108 games, video lottery game terminals, or associated equipment.

109 6. (1) Video lottery game terminals shall meet
110 independent testing standards approved by the commission.
111 Video lottery game terminal testing shall be performed under
112 the supervision of the Missouri gaming commission authorized
113 pursuant to section 313.004 or by one or more licensed
114 independent test labs approved by the Missouri gaming
115 commission. Video lottery game terminals shall be capable

116 of printing a ticket redeemable for winning video lottery
117 game plays. Such video lottery game terminals shall be
118 inspected and approved prior to being sold, leased, or
119 transferred.

120 (2) Licensed video lottery game manufacturers may buy,
121 sell, or lease new or refurbished video lottery game
122 terminals to and from licensed video lottery game
123 distributors.

124 (3) Licensed video lottery game distributors may buy,
125 sell, or lease new or refurbished video lottery game
126 terminals to or from licensed video lottery game
127 manufacturers or licensed video lottery game operators.

128 7. (1) Licensed video lottery game operators:

129 (a) May buy, lease, or rent video lottery game
130 terminals from licensed video lottery game manufacturers,
131 operators, or distributors;

132 (b) May handle, place, and service video lottery game
133 terminals;

134 (c) Shall connect such video lottery game terminals
135 and video lottery game ticket redemption terminals to the
136 centralized computer system approved by the commission; and

137 (d) Shall, notwithstanding the provisions of section
138 313.321 to the contrary, pay all video lottery game winnings
139 using a video lottery game ticket redemption terminal. Such
140 video lottery ticket redemption terminal shall be located
141 within the video lottery game retailer's establishment in
142 direct proximity of where such video lottery games are
143 offered. Video lottery game operators shall pay the
144 commission thirty-two percent of any unclaimed cash prize
145 associated with a winning ticket that has not been redeemed
146 within one hundred eighty days of issue.

147 Rents or leases for video lottery game terminals shall be
148 written at a flat rate and shall not include revenue

149 splitting as a method used in the calculation of the lease
150 or rent.

151 (2) Licensed video lottery game operators and licensed
152 video lottery game retailers shall enter into a written
153 agreement for the placement of video lottery game
154 terminals. The agreement shall be on a form approved by the
155 commission and shall specify an equal division of adjusted
156 gross receipts, or, upon approval of the commission, a
157 negotiated division of adjusted gross receipts between the
158 video lottery game operator and the video lottery game
159 retailer after adjustments for taxes and administrative fees
160 are made. A video lottery game operator shall be
161 responsible for remitting to the commission and the video
162 lottery game retailer its share of adjusted gross receipts.
163 Nothing in this subdivision shall prohibit a licensed video
164 lottery game operator from entering into an agreement with a
165 sales agent for retailer agreements provided such agreement
166 is in writing and approved by the commission prior to
167 beginning sales activities and prior to the start date
168 established pursuant to section 313.431. Video lottery game
169 operators and their sales agents and affiliates and video
170 lottery game retailers are specifically prohibited from
171 offering anything of value, other than the percentage of
172 adjusted gross receipts provided under this subsection,
173 except that a video lottery game operator may provide up to
174 seven thousand five hundred dollars to a video lottery game
175 retailer, with an equal amount provided by the video lottery
176 game retailer, for structural changes needed at the video
177 lottery game retailer's establishment to comply with the
178 provisions of subsection 9 of this section. A retailer
179 shall not enter into an agreement with a video lottery game
180 operator prior to the start date established by the director
181 pursuant to subdivision (4) of section 313.431 for the

182 initial or continued placement of video lottery game
183 terminals. Contract agreements entered into prior to the
184 start date established pursuant to section 313.431 between a
185 prospective video lottery game terminal operator or sales
186 agent with a prospective video lottery game retailer shall
187 be invalid.

188 (3) To combat problem gambling, video lottery game
189 operators shall allow players to be self-excluded from video
190 lottery game play. Operators shall provide the commission
191 with a list of players that have elected to be excluded from
192 video lottery game play within thirty days of such election
193 and shall update such list periodically as required by the
194 commission. Such self-excluded list shall be considered
195 confidential information and shall not be released to the
196 public. The commission shall issue such self-exclusion
197 procedures by rule.

198 (4) Nothing in this section shall be construed to
199 prevent a video lottery game operator or a video lottery
200 retailer from using a player rewards system or electronic
201 cashless payment system as approved by the commission. No
202 player shall be required to enroll in a rewards program
203 offered by a video lottery game operator or video lottery
204 game retailer as a condition to play video lottery games.

205 8. No licensed video lottery game operator shall:

206 (1) Offer video lottery gaming terminals that directly
207 dispense anything of value except for tickets for winning
208 plays. Tickets shall be dispensed by pressing the ticket
209 dispensing button on the video lottery gaming terminal at
210 the end of any video lottery game play. The ticket shall
211 indicate the total amount of video lottery game terminal
212 credits and the cash award, the time of day in a 24-hour
213 format showing hours and minutes, the date, the terminal
214 serial number, the sequential number of the ticket, and an

215 encrypted validation number from which the validity of the
216 prize may be determined. The cost of the video lottery game
217 terminal credits shall be one cent, five cents, ten cents,
218 or twenty-five cents, and the maximum wager played per video
219 lottery game shall not exceed five dollars, with the payoff
220 for a winning maximum wager for a single game play being no
221 more than one thousand dollars. Any state or federal tax
222 reporting and withholding requirements shall be satisfied by
223 the video lottery game operator;

224 (2) Operate more than five video lottery game
225 terminals per location on the premises of a fraternal
226 organization, veterans organization, bar, or truck stop that
227 has secured and maintains a video lottery game retailer's
228 license. The operating location for any video lottery game
229 terminal shall be approved by the commission prior to such
230 video lottery game terminals being placed. The commission
231 may, at its sole discretion, deny such location pursuant to
232 the provisions of sections 313.425 to 313.437 and to the
233 rules and regulations governing the placement of such
234 terminals;

235 (3) Advertise video lottery games outside of a
236 licensed video lottery game retailer's establishment through
237 any media outlets or direct mail or telephone
238 solicitations. The advertising prohibition contained in
239 this subdivision shall apply to all licensees including, but
240 not limited to, video lottery game manufacturers, video
241 lottery game distributors, video lottery game operators,
242 video lottery game retailers, and video lottery game
243 handlers. Any allowable advertising conducted at the video
244 lottery game retailer's establishment shall be at the sole
245 expense of the video lottery game retailer, and shall be
246 approved by the commission;

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

250 9. (1) A person under twenty-one years of age shall
251 not play video lottery games, and such video lottery game
252 terminals shall be under the supervision of a person that is
253 at least twenty-one years of age to prevent persons under
254 twenty-one years of age from playing video lottery games.
255 Video lottery game terminals shall be placed in a fully
256 enclosed room that is continually monitored by video
257 surveillance and where access to persons under twenty-one
258 years of age is denied by a procedure approved by the
259 commission. A warning sign shall be posted in a conspicuous
260 location where such video lottery game terminals are
261 located, containing in red lettering at least one-half inch
262 high on a white background the following:

263 "YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY
264 VIDEO LOTTERY GAMES"

265 In addition to the placement and supervision requirements of
266 this subsection, a video lottery game operator shall provide
267 video surveillance in the immediate area of the video
268 lottery game retailer's establishment where video lottery
269 game terminals are located. Recorded video from such
270 surveillance system shall be made available to the
271 commission upon request and shall be reviewed by video
272 lottery game operators as required by the commission for any
273 violation of law, rules, or regulations governing the
274 conduct of video lottery games. A video lottery game
275 operator that fails to report any known violation of law,
276 rules, or regulations governing the conduct of video lottery
277 games in conformance with established commission procedures
278 may be subject to an administrative fine not to exceed five
279 thousand dollars. Any video lottery game retailer that

280 fails to report any known violation of law, rules, or
281 regulations governing the conduct of video lottery games in
282 conformance with established commission procedures may be
283 subject to an administrative fine not to exceed five
284 thousand dollars. Video lottery game retailers shall
285 provide an intrusion detection system capable of detecting
286 unauthorized entrance of the video lottery game retailer's
287 establishment during nonbusiness hours and shall report to
288 the commission any unauthorized entrance of the video
289 lottery game retailer's establishment. Such surveillance
290 and intrusion detection system shall meet specifications as
291 defined by the commission.

