

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2088**  
**100TH GENERAL ASSEMBLY**

4713H.04C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 311.660, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 313.807, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof thirty-four new sections relating to gaming, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 311.660, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 2 313.807, 572.010, 572.015, and 572.100, RSMo, are repealed and thirty-four new sections 3 enacted in lieu thereof, to be known as sections 311.660, 311.710, 311.720, 313.004, 313.230, 4 313.255, 313.360, 313.425, 313.427, 313.429, 313.431, 313.433, 313.434, 313.435, 313.437, 5 313.800, 313.807, 313.1000, 313.1002, 313.1003, 313.1004, 313.1006, 313.1008, 313.1010, 6 313.1012, 313.1014, 313.1016, 313.1018, 313.1021, 313.1022, 313.1024, 572.010, 572.015, and 7 572.100, to read as follows:

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

26 (9) Prescribe all forms of labels to be affixed to all packages containing intoxicating  
27 liquor of any kind; ~~and~~

28 (10) **To refer to the Missouri gaming commission any suspected illegal gambling**  
29 **activity punishable under chapter 572 being conducted on the premises of a location**  
30 **licensed under this chapter, which shall be investigated under subsection 13 of section**  
31 **313.004; and**

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

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

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

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

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

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

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

19 (6) Selling, giving or otherwise supplying intoxicating liquors between the hours of  
20 12:00 midnight Saturday night and 12:00 midnight Sunday night;

21 (7) **Permitting on the licensed premises any form of gambling device prohibited**  
22 **under chapter 572.**

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

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

42 4. Upon receipt of such complaint, whether from the complainant directly or from the  
43 supervisor of liquor control, the court shall set a date for an early hearing thereon and it shall be  
44 the duty of the circuit clerk to cause to be delivered by registered United States mail to the  
45 prosecuting attorney of the county or to the circuit attorney of the city of St. Louis and to the  
46 licensee copies of the complaint and ~~[he]~~ **the circuit clerk** shall, at the same time, give notice  
47 of the time and place of the hearing. Such notice shall be delivered to the prosecuting attorney  
48 or to the circuit attorney and to the licensee at least fifteen days prior to the date of the hearing.

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

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

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

61           8. It shall be the duty of the prosecuting attorney or circuit attorney to prosecute  
62 diligently and without delay any such complaints coming to ~~him~~ **such attorney** by virtue of this  
63 section.

64           9. The jurisdiction herein conferred upon the circuit courts to hear and determine  
65 complaints for the suspension or revocation of licenses in the manner provided in this section  
66 shall not be exclusive and any authority conferred upon the supervisor of liquor control to revoke  
67 or suspend licenses shall remain in full force and effect, and the suspension or revocation of a  
68 license as provided in this section shall be in addition to and not in lieu of any other revocation  
69 or suspension provided by this chapter.

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

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

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

          313.004. **1.** There is hereby created the "Missouri Gaming Commission" consisting of  
2 five members appointed by the governor, with the advice and consent of the senate. Each

3 member of the Missouri gaming commission shall be a resident of this state. No member shall  
4 have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not  
5 more than three members shall be affiliated with the same political party. No member of the  
6 commission shall be an elected official. The overall membership of the commission shall reflect  
7 experience in law enforcement, civil and criminal investigation and financial principles.

8         2. The initial members of the commission shall be appointed within thirty days of April  
9 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall  
10 be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter,  
11 all members appointed shall serve for a three-year term. No person shall serve as a member  
12 more than six years. The governor shall designate one of the members as the chair. The  
13 governor may remove any member of the commission from office for malfeasance or neglect of  
14 duty in office. The governor may also replace any member of the commission, with the advice  
15 and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel  
16 wagering or any other form of gaming is placed under the jurisdiction of the commission.

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

22         4. The commission shall perform all duties and have all the powers and responsibilities  
23 conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the  
24 lawful operation of the game of bingo under this chapter. Within the commission, there shall be  
25 established a division of gambling and after June 30, 1994, the division of bingo. Subject to  
26 appropriations, the commission may hire an executive director and any employees as it may  
27 deem necessary to carry out the commission's duties. The commission shall have authority to  
28 require investigations of any employee or applicant for employment as deemed necessary and  
29 use such information or any other information in the determination of employment. The  
30 commission shall promulgate rules and regulations establishing a code of ethics for its employees  
31 which shall include, but not be limited to, restrictions on which employees shall be prohibited  
32 from participating in or wagering on any game or gaming operation subject to the jurisdiction  
33 of the commission. The commission shall determine if any other employees of the commission  
34 or any licensee of the commission shall participate or wager in any operation under the  
35 jurisdiction of the commission.