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

297 10. (1) Video lottery game operators shall pay the
298 commission thirty-six percent of the video lottery game
299 adjusted gross receipts, which shall be deposited in the
300 state lottery fund. The commission shall transfer, subject
301 to appropriation, the amount received from the operator from
302 the lottery fund to the lottery proceeds fund after
303 administrative expenses equal to four percent of the video
304 lottery game adjusted gross receipts are paid to the
305 municipality where a licensed video lottery game retailer
306 maintains an establishment licensed for the operation of
307 video lottery game terminals, or if such licensed
308 establishment is not located within the corporate boundaries
309 of a municipality, then the county where such licensed
310 establishment is located to reimburse such municipality or
311 county for administrative expenses, and any administrative
312 expenses for the commission that are not covered by

313 reimbursements from operators are deducted. Net proceeds
314 transferred to the lottery proceeds fund shall be
315 appropriated to public elementary and secondary education
316 and public institutions of higher education.

317 (2) Video lottery game operators shall retain the
318 remainder of the video lottery game adjusted gross receipts,
319 a portion of which shall be utilized to pay for
320 administrative expenses which shall include the cost of the
321 centralized computer system, which cost shall be paid by
322 video lottery game operators in proportion to the number of
323 video lottery game terminals operated. Fifty percent of the
324 costs of the centralized computer system shall be
325 apportioned by the video lottery game operator among video
326 lottery game retailers to which it provides operations based
327 on the number of video lottery game terminals located at the
328 video lottery game retailer's establishment. The remainder
329 of adjusted gross receipts retained by the video lottery
330 game operator, after the cost of the centralized computer
331 system and administrative costs are paid and apportioned,
332 shall be divided equally between the video lottery game
333 operator and video lottery game retailer as agreed under
334 subdivision (2) of subsection 6 of this section.

335 11. All revenues received by the commission from
336 license fees and any reimbursements associated with the
337 administration of the provisions of sections 313.425 to
338 313.437, and all interest earned thereon, shall be
339 considered administrative expenses and shall be deposited in
340 the state lottery fund. Moneys deposited into the state
341 lottery fund from license fees and any reimbursements of
342 commission administrative expenses to administer sections
343 313.425 to 313.437 shall be considered administrative
344 expenses and shall not be considered net proceeds pursuant
345 to Article III, Section 39(b) of the Missouri Constitution.

346 Subject to appropriation, up to one percent of such license
347 fees shall be deposited to the credit of the compulsive
348 gamblers fund created under section 313.842. The remainder
349 of the money deposited in the state lottery fund from video
350 lottery game license fees and any reimbursements of
351 commission administrative expenses to enforce sections
352 313.425 to 313.437 shall, subject to appropriation, be used
353 for administrative expenses associated with supervising and
354 enforcing the provisions of sections 313.425 to 313.437.

355 12. (1) The commission shall conduct background
356 investigations into applicants for any video lottery game
357 license. The director may contract with a state law
358 enforcement entity or the Missouri gaming commission to
359 assist in such background investigations or any
360 investigation of a violation of sections 313.425 to 313.437.

361 (2) Any violation of sections 313.425 to 313.437 shall
362 be reported by a licensee, Missouri lottery commission
363 staff, the Missouri gaming commission, or state agency or
364 local law enforcement to the director for appropriate
365 disciplinary action, and shall refer any potential criminal
366 violation, with any evidence thereof, to the appropriate law
367 enforcement agency. Any appeal of disciplinary action taken
368 shall be pursuant to rules and regulations adopted by the
369 commission and shall be consolidated with any appeal of
370 disciplinary action taken against any other license issued
371 by the commission to the same licensee. Upon a finding that
372 a video lottery game licensee committed a violation of
373 sections 313.425 to 313.437, the director may impose an
374 administrative fine not to exceed five thousand dollars,
375 suspend the applicable license for up to thirty days, and,
376 in the case of a repeated knowing violation, revoke such
377 license for a period of one year.

378 (3) Any such administrative fine, suspension, or
379 revocation upheld by the commission may be appealed by the
380 video lottery game licensee in a state court of competent
381 jurisdiction.

382 13. In addition to any other penalties provided by
383 law, the possession or use of any video gaming terminal,
384 machine, or device capable of simulating lottery games,
385 games of chance, or gambling games, whether or not there is
386 an element of skill involved, that uses a video display and
387 microprocessor capable of randomly generating the outcome of
388 such games in the possession of any video lottery game
389 licensee that is not authorized by the commission, shall be
390 a violation of sections 313.425 to 313.437. Any lottery
391 vendor or licensee that violates the provisions of this
392 subsection shall be deemed guilty of a class D felony and
393 fined up to ten thousand dollars per occurrence, and such
394 fines shall be deposited in the compulsive gamblers fund
395 created under section 313.842. The commission shall suspend
396 or revoke the license of any lottery vendor or licensee that
397 allows the use of any video terminal, gambling machine, or
398 device other than a video lottery game terminal authorized
399 pursuant to sections 313.425 to 313.437.

400 14. The commission shall adopt rules for the
401 implementation of the video lottery game system authorized
402 under sections 313.425 to 313.437, including, but not
403 limited to, the placement of video lottery terminals within
404 a retail establishment and for the active oversight of the
405 conduct of video lottery games. Any rule or portion of a
406 rule, as that term is defined in section 536.010, that is
407 created under the authority delegated in this section shall
408 become effective only if it complies with and is subject to
409 all of the provisions of chapter 536 and, if applicable,
410 section 536.028. This section and chapter 536 are

411 nonseverable and if any of the powers vested with the
412 general assembly pursuant to chapter 536 to review, to delay
413 the effective date, or to disapprove and annul a rule are
414 subsequently held unconstitutional, then the grant of
415 rulemaking authority and any rule proposed or adopted after
416 August 28, 2021, shall be invalid and void.

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

4 (1) Contract for the supply and operation of a
5 centralized computer system for video lottery games within
6 one hundred eighty days of the effective date of this act;

7 (2) Make license applications for video lottery game
8 manufacturers, video lottery game distributors, video
9 lottery game operators, video lottery game retailers, video
10 lottery game handlers, and registration for video lottery
11 game sales agents 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 eighty days
15 of the effective date of this act;

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

20 (4) Establish a start date, once applications and the
21 approved form contract are made available, whereby any
22 person seeking a license as a video lottery game operator
23 that has applied for a license to be a video lottery game
24 terminal operator, has paid the initial license fee, and
25 satisfactorily completed an initial criminal background
26 check may begin soliciting contracts with prospective video
27 lottery game retailers for the placement of video lottery

28 terminals. Such start date shall be set no more than ninety
29 days after applications are made available; and

30 (5) Establish a date that the video lottery game
31 system authorized pursuant to sections 313.425 to 313.437
32 may commence operation in a video lottery game retailer's
33 establishment, provided such date is not prior to January 1,
34 2023.

313.433. 1. Notwithstanding any other provision of
2 law to the contrary, participation by a person, firm,
3 corporation, or organization in any aspect of the state
4 lottery under sections 313.425 to 313.437 shall not be
5 construed to be a lottery or gift enterprise in violation of
6 Section 39 of Article III of the Constitution of Missouri.

7 2. The sale of lottery tickets, shares, or lottery
8 game plays using a video lottery game terminal under
9 sections 313.425 to 313.437 shall not constitute a valid
10 reason to refuse to issue or renew or to revoke or suspend
11 any license or permit issued under the provisions of chapter
12 311.

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

3 2. All shipments of gaming devices used to conduct
4 video lottery games authorized under sections 313.425 to
5 313.437 to licensees, the registering, recording, and
6 labeling of which have been completed by the manufacturer or
7 distributor thereof in accordance with 15 U.S.C. Sections
8 1171 to 1178, shall be legal shipments of gambling devices
9 into this state.

313.435. A municipality may adopt an ordinance
2 prohibiting video lottery game terminals within the
3 corporate limits of such municipality within one hundred
4 eighty days from the effective date of this act. A county
5 commission may, for the unincorporated area of the county,

6 adopt an ordinance prohibiting video lottery game terminals
7 within the unincorporated area of the county within one
8 hundred eighty days from the effective date of this act.

9 Any municipality or county adopting an ordinance prohibiting
10 the use of video lottery game terminals or repealing such an
11 ordinance prohibiting video lottery game terminals shall
12 notify and transmit such ordinance to the commission within
13 ten days. The commission shall not license video lottery
14 game retailers within such area covered by such ordinance.
15 Any such municipality or county that has opted to prohibit
16 the use of video lottery game terminals to play video
17 lottery games may repeal such ordinance and upon such repeal
18 the commission may license video lottery game retailers
19 within such municipality or county to conduct video lottery
20 games.

313.437. If any provision of sections 313.425 to
2 313.437 or the application thereof to anyone or to any
3 circumstance is held invalid, the remainder of those
4 sections and the application of such provisions to others or
5 other circumstances shall not be affected thereby.

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

4 (1) "Adjusted gross receipts", the gross receipts from
5 licensed gambling games and devices less:

6 (a) Winnings paid to wagerers; and

7 (b) Beginning January 1, 2023, twenty-five percent of
8 all promotional play wagers.

9 "Adjusted gross receipts" shall not include adjusted gross
10 receipts from sports wagering as defined in section 313.1000;

11 (2) "Applicant", any person applying for a license
12 authorized under the provisions of sections 313.800 to
13 313.850;

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

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

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

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

42 (7) "Credit instrument", a written check, negotiable
43 instrument, automatic bank draft or other authorization from
44 a qualified person to an excursion gambling boat licensee or
45 any of its affiliated companies licensed by the commission
46 authorizing the licensee to withdraw the amount of credit

47 extended by the licensee to such person from the qualified
48 person's banking account in an amount determined under
49 section 313.817 on or after a date certain of not more than
50 thirty days from the date the credit was extended, and
51 includes any such writing taken in consolidation, redemption
52 or payment of a previous credit instrument, but does not
53 include any interest-bearing installment loan or other
54 extension of credit secured by collateral;

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

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

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

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

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

78 (13) "Gambling game" includes, but is not limited to,
79 games of skill or games of chance on an excursion gambling

80 boat [but does not include gambling on sporting events];
81 provided such games of chance are approved by amendment to
82 the Missouri Constitution;

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

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

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

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

101 (18) "Licensee", any person licensed under sections
102 313.800 to 313.850;

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

111 (20) "Promotional play wagers", wagers placed by
112 patrons from coupons, downloadable credits, electronic

113 promotions, or any other cash equivalent provided to the
114 patron by the licensee for gambling games conducted pursuant
115 to sections 313.800 to 313.850;

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

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

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

136 (2) Is the gambling game a game of chance or a game of
137 skill?

138 All testimony shall be given under oath or affirmation. Any
139 citizen of this state shall have the opportunity to testify
140 on the merits of the petition. The commission may subpoena
141 witnesses to offer expert testimony. Upon conclusion of the
142 hearing, the commission shall evaluate the record of the
143 hearing and issue written findings of fact that shall be
144 based exclusively on the evidence and on matters officially
145 noticed. The commission shall then render a written

146 decision on the merits which shall contain findings of fact,
147 conclusions of law and a final commission order. The final
148 commission order shall be within thirty days of the
149 hearing. Copies of the final commission order shall be
150 served on the petitioner by certified or overnight express
151 mail, postage prepaid, or by personal delivery.

313.905. As used in sections 313.900 to 313.955, the
2 following terms shall mean:

3 (1) "Authorized internet website", an internet website
4 or any platform operated by a licensed operator;

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

6 (3) "Entry fee", anything of value including, but not
7 limited to, cash or a cash equivalent that a fantasy sports
8 contest operator collects in order to participate in a
9 fantasy sports contest;

10 (4) "Fantasy sports contest", any fantasy or simulated
11 game or contest with an entry fee in which:

12 (a) The value of all prizes and awards offered to the
13 winning participants is established and made known in
14 advance of the contest;

15 (b) All winning outcomes reflect in part the relative
16 knowledge and skill of the participants and are determined
17 predominantly by the accumulated statistical results of the
18 performance of individuals, including athletes in the case
19 of sports events; and

20 (c) No winnings outcomes are based on the score, point
21 spread, or any performance of any single actual team or
22 combination of teams or solely on any single performance of
23 an individual athlete or player in any single actual event.

24 The term "fantasy sports contest" shall also include peer-to-
25 peer fantasy sports contests;

26 (5) "Fantasy sports contest operator", any person,
27 entity, or division of a corporate entity that offers a

28 platform for the playing of fantasy contests, administers
29 one or more fantasy contests with an entry fee, and awards a
30 prize of value;

31 (6) "Highly experienced player", a person who has
32 either:

33 (a) Entered more than one thousand contests offered by
34 a single fantasy sports contest operator; or

35 (b) Won more than three fantasy sports prizes of one
36 thousand dollars or more;

37 (7) "In-game outcome", the result of any play,
38 performance, or other aspect of an athletic or sporting
39 event occurring during the course of such event that is
40 unrelated to the event's outcome;

41 (8) "Licensed operator", a fantasy sports contest
42 operator licensed pursuant to section 313.910 to offer
43 fantasy sports contests for play on an authorized internet
44 website in Missouri;

45 [(8)] (9) "Location", the geographical position of a
46 person as determined within a degree of accuracy consistent
47 with generally available internet protocol address locators;

48 [(9)] (10) "Location percentage", for all fantasy
49 sports contests, the percentage, rounded to the nearest one-
50 tenth of one percent, of the total entry fees collected from
51 registered players located in the state of Missouri at the
52 time of entry into a fantasy contest, divided by the total
53 entry fees collected from all players, regardless of the
54 players' location, of the fantasy sports contests;