36         5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel,  
37 property, matters pending and all other pertinent vestiges of the state tourism commission  
38 relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department

39 of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri  
40 gaming commission.

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

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

50 8. No member or employee of the commission shall be appointed or continue to be a  
51 member or employee who is licensed by the commission as an excursion gambling boat operator  
52 or supplier and no member or employee of the commission shall be appointed or continue to be  
53 a member or employee who is related to any person within the second degree of consanguinity  
54 or affinity who is licensed by the commission as an excursion gambling boat operator or supplier.  
55 The commission shall determine by rule and regulation appropriate restrictions on the  
56 relationship of members and employees of the commission to persons holding or applying for  
57 occupational licenses from the commission or to employees of any licensee of the commission.  
58 No peace officer, as defined by section 590.010, who is designated to have direct regulator  
59 authority related to excursion gambling boats shall be employed by any excursion gambling boat  
60 or supplier licensed by the commission while employed as a peace officer. No member or  
61 employee of the commission or any employee of the state attorney general's office or the state  
62 highway patrol who has direct authority over the regulation or investigation of any applicant or  
63 licensee of the commission or any peace officer of any city or county which has approved  
64 excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while  
65 serving as a member or while under such employment. Any person knowingly in violation of  
66 the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer  
67 or employee who personally or whose prohibited relative knowingly violates the provisions of  
68 this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and  
69 thereupon forfeit **[his] such** office or employment.

70 9. The commission may enter into agreements with the Federal Bureau of Investigation,  
71 the federal Internal Revenue Service, the state attorney general or any state, federal or local  
72 agency the commission deems necessary to carry out the duties of the commission, **including**  
73 **investigations relating to and the enforcement of the provisions of chapter 572 relating to**  
74 **illegal gambling**. No state agency shall count employees used in any agreements entered into

75 with the commission against any personnel cap authorized by any statute. Any consideration  
76 paid by the commission for the purpose of entering into, or to carry out, any agreement shall be  
77 considered an administrative expense of the commission. When such agreements are entered  
78 into for responsibilities relating to excursion gambling boats, the commission shall require  
79 excursion gambling boat licensees to pay for such services under rules and regulations of the  
80 commission. The commission may provide by rules and regulations for the offset of any prize  
81 or winnings won by any person making a wager subject to the jurisdiction of the commission,  
82 when practical, when such person has an outstanding debt owed the state of Missouri.

83 10. No person who has served as a member or employee of the commission, as a member  
84 of the general assembly, as an elected or appointed official of the state or of any city or county  
85 of this state in which the licensing of excursion gambling boats has been approved in either the  
86 city or county or both or any employee of the state highway patrol designated by the  
87 superintendent of the highway patrol or any employee of the state attorney general's office  
88 designated by the state attorney general to have direct regulatory authority related to excursion  
89 gambling boats shall, while in such office or during such employment and during the first two  
90 years after termination of **[his] such** office or position, obtain direct ownership interest in or be  
91 employed by any excursion gambling boat licensed by the commission or which has applied for  
92 a license to the commission or enter into a contractual relationship related to direct gaming  
93 activity. A "direct ownership interest" shall be defined as any financial interest, equitable  
94 interest, beneficial interest, or ownership control held by the public official or employee, or such  
95 person's family member related within the second degree of consanguinity or affinity, in any  
96 excursion gambling boat operation or any parent or subsidiary company which owns or operates  
97 an excursion gambling boat or as a supplier to any excursion gambling boat which has applied  
98 for or been granted a license by the commission, provided that a direct ownership interest shall  
99 not include any equity interest purchased at fair market value or equity interest received as  
100 consideration for goods and services provided at fair market value of less than one percent of the  
101 total outstanding shares of stock of any publicly traded corporation or certificates of partnership  
102 of any limited partnership which is listed on a regulated stock exchange or automated quotation  
103 system. Any person who knowingly violates the provisions of this subsection is guilty of a class  
104 E felony. Any such member, officer or employee who personally and knowingly violates the  
105 provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction,  
106 immediately and thereupon forfeit **[his] such** office or employment. For purposes of this  
107 subsection, "appointed official" shall mean any official of this state or of any city or county  
108 authorized under subsection 10 of section 313.812 appointed to a position which has  
109 discretionary powers over the operations of any licensee or applicant for licensure by the  
110 commission. This shall only apply if the appointed official has a direct ownership interest in an