55 [(10)] (11) "Minor", any person less than eighteen
56 years of age;

57 [(11)] (12) "Net revenue", for all fantasy sports
58 contests, the amount equal to the total entry fees collected
59 from all participants entering such fantasy sports contests

60 less winnings paid to participants in the contests,
61 multiplied by the location percentage;

62 (13) "Peer-to-peer fantasy sports contest", any
63 fantasy or simulated game or contest with an entry fee in
64 which one registered player places a wager with one or more
65 registered players based on the outcome of the contest. Peer-
66 to-peer fantasy sports contests shall include any contest in
67 which:

68 (a) Winning outcomes reflect in part the relative
69 knowledge and skill of the participants and are determined
70 predominantly by the accumulated statistical results of the
71 performance of individuals, including athletes in the case
72 of sports events, and in which no winning outcomes are based
73 on the score, point spread, or any performance of any single
74 actual team or combination of teams or solely on any single
75 performance of an individual athlete or player in any single
76 actual event; or

77 (b) Winning outcomes are based on the score, point
78 spread, any performance of any single actual team or
79 combination of teams, any single performance of an
80 individual athlete or player in any single actual event, or
81 any in-game outcome;

82 [(12)] (14) "Player", a person who participates in a
83 fantasy sports contest offered by a fantasy sports contest
84 operator;

85 [(13)] (15) "Prize", anything of value including, but
86 not limited to, cash or a cash equivalent, contest credits,
87 merchandise, or admission to another contest in which a
88 prize may be awarded. Such term shall also include winnings
89 from wagers placed in peer-to-peer fantasy sports contests;

90 [(14)] (16) "Registered player", a person registered
91 pursuant to section 313.920 to participate in a fantasy
92 sports contest;

93 [(15)] (17) "Script", a list of commands that a
94 fantasy-sports-related computer program can execute to
95 automate processes on a fantasy sports contest platform.

 313.915. 1. In order to ensure the protection of
2 registered players, an authorized internet website shall
3 identify the person or entity that is the licensed operator.

4 2. A licensed operator shall ensure that fantasy
5 sports contests on its authorized internet website comply
6 with all of the following:

7 (1) All winning outcomes are determined by accumulated
8 statistical results of fully completed contests or events,
9 and not merely any portion thereof, except that fantasy
10 participants may be credited for statistical results
11 accumulated in a suspended or shortened contest or event
12 which has been called on account of weather or other natural
13 or unforeseen event;

14 (2) Registered players shall not select athletes
15 through an autodraft that does not involve any input or
16 control by a registered player, or to choose preselected
17 teams of athletes;

18 (3) A prize shall not be offered to or awarded to the
19 winner of, or athletes in, the underlying competition
20 itself; and

21 (4) Fantasy sports contests shall not be based on the
22 performances of participants in high school or youth
23 athletics.

24 3. (1) In addition to the provisions of subsection 2
25 of this section, a licensed operator shall ensure that
26 wagers placed by registered players in peer-to-peer fantasy
27 sports contests on the licensed operator's authorized
28 internet website shall comply with any limits placed on such
29 wagers by the licensed operator.

30 (2) In addition to the entry fee for a peer-to-peer
31 fantasy sports contest, a licensed operator shall ensure
32 that wagers placed on such peer-to-peer fantasy sports
33 contest are remitted in advance of the contest, except that
34 wagers placed on in-game outcomes shall be remitted in
35 advance of the in-game outcome on which the wager is
36 placed. Such wagers shall be kept segregated from player
37 funds and operational funds as provided pursuant to
38 subsections 5 and 6 of this section.

39 (3) A licensed operator shall deposit any wager won by
40 a registered player into such registered player's account as
41 other prizes are deposited pursuant to subdivision (4) of
42 subsection 4 of this section.

43 4. A licensed operator shall have procedures approved
44 by the commission before operating in Missouri that:

45 (1) Prevent unauthorized withdrawals from a registered
46 player's account by the licensed operator or others;

47 (2) Make clear that funds in a registered player's
48 account are not the property of the licensed operator and
49 are not available to the licensed operator's creditors;

50 (3) Segregate player funds from operational funds as
51 provided under subsections ~~[4]~~ 5 and ~~[5]~~ 6 of this section;

52 (4) Ensure any prize won by a registered player from
53 participating in a fantasy sports contest is deposited into
54 the registered player's account within forty-eight hours or
55 mailed within five business days of winning the prize except
56 as provided under section 313.917;

57 (5) Ensure registered players can withdraw the funds
58 maintained in their individual accounts, whether such
59 accounts are open or closed, within five business days of
60 the request being made, unless the licensed operator
61 believes in good faith that the registered player engaged in
62 either fraudulent conduct or other conduct that would put

63 the licensed operator in violation of sections 313.900 to
64 313.955, in which case the licensed operator may decline to
65 honor the request for withdrawal for a reasonable
66 investigatory period until its investigation is resolved if
67 it provides notice of the nature of the investigation to the
68 registered player. For the purposes of this provision, a
69 request for withdrawal will be considered honored if it is
70 processed by the licensed operator but delayed by a payment
71 processor, credit card issuer or by the custodian of a
72 financial account;

73 (6) Allow a registered player to permanently close
74 their account at any time for any reason; and

75 (7) Offer registered players access to their play
76 history and account details.

77 [4.] 5. A properly constituted special purpose entity
78 shall be approved by the commission as a sufficient means of
79 segregating player funds from operational funds and wagers
80 placed in peer-to-peer fantasy sports contests. A properly
81 constituted special purpose entity shall:

82 (1) Have a governing board that includes one or more
83 corporate directors who are independent of the fantasy
84 sports contest operator and of any corporation controlled by
85 the fantasy sports contest operator;

86 (2) Hold, at a minimum, the sum of all authorized
87 player funds held in player accounts for use in fantasy
88 sports contests;

89 (3) Reasonably protect the funds against claims of the
90 operator's creditors other than the authorized players for
91 whose benefit and protection the special purpose entity is
92 established;

93 (4) Distribute funds only for the following purposes:

94 (a) For player account balance withdrawals or partial
95 balance withdrawals made upon the specific request of the
96 player;

97 (b) For income earned on the account, and owed to the
98 fantasy sports operator, calculated as the remainder of all
99 entry fees paid by users for fantasy sports contests minus
100 all user winnings and cash bonuses paid or owed to users,
101 payable to the fantasy sports contest operator;

102 (c) To the Missouri gaming commission in the event
103 that the fantasy sports operator's license expires, is
104 surrendered, or is otherwise revoked. The Missouri gaming
105 commission may interplead the funds in the Cole County
106 circuit court for distribution to the authorized players for
107 whose protection and benefit the account was established and
108 to other such persons as the court determines are entitled
109 thereto, or shall take such other steps as necessary to
110 effect the proper distribution of the funds, or may do both;
111 or

112 (d) As authorized in writing in advance by any
113 agreement approved by the Missouri gaming commission;

114 (5) Require a unanimous vote of all corporate
115 directors to file bankruptcy;

116 (6) Obtain permission from the Missouri gaming
117 commission prior to filing bankruptcy or entering into
118 receivership;

119 (7) Have corporate governance requirements which
120 prohibit commingling of funds with that of the fantasy
121 sports contest operator except as necessary to reconcile the
122 accounts of players with sums owed by those players to the
123 fantasy sports contest operator;

124 (8) Be restricted from incurring debt other than to
125 fantasy sports players under the rules that govern their
126 accounts for contests;

127 (9) Be restricted from taking on obligations of the
128 fantasy sports contest operator other than obligations to
129 players under the rules that govern their accounts for
130 contests; and

131 (10) Be prohibited from dissolving, merging, or
132 consolidating with another company without the written
133 approval of the Missouri gaming commission while there are
134 unsatisfied obligations to fantasy sports contest players.