111 excursion gambling boat licensed by the commission or which has applied for a license to the  
112 commission to be docked within the jurisdiction of ~~[his or her]~~ **such official's** appointment. No  
113 elected or appointed official~~, his or her~~ **or such official's** spouse or dependent child shall, while  
114 in such office or within two years after termination of ~~[his or her]~~ **such official's** office or  
115 position, be employed by an applicant for an excursion gambling boat license or an excursion  
116 gambling boat licensed by the commission. Any other person related to an elected or appointed  
117 official within the second degree of consanguinity or affinity employed by an applicant for an  
118 excursion gambling boat license or excursion gambling boat licensed by the commission shall  
119 disclose this relationship to the commission. Such disclosure shall be in writing and shall  
120 include who is employing such individual, that person's relationship to the elected or appointed  
121 official, and a job description for which the person is being employed. The commission may  
122 require additional information as it may determine necessary.

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

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

132       **13. (1) The commission shall establish a telephone contact number, which shall be**  
133 **prominently displayed on the commission's website, to receive reports of suspected illegal**  
134 **gambling activities. Upon the receipt of such report, the commission shall initiate an**  
135 **investigation of such suspected illegal activity. The commission shall notify the subject of**  
136 **such investigation within thirty days of receiving a report under this subsection.**

137       **(2) (a) If the commission finds sufficient evidence of a violation punishable under**  
138 **chapter 572, the commission shall refer such violations to the prosecuting or circuit**  
139 **attorney.**

140       **(b) Upon the request of a prosecuting or circuit attorney, the attorney general shall**  
141 **aid a prosecuting or circuit attorney in prosecuting violations referred by the commission.**

142       **(3) Any person or establishment licensed under chapter 313 that is convicted of or**  
143 **pleads guilty to a violation punishable under chapter 572, and any affiliated company of**  
144 **such person or establishment, shall be permanently prohibited from being licensed to**  
145 **participate in any way in a program implementing video lottery gaming terminals if such**  
146 **a program is implemented in this state.**



313.230. The commission shall:

- 2 (1) Issue rules and regulations concerning the operation of the Missouri state lottery.  
3 The rules and regulations shall include, but shall not be limited to, the following:
- 4 (a) The type of lottery to be conducted, ~~[except no lottery may use any coin- or~~  
5 ~~token-operated amusement device and no lottery game shall be based in any form on the outcome~~  
6 ~~of sporting events. However, it shall be legal to]~~ **including the use of clerk- or player-activated**  
7 **terminals, which are coin- or currency-operated, [to dispense] lottery games based on the**  
8 **outcome of a sporting event, and the dispensing of lottery tickets. Lottery games based on**  
9 **the outcome of a sporting event shall be limited to "parlay games", which term shall mean**  
10 **a game in which two or more teams are involved in determining the winning outcome of**  
11 **the game;**
- 12 (b) The price, or prices, of tickets or shares in the lottery;
- 13 (c) The numbers and sizes of the prizes on the winning tickets or shares;
- 14 (d) The manner of selecting the winning tickets or shares;
- 15 (e) The manner of payment of prizes to the holders of winning tickets or shares;
- 16 (f) The frequency of the drawings or selections of winning tickets or shares, without  
17 limitation;
- 18 (g) The types or numbers of locations at which tickets or shares may be sold and the  
19 method to be used in selling tickets or shares;
- 20 (h) The method to be used in selling tickets or shares;
- 21 (i) The licensing of lottery game retailers to sell tickets or shares;
- 22 (j) The manner and amount of compensation, including commissions, ticket discounts,  
23 incentives and any other remuneration, to be paid to or retained by lottery game retailers;
- 24 (k) The apportionment of the total revenues accruing from the sale of lottery tickets or  
25 shares and from all other sources among:
- 26 a. The payment of prizes to the holders of winning tickets or shares;
- 27 b. The payment of costs incurred in the operation and administration of the lottery,  
28 including the expenses of the commission and the costs resulting from any contract or contracts  
29 entered into for promotional, advertising or operational services or for the purchase or lease of  
30 lottery equipment and materials;
- 31 c. For the repayment to the general revenue fund of any amount appropriated for initial  
32 start-up of the lottery; and
- 33 d. For timely transfer to the state lottery fund as provided by law;
- 34 (l) Such other matters necessary or desirable for the efficient and economical operation  
35 and administration of the lottery and for the convenience of the purchasers of tickets or shares

36 and the holders of winning tickets or shares. The commission may disburse money for payment  
37 of lottery prizes;