135 [5.] 6. The commission, at its discretion, may approve
136 other commercially reasonable approaches to segregation of
137 funds so long as they adequately protect Missouri player
138 accounts.

139 [6.] 7. A licensed operator shall establish procedures
140 for a registered player to report complaints to the licensed
141 operator regarding whether his or her account has been
142 misallocated, compromised, or otherwise mishandled, and a
143 procedure for the licensed operator to respond to those
144 complaints.

145 [7.] 8. A registered player who believes his or her
146 account has been misallocated, compromised, or otherwise
147 mishandled should notify the commission. Upon notification,
148 the commission may investigate the claim and may take any
149 action the commission deems appropriate under subdivision
150 (4) of section 313.950.

151 [8.] 9. A licensed operator shall not issue credit to
152 a registered player.

153 [9.] 10. A licensed operator shall not allow a
154 registered player to establish more than one account or user
155 name on its authorized internet website.

313.1000. 1. The general assembly recognizes the
2 promotion of public safety is an important consideration for
3 sports leagues, teams, players, and fans at large. All
4 persons who present sporting contests are encouraged to take

5 reasonable measures to ensure the safety and security of all
6 involved in or attending sporting contests. Persons who
7 present sporting contests are encouraged to establish codes
8 of conduct that forbid all persons associated with the
9 sporting contest from engaging in violent behavior and to
10 hire, train, and equip safety and security personnel to
11 enforce such codes of conduct. Persons who present sporting
12 contests are further encouraged to provide public notice of
13 such codes of conduct.

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

16 (1) "Adjusted gross receipts":

17 (a) The total of all cash and cash equivalents
18 received by a sports wagering operator from sports wagering
19 minus:

20 (b) The total of:

21 a. All cash and cash equivalents paid out as winnings
22 to sports wagering patrons;

23 b. The actual costs paid by a sports wagering operator
24 for any personal property or services distributed to sports
25 wagering patrons as prizes;

26 c. Beginning January 1, 2023, twenty-five percent of
27 all promotional play wagers;

28 d. Voided wagers; and

29 e. Uncollectible sports wagering receivables, not to
30 exceed the lesser of:

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

33 (ii) Two percent of the total of all sums, including
34 checks, whether collected or not, less the amount paid out
35 as winnings to sports wagering patrons. For purposes of
36 this section, a counter or personal check that is invalid or
37 unenforceable under this section is considered cash received

38 by the sports wagering operator from sports wagering
39 operations;

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

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

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

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

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

49 (7) "Designated entertainment district", any
50 establishment registered to do business in this state that
51 is or becomes licensed pursuant to chapter 311 to sell
52 liquor at retail, and that is an area owned and operated by
53 an entity or affiliated entities that are licensed pursuant
54 to chapter 311 as an entertainment district as defined in
55 section 313.086, and such entity or affiliate entities have
56 made a verifiable financial investment of more than two
57 hundred million dollars to develop such district;

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

59 (a) Any area within this state that is a designated
60 entertainment district as of the effective date of sections
61 313.1000 to 313.1024 and continues to be qualified as a
62 designated entertainment district thereafter; provided,
63 however, that for the purposes of sections 313.1000 to
64 313.1024 the boundaries of such designated entertainment
65 district shall not be enlarged or otherwise modified after
66 the effective date of sections 313.1000 to 313.1024; or

67 (b) The premises of a facility located in this state
68 with a seating capacity of seventeen thousand five hundred
69 people or more, at which one or more professional sports

70 teams plays its home games, and the surrounding area within
71 four hundred yards of such premises;

72 (9) "Designated sports and entertainment district
73 entity":

74 (a) An establishment that is a designated
75 entertainment district as of the effective date of sections
76 313.1000 to 313.1024; or

77 (b) A person or entity registered to do business in
78 this state that owns or operates a professional sports team
79 that plays its home games within a designated sports and
80 entertainment district;

81 (10) "Esports", athletic and sporting events involving
82 electronic sports and competitive video games;

83 (11) "Excursion gambling boat", the same meaning as
84 defined under section 313.800;

85 (12) "Gross receipts", the total amount of cash and
86 cash equivalents paid by sports wagering patrons to a sports
87 wagering operator to participate in sports wagering;

88 (13) "Interactive sports wagering platform" or
89 "platform", a person that offers sports wagering over the
90 internet, including on internet websites and mobile devices
91 on behalf of a certificate holder;

92 (14) "Licensed applicant", a person holding a license
93 issued under section 313.807 to operate an excursion
94 gambling boat;

95 (15) "Licensed facility", an excursion gambling boat
96 licensed under this chapter;

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

99 (17) "Official league data", statistics, results,
100 outcomes, and other data relating to an athletic or sporting
101 event obtained pursuant to an agreement with the relevant
102 sports governing body, or an entity contracted with the

103 sports governing body to provide such information to sports
104 wagering operators, which authorizes the use of such data
105 for determining the outcome of tier two sports wagers;

106 (18) "Occupational license", a license issued by the
107 commission;

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

111 (20) "Personal biometric data", an athlete's
112 information derived from DNA, heart rate, blood pressure,
113 perspiration rate, internal or external body temperature,
114 hormone levels, glucose levels, hydration levels, vitamin
115 levels, bone density, muscle density, and sleep patterns;

116 (21) "Promotional play wagers", wagers placed by
117 patrons from coupons, downloadable credits, electronic
118 promotions, or any other cash equivalent provided to the
119 patron by the certificate holder for sports wagering
120 conducted pursuant to sections 313.1000 to 313.1024;

121 (22) "Sports governing body", the organization
122 headquartered in the United States that prescribes final
123 rules and enforces codes of conduct with respect to a
124 professional sporting event and participants therein;

125 (23) "Sports wagering", wagering conducted under
126 sections 313.1000 to 313.1024 on athletic and sporting
127 events involving human competitors and on esports, or on
128 other events as approved by the commission. Sports wagering
129 shall not include money spent to participate in paid fantasy
130 sports under sections 313.900 to 313.955;

131 (24) "Sports wagering commercial activity", any
132 operation, promotion, signage, advertising, or other
133 business activity relating to sports wagering, including the
134 operating or advertising of a business or location at which
135 sports wagering is offered or a business or location at

136 which sports wagering through one or more interactive sports
137 wagering platforms is promoted or advertised;

138 (25) "Sports wagering device", a mechanical,
139 electrical, or computerized contrivance, terminal, device,
140 apparatus, piece of equipment, or supply approved by the
141 commission for conducting sports wagering under sections
142 313.1000 to 313.1024. Sports wagering device shall not
143 include a device used by a sports wagering patron to access
144 an interactive sports wagering platform;

145 (26) "Sports wagering operator" or "operator", a
146 certificate holder or an interactive sports wagering
147 platform offering sports wagering on behalf of a certificate
148 holder;

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

151 (28) "Tier one sports wager", a sports wager that is
152 determined solely by the final score or final outcome of the
153 sporting event and is placed before the sporting event has
154 begun;

155 (29) "Tier two sports wager", a sports wager that is
156 not a tier one sports wager.

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

3 2. All shipments of gambling devices used to conduct
4 sports wagering under sections 313.1000 to 313.1024 to
5 licensed applicants or certificate holders, the registering,
6 recording, and labeling of which have been completed by the
7 manufacturer or dealer thereof in accordance with 15 U.S.C.
8 Sections 1171 to 1178, shall be legal shipments of gambling
9 devices into this state.

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

3 2. A licensed facility may offer sports wagering:

4 (1) In person at the licensed facility; and
5 (2) Over the internet via an interactive sports
6 wagering platform to persons physically located in this
7 state.

8 3. Notwithstanding any other provision of law to the
9 contrary, sports wagering commercial activity shall be
10 prohibited from being conducted within any designated sports
11 and entertainment district by or on behalf of any person or
12 entity that directly or indirectly offers sports wagering in
13 person or over the internet via an interactive sports
14 wagering platform, except to the extent such prohibition is
15 waived in writing by each designated sports and
16 entertainment district entity located in such designated
17 sports and entertainment district and such written waiver is
18 delivered to the commission. Nothing in this subsection
19 shall prohibit:

20 (1) Any certificate holder from offering sports
21 wagering over the internet via an interactive sports
22 wagering platform that is accessible to persons physically
23 located within such designated sports and entertainment
24 district in accordance with the provisions of sections
25 313.1000 to 313.1024; or

26 (2) Any restaurant, bar, or other business physically
27 located within a designated sports and entertainment
28 district from advertising sports wagering or conducting any
29 sports wagering commercial activity within its premises if
30 such advertising or commercial activity is not conducted by
31 or on behalf of, by contract or otherwise, any person or
32 entity that, directly or indirectly, offers sports wagering
33 in person or over the internet via an interactive sports
34 wagering platform.

313.1004. 1. The commission shall adopt rules to
2 implement the provisions of sections 313.1000 to 313.1024.

3 Any rule or portion of a rule, as that term is defined in
4 section 536.010, that is created under the authority
5 delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of
7 chapter 536 and, if applicable, section 536.028. This
8 section and chapter 536 are nonseverable and if any of the
9 powers vested with the general assembly pursuant to chapter
10 536 to review, to delay the effective date, or to disapprove
11 and annul a rule are subsequently held unconstitutional,
12 then the grant of rulemaking authority and any rule proposed
13 or adopted after August 28, 2021, shall be invalid and void.

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

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

18 (a) Wagers are received;

19 (b) Payouts are paid; and

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

21 (2) Standards governing how a certificate holder
22 offers sports wagering over the internet through an
23 interactive sports wagering platform to patrons physically
24 located in Missouri;

25 (3) The manner in which a certificate holder's books
26 and financial records relating to sports wagering are
27 maintained and audited, including standards for the daily
28 counting of a certificate holder's gross receipts from
29 sports wagering and standards to ensure that internal
30 controls are followed;

31 (4) Standards concerning the detection and prevention
32 of compulsive gambling; and

33 (5) Standards prohibiting sports wagering commercial
34 activity within any designated sports and entertainment
35 district and standards for applying and enforcing any waiver

36 of such prohibition by a designated sports and entertainment
37 district entity pursuant to subsection 3 of section 313.1003.

38 3. Rules adopted under this section shall require a
39 certificate holder to make commercially reasonable efforts
40 to do the following:

41 (1) Designate an area within the licensed facility
42 operated by the certificate holder for sports wagering
43 conducted under sections 313.1000 to 313.1024;

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

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

49 (4) Allow the commission to be present through the
50 commission's gaming agents during the time sports wagering
51 is conducted in all areas of the certificate holder's
52 licensed facility in which sports wagering is conducted, to
53 do the following:

54 (a) Ensure maximum security of the counting and
55 storage of the sports wagering revenue received by the
56 certificate holder;

57 (b) Certify the sports wagering revenue received by
58 the certificate holder;

59 (c) Receive complaints from the public;

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

62 (6) Provide written information to sports wagering
63 patrons about sports wagering, payouts, winning wagers, and
64 other information considered relevant by the commission;

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

313.1006. 1. A licensed applicant who wishes to offer sports wagering under sections 313.1000 to 313.1024 shall:

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

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

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

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

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

(2) A certificate holder may administer or contract with up to three individually branded interactive sports wagering platforms to administer interactive sports wagering on the certificate holder's behalf.

(3) A certificate holder or an interactive sports wagering platform provider shall be authorized to allow

19 patrons to establish and fund a sports wagering account
20 electronically through a licensed interactive sports
21 wagering platform without having to visit a physical
22 location.

23 3. (1) Sports wagering may be conducted with chips,
24 tokens, electronic cards, or money or other negotiable
25 currency.

26 (2) A certificate holder shall determine the minimum
27 and maximum wagers in sports wagering conducted in the
28 certificate holder's licensed facility.

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

32 5. A sports wagering device shall be approved by the
33 commission and acquired by a certificate holder from a
34 licensed supplier.

35 6. The commission shall determine the occupations
36 related to sports wagering that require an occupational
37 license.

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

49 8. Subject to the approval of the commission, a
50 certificate holder may contract with a third party to

51 conduct sports wagering at the certificate holder's licensed
52 facility.

53 9. (1) A certificate holder may request approval from
54 the commission to use a limited mobile gaming system in the
55 certificate holder's sports wagering operations.

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

59 (a) The area designated under subsection 2 of this
60 section;

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

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

67 A patron shall not transmit a sports wager using a limited
68 mobile gaming system while present in any other location.

313.1010. 1. An interactive sports wagering platform
2 provider may offer sports wagering on behalf of a
3 certificate holder only if the interactive sports wagering
4 platform holds an interactive sports wagering platform
5 license issued by the commission.

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

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

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

13 3. Each year on or before the anniversary date of the
14 payment of the initial application fee under subsection 2 of
15 this section, an interactive sports wagering platform

16 provider holding a license issued under this section shall
17 pay to the commission an annual license renewal fee of fifty
18 thousand dollars. Such license renewal fees and the initial
19 application fee provided for under subdivision (2) of
20 subsection 2 of this section shall be deposited in the
21 gaming commission fund and distributed according to section
22 313.835.

23 4. Notwithstanding any other provision of law to the
24 contrary, the following information shall be confidential
25 and shall not be disclosed to the public unless required by
26 court order or by any other provision of sections 313.1000
27 to 313.1024:

28 (1) An interactive sports wagering platform license
29 application; and

30 (2) All documents, reports, and data submitted by an
31 interactive sports wagering platform provider to the
32 commission containing proprietary information, trade
33 secrets, financial information, or personally identifiable
34 information about any person.

313.1012. 1. A certificate holder shall verify that a
2 person placing a wager is of the legal minimum age for
3 placing a wager under sections 313.1000 to 313.1024.

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

15 are subsequently held unconstitutional, then the grant of
16 rulemaking authority and any rule proposed or adopted after
17 August 28, 2021, shall be invalid and void.

18 3. The commission shall adopt rules to ensure that
19 advertisements for sports wagering:

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

23 (2) Disclose the identity of the sports wagering
24 certificate holder;

25 (3) Provide information about or links to resources
26 relating to gambling addiction;

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

29 (5) Are not undertaken within any designated sports
30 and entertainment district without a waiver from each
31 applicable designated sports and entertainment district
32 entity pursuant to subsection 3 of section 313.1003.