38 (2) Amend, repeal, or supplement any such rules and regulations from time to time as  
39 it deems necessary or desirable;

40 (3) Advise and make recommendations to the director regarding the operation and  
41 administration of the lottery;

42 (4) Report quarterly to the governor and the general assembly the total lottery revenues,  
43 prize disbursements and other expenses for the preceding quarter, and to make an annual report,  
44 which shall include a full and complete statement of lottery revenues, prize disbursements and  
45 other expenses, to the governor and the general assembly, and including such recommendations  
46 for changes in sections 313.200 to 313.350 as it deems necessary or desirable;

47 (5) Report to the governor and general assembly any matters which shall require  
48 immediate changes in the laws of this state in order to prevent abuses and evasions of sections  
49 313.200 to 313.350 or rules and regulations promulgated thereunder or to rectify undesirable  
50 conditions in connection with the administration or operation of the lottery;

51 (6) Carry on a continuous study and investigation of the lottery throughout the state and  
52 to make a continuous study and investigation of the operation and the administration of similar  
53 laws which may be in effect in other states or countries, any literature on the subject which from  
54 time to time may be published or available, any federal laws which may affect the operation of  
55 the lottery, and the reaction of Missouri citizens to existing and potential features of the lottery  
56 with a view to recommending or effecting changes that will tend to serve the purposes of sections  
57 313.200 to 313.350;

58 (7) Ensure that all employees of the state lottery commission hired after July 12, 1990,  
59 shall not be related to any member of the state lottery commission or any employee of the state  
60 lottery commission within the third degree of consanguinity or affinity.

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

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

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

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

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

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

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

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

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

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

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

27 (1) A change of business location;

28 (2) An insufficient sales volume;

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

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

32 **8. A lottery game retailer license shall be permanently revoked upon a finding that**  
33 **the licensee has been convicted of or pled guilty to illegal gambling activity involving an**  
34 **illegal gambling device punishable under chapter 572.**

**313.360. Notwithstanding any other provision of law to the contrary, the**  
2 **commission may incur fees when accepting debit cards or other electronic payment**  
3 **methods for the sale of lottery game plays.**

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

4 **2. No provision of sections 313.425 to 313.437 shall be construed to revoke or deny**  
5 **any license issued or in the process of being approved under this chapter as of the effective**  
6 **date of sections 313.425 to 313.437.**

**313.427. As used in sections 313.425 to 313.437, the following terms mean:**

2 **(1) "Centralized computer system", a computerized system developed or procured**  
3 **by the commission to which video lottery game terminals are connected using standard**

4 industry protocols, that can activate or deactivate a particular video lottery game terminal  
5 from a remote location, and that is capable of monitoring and auditing video lottery game  
6 plays;

7 (2) "Commission" or "lottery commission", the body appointed by the governor  
8 to manage and oversee the lottery under section 313.215;

9 (3) "Designated entertainment district", any establishment registered to do  
10 business in this state that is or becomes licensed under chapter 311 to sell liquor at retail,  
11 and that is one or more of the following:

12 (a) An area owned and operated by an entity or affiliated entities that are license  
13 under chapter 311 as an entertainment district as defined by section 311.086, and such  
14 entity or affiliated entities have a verifiable financial investment of more than two hundred  
15 million dollars to develop such district, and which through the entity or affiliated entities  
16 that own such area obtains and maintains a license issued by the commission to offer  
17 lottery games on video lottery game terminals;

18 (b) A convention trade area owned and operated by an entity or affiliated entities  
19 licensed under section 311.176 that is also designated as a redevelopment area by the  
20 governing body of the city under sections 99.915 to 99.1060, required a verifiable financial  
21 investment of more than one hundred fifty million dollars by such entity or affiliated  
22 entities to develop such area, and which through the entity or affiliated entities that own  
23 such area obtains and maintains a license issued by the commission to offer lottery games  
24 on video lottery game terminals;

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

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

38 (6) "Veterans' organization", a post or organization of veterans, or an auxiliary  
39 unit or society of, or a trust or foundation for, any such post or organization organized in

40 the United States or any of its possessions in which at least seventy-five percent of the  
41 members are veterans of the United States Armed Forces and substantially all of the other  
42 members are veterans or cadets, or are spouses, widows, or widowers of war veterans, in  
43 which no part of the net earnings inures to the benefit of any private shareholder or  
44 individual, and which has been exempted from payment of federal income taxes;

45 (7) "Video lottery game", any lottery game approved by the commission for play  
46 on a video lottery game terminal using video lottery game terminal credits that have been  
47 purchased with cash, cash equivalents, or with a winning video lottery game terminal  
48 ticket;