313.1014. 1. The commission shall conduct background
2 checks on individuals seeking licenses under sections
3 313.1000 to 313.1024. A background check conducted under
4 this section shall be consistent with the provisions of
5 section 313.810, and shall include a search for criminal
6 history and any charges or convictions involving corruption
7 or manipulation of sporting events.

8 2. (1) A certificate holder shall employ commercially
9 reasonable methods to:

10 (a) Prohibit the certificate holder, directors,
11 officers, and employees of the certificate holder, and any
12 relative living in the same household of a person described
13 in this paragraph from placing sports wagers with the
14 certificate holder;

15 (b) Prohibit any individual with access to nonpublic
16 confidential information held by the certificate holder from
17 placing sports wagers with the certificate holder;

18 (c) Prevent the sharing of confidential information
19 that could affect sports wagering offered by the certificate
20 holder or by third parties until the information is made
21 publicly available; and

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

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

28 3. (1) A sports governing body may submit to the
29 commission in writing a request to restrict, limit, or
30 exclude a certain type, form, or category of sports wagering
31 with respect to sporting events sponsored by such sports
32 governing body if the sports governing body believes that
33 such type, form, or category of sports wagering may
34 undermine the integrity or perceived integrity of the
35 sporting events sponsored by such sports governing body.
36 The commission shall request comment from sports wagering
37 operators on all such requests. After giving due
38 consideration to all comments received, the commission
39 shall, upon a demonstration of good cause from the sports
40 governing body making the request that such type, form, or
41 category of sports wagering is likely to undermine the
42 integrity or perceived integrity of such sports governing
43 body or its sporting events, grant the request. The
44 commission shall respond to a request concerning a
45 particular event before the start of such event, or if it is
46 not feasible to respond before the start of such event, no
47 later than seven days after the request is made. If the

48 commission determines that the sports governing body making
49 the request is more likely than not to prevail in
50 successfully demonstrating good cause for its request, the
51 commission may provisionally grant the request of the sports
52 governing body until the commission makes a final
53 determination as to whether the sports governing body making
54 the request has demonstrated good cause. Absent such a
55 provisional grant by the commission, sports wagering
56 operators may continue to offer sports wagering on sporting
57 events that are the subject of such a request during the
58 pendency of the commission's consideration of the applicable
59 request.

60 (2) (a) No sports wager shall be placed on the
61 performance or nonperformance of any individual athlete
62 participating in a single game or match of a collegiate
63 sporting event in which a collegiate team from this state is
64 a participant.

65 (b) A certificate holder shall not offer any sports
66 wagers on any high school athletic or sporting event in
67 which a high school team from this state is a participant,
68 or on the individual performance statistics of an athlete in
69 a high school athletic or sporting event in which a high
70 school team from this state is a participant.

71 4. The commission and certificate holders shall
72 cooperate with investigations conducted by law enforcement
73 agencies, including by providing or facilitating the
74 provision of betting information and audio or video files
75 relating to persons placing sports wagers.

76 5. A certificate holder shall immediately report to
77 the commission any information relating to:

78 (1) Criminal or disciplinary proceedings commenced
79 against the certificate holder in connection with its
80 operations;

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

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

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

88 (5) Suspicious or illegal wagering activities.

89 6. A certificate holder shall maintain the
90 confidentiality of information provided by a sports
91 governing body to the certificate holder unless disclosure
92 is required by court order, the commission, or any other
93 provision of law.

94 7. (1) Certificate holders may use any data source to
95 determine the results of tier one sports wagers.

96 (2) Certificate holders shall use official league data
97 to determine the results of tier two wagers, unless the
98 certificate holder can demonstrate to the commission that
99 the sports governing body or its designee cannot provide a
100 feed of official league data to the certificate holder on
101 commercially reasonable terms.

102 (3) Certificate holders shall not purchase or utilize
103 any personal biometric data of an athlete unless the
104 certificate holder has received written permission from the
105 athlete's exclusive bargaining representative.

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

6 (1) Personally identifiable information of the bettor;

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

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

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

11 (5) The outcome of the bet; and

12 (6) Any discernable pattern of abnormal betting
13 activity by the patron.

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

18 (1) Personally identifiable information of the bettor;

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

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

21 (4) The location, including specific information
22 pertaining to the internet protocol address, where the bet
23 was placed;

24 (5) The outcome of the bet; and

25 (6) Any discernable pattern of abnormal betting
26 activity by the patron.

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

31 4. If a sports governing body has notified the
32 commission that real-time information sharing for wagers
33 placed on its sporting events is necessary and desirable,
34 sports wagering operators shall share in real time, at the
35 account level, and in pseudonymous form, the information
36 required to be retained under subsections 1 and 2 of this
37 section, other than video files, with the sports governing
38 body or its designee with respect to wagers on its sporting
39 events. Such information may be used by a sports governing
40 body solely for integrity purposes.

313.1018. 1. The performance of any act required, or the forbearance of any act prohibited, by sections 313.1000 to 313.1024, by an interactive sports wagering platform provider is imputed to the certificate holder on behalf of which the platform is operating, and vice versa.

2. A certificate holder is not liable under the laws of this state to any party, including patrons, for disclosing information as required under sections 313.1000 to 313.1024, and is not liable for refusing to disclose information unless required under sections 313.1000 to 313.1024.

3. Any person, firm, corporation, association, agent, or employee who knowingly violates any procedure implemented under sections 313.1000 to 313.1024 shall be liable for a civil penalty of not more than five thousand dollars for each violation, not to exceed fifty thousand dollars for violations arising out of the same transaction or occurrence, which shall accrue to the state and may be recovered in a civil action brought by the commission. Any licensee who violates any provision under sections 313.1000 to 313.1024 shall be subject to the actions and penalties provided under subdivision (6) of section 313.805, excluding any financial penalties in excess of those provided under this subsection.

4. (1) Any person, firm, corporation, association, agent, or employee shall be guilty of a class E felony for:

(a) Placing, or causing to be placed, a bet or wager on the basis of material nonpublic information relating to that bet or wager; or

(b) Knowingly engaging in, facilitating, or concealing conduct that intends to improperly influence a betting outcome of a sporting event for purposes of financial gain, in connection with betting or wagering on a sporting event.

34 (2) For the purposes of this subsection, a bet or
35 wager shall be "on the basis of material nonpublic
36 information" if the person placing the bet or wager, or
37 causing it to be placed, was aware of the material nonpublic
38 information when such person placed the bet or wager or
39 caused it to be placed. The term "material nonpublic
40 information" shall include personal biometric data.

313.1021. 1. A wagering tax equal to the rate imposed
2 pursuant to section 313.822 is imposed on the adjusted gross
3 receipts received from sports wagering conducted by a
4 certificate holder under sections 313.1000 to 313.1024. If
5 a third party is contracted to conduct sports wagering at a
6 certificate holder's licensed facility, the third party
7 contractor shall fulfill the certificate holder's duties
8 under this section.

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

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

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

5. (1) A certificate holder shall pay to the
26 commission an annual administrative fee of fifty thousand

27 dollars. The fee imposed shall be due one year after the
28 date on which the certificate holder commences sports
29 wagering operations under sections 313.1000 to 313.1024, and
30 on each annual anniversary date thereafter. The commission
31 shall deposit the administrative fees received under this
32 subsection in the gaming commission fund and shall
33 distribute such fees according to section 313.835.

34 (2) In addition to the annual administrative fee
35 required under this subsection, a certificate holder shall
36 pay to the commission a fee of ten thousand dollars to cover
37 the costs of a full reinvestigation of the certificate
38 holder in the fifth year after the date on which the
39 certificate holder commences sports wagering operations
40 under sections 313.1000 to 313.1024 and on each fifth year
41 thereafter. The commission shall deposit the fees received
42 under this subdivision in the gaming commission fund and
43 shall distribute such fees according to section 313.835.

313.1022. All sports wagers authorized under sections
2 313.1000 to 313.1024 shall be deemed initiated, received,
3 and otherwise made on the property of an excursion gambling
4 boat within this state. Consistent with the intent of the
5 United States Congress as articulated in the Unlawful
6 Internet Gambling Enforcement Act of 2006, 31 U.S.C.
7 Sections 5361 to 5367, as amended, the intermediate routing
8 of electronic data relating to lawful intrastate sports
9 wagers authorized under sections 313.1000 to 313.1024 shall
10 not determine the location or locations in which such wager
11 is initiated, received, or otherwise made.

313.1024. 1. (1) The commission shall establish a
2 hotline or other method of communication that allows any
3 person to confidentially report information about any
4 conduct that the person believes constitutes a violation of
5 the provisions of sections 313.1000 to 313.1024.

6 (2) The commission shall investigate all reasonable
7 allegations and shall refer any allegations that it deems
8 credible to the appropriate law enforcement entity.

9 (3) The identity of any reporting person shall remain
10 confidential unless such person authorizes disclosure of his
11 or her identity or until such time as the allegation of
12 conduct in violation of sections 313.1000 to 313.1024 is
13 referred to law enforcement.

14 (4) If the commission receives a complaint involving
15 an athlete, referee, owner, or any other person affiliated
16 in any way with a sports governing body, the commission
17 shall notify the appropriate sports governing body.

18 (5) The commission shall promulgate rules to implement
19 the provisions of this subsection. Any rule or portion of a
20 rule, as that term is defined in section 536.010, that is
21 created under the authority delegated in this section shall
22 become effective only if it complies with and is subject to
23 all of the provisions of chapter 536 and, if applicable,
24 section 536.028. This section and chapter 536 are
25 nonseverable and if any of the powers vested with the
26 general assembly pursuant to chapter 536 to review, to delay
27 the effective date, or to disapprove and annul a rule are
28 subsequently held unconstitutional, then the grant of
29 rulemaking authority and any rule proposed or adopted after
30 August 28, 2021, shall be invalid and void.

31 2. A sports wagering operator, sports governing body,
32 professional sports franchise, or higher education
33 institution shall not discharge, demote, suspend, threaten,
34 harass, or in any other manner discriminate against an
35 employee because of any lawful act performed by the employee
36 to provide information, cause information to be provided, or
37 otherwise assist in an investigation regarding any conduct

38 which the employee reasonably believes constitutes a
39 violation of the provisions of sections 313.1000 to 313.1024.

40 3. A person who alleges action or conduct by any
41 person in violation of subsection 2 of this section may seek
42 relief by bringing an action at law or equity in a court of
43 competent jurisdiction.

44 4. In any action brought pursuant to subsection 3 of
45 this section, a court may find that a violation of
46 subsection 2 of this section has occurred and award judgment
47 for the employee only if:

48 (1) The employee demonstrates by a preponderance of
49 the evidence that the actions of the employee to provide
50 information or assist in an investigation were a
51 contributing factor to the discharge or other
52 discrimination; and

53 (2) The employer does not demonstrate, by clear and
54 convincing evidence, that the employer would have taken the
55 same unfavorable personnel action in the absence of behavior.

56 5. An action brought pursuant to subsection 3 of this
57 section shall be commenced not later than one hundred eighty
58 days after the later of:

59 (1) The date on which the violation occurs; or

60 (2) The date on which the employee became aware of the
61 violation.

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

3 (1) "Advance gambling activity", a person advances
4 gambling activity if, acting other than as a player, he or
5 she engages in conduct that materially aids any form of
6 gambling activity. Conduct of this nature includes but is
7 not limited to conduct directed toward the creation or
8 establishment of the particular game, lottery, contest,
9 scheme, device or activity involved, toward the acquisition

10 or maintenance of premises, paraphernalia, equipment or
11 apparatus therefor, toward the solicitation or inducement of
12 persons to participate therein, toward the actual conduct of
13 the playing phases thereof, toward the arrangement or
14 communication of any of its financial or recording phases,
15 or toward any other phase of its operation. A person
16 advances gambling activity if, having substantial
17 proprietary control or other authoritative control over
18 premises being used with his or her knowledge for purposes
19 of gambling activity, he or she permits that activity to
20 occur or continue or makes no effort to prevent its
21 occurrence or continuation. The supplying, servicing and
22 operation of a licensed excursion gambling boat under
23 sections 313.800 to 313.840 does not constitute advancing
24 gambling activity;

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

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

34 (4) "Gambling", a person engages in gambling when he
35 or she stakes or risks something of value upon the outcome
36 of a contest of chance or a future contingent event not
37 under his or her control or influence, upon an agreement or
38 understanding that he or she will receive something of value
39 in the event of a certain outcome. Gambling does not
40 include bona fide business transactions valid under the law
41 of contracts, including but not limited to contracts for the
42 purchase or sale at a future date of securities or

43 commodities, and agreements to compensate for loss caused by
44 the happening of chance, including but not limited to
45 contracts of indemnity or guaranty and life, health or
46 accident insurance; nor does gambling include playing an
47 amusement device that confers only an immediate right of
48 replay not exchangeable for something of value. Gambling
49 does not include any licensed activity, or persons
50 participating in such games which are covered by sections
51 313.800 to 313.840;

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

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

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

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

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

76 and policy schemes are not gambling devices within this
77 definition;

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

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

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

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

106 (10) "Profit from gambling activity", a person profits
107 from gambling activity if, other than as a player, he or she
108 accepts or receives money or other property pursuant to an

109 agreement or understanding with any person whereby he
110 participates or is to participate in the proceeds of
111 gambling activity;

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

129 (12) "Something of value", any money or property, any
130 token, object or article exchangeable for money or property,
131 or any form of credit or promise directly or indirectly
132 contemplating transfer of money or property or of any
133 interest therein or involving extension of a service,
134 entertainment or a privilege of playing at a game or scheme
135 without charge;

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

572.015. Nothing in this chapter prohibits
2 constitutionally authorized activities under Article III,
3 Sections 39(a) to 39(f) of the Missouri Constitution,
4 including a raffle using tickets, a device, or a machine
5 where a person or persons buys one or more chances from a

6 finite number of draws for a prize. A machine or device
7 shall be certified as a raffle by an ISO-17025 accredited
8 independent testing laboratory authorized to test similar
9 devices for compliance in at least five jurisdictions.

572.100. The general assembly by enacting this chapter
2 intends to preempt any other regulation of the area covered
3 by this chapter. No governmental subdivision or agency may
4 enact or enforce a law that regulates or makes any conduct
5 in the area covered by this chapter an offense, or the
6 subject of a criminal or civil penalty or sanction of any
7 kind, except for the revocation, suspension, or denial by
8 the Missouri lottery commission, the Missouri gaming
9 commission, or the division of alcohol and tobacco control
10 of a license issued under chapter 311 or 313. The term
11 "gambling", as used in this chapter, does not include
12 licensed activities under sections 313.800 to 313.840.