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

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

56 (10) "Video lottery game manufacturer" or "distributor", any person licensed by  
57 the commission that manufactures video lottery game terminals or major parts and  
58 components for video lottery game terminals as approved by the lottery commission for  
59 sale to licensed video lottery game operators, or a person licensed by the commission to  
60 distribute or service video lottery game terminals or major parts and components of video  
61 lottery game terminals including buying, selling, leasing, renting, or financing new, used,  
62 or refurbished video lottery game terminals to and from licensed video lottery game  
63 manufacturers and licensed video lottery game operators;

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

67 (12) "Video lottery game retailer":

68 (a) A retail establishment meeting the requirements of a lottery game retailer under  
69 section 313.260 that secures and maintains a license to conduct video lottery games played  
70 on a video lottery game terminal or terminals and that is a fraternal organization, veterans'  
71 organization, or truck stop;

72 (b) Any entity that secures and maintains a license to conduct video lottery games  
73 played on a video lottery game terminal or terminals and is licensed under chapter 311 to  
74 sell liquor; or

75 (c) Any designated entertainment district that secures and maintains a license to  
76 conduct video lottery games played on a video lottery game terminal or terminals;

77 (13) "Video lottery game terminal", a player-activated terminal that exchanges  
78 coins, currency, tickets, ticket vouchers, or electronic payment methods approved by the  
79 commission for credit on a video lottery game terminal used to play video lottery games  
80 approved by the commission. Such video lottery game terminals shall use a video display  
81 and microprocessor capable of randomly generating the outcome of video lottery games  
82 and be capable of printing and issuing a ticket at the conclusion of any video lottery game  
83 play that may be redeemed at a video lottery game ticket redemption terminal or reinserted  
84 into a video lottery game terminal for video lottery game credit and game plays. All video  
85 lottery games approved by the commission for play on a video lottery game terminal shall  
86 have a minimum theoretical payout of eighty-five percent;

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

91 (15) "Video lottery game ticket" or "ticket", a document printed at the conclusion  
92 of any video lottery game play or group of plays on a video lottery game terminal that is  
93 redeemable for cash using a video lottery game ticket redemption terminal or that may be  
94 reinserted into a video lottery game terminal in the establishment from which such ticket  
95 is issued for video lottery game terminal credit;

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

313.429. 1. (1) Except as provided in subdivision (2) of this subsection, the  
2 commission shall implement a system of video lottery game terminals using a licensing  
3 structure for processing license applications and issuing licenses to video lottery game  
4 manufacturers, video lottery game distributors, video lottery game operators, video lottery  
5 game handlers, and video lottery game retailers for the conduct of lottery games using  
6 video lottery game terminals within the state.

7 (2) No person licensed as a:

8 (a) Video lottery game manufacturer or a video lottery game distributor shall be  
9 issued a license as a video lottery game operator or a video lottery game retailer;

10 (b) Video lottery game operator shall be issued a license as a video lottery game  
11 manufacturer, a video lottery game distributor, or video lottery game retailer; and

12 (c) Video lottery game retailer shall be issued a license as a video lottery game  
13 manufacturer, a video lottery game distributor, or video lottery game operator.

14 (3) Nothing in this subsection shall prevent a video lottery game manufacturer from  
15 obtaining a video lottery game manufacturer's license and a video lottery game  
16 distributor's license and providing and operating the centralized computer system for  
17 monitoring video lottery game terminals.

18 2. Under no circumstances shall the commission:

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

21 (2) Allow a single licensed video lottery game operator to control or operate more  
22 than twenty-five percent of video lottery game terminals in the state after December 31,  
23 2025.

24 3. (1) The video lottery game system authorized by this section shall allow for  
25 multiple video lottery game manufacturers, video lottery game distributors, and video  
26 lottery game operators to encourage private sector investment and job opportunities for  
27 Missouri citizens. Video lottery game terminals shall be connected to a central computer  
28 system developed or procured by the commission. The commission shall provide licensed  
29 video lottery game operators with the necessary protocols to connect the operators' video  
30 lottery game terminal or terminals to the centralized computer system after such terminal  
31 or terminals have been approved by the commission. No video lottery game terminal shall  
32 be placed in operation without first connecting to the centralized computer system after  
33 such terminal has been approved by the commission. A vendor that provides the  
34 centralized computer system authorized under this subsection shall not be eligible to be  
35 licensed as a video lottery game operator or video lottery game retailer. The commission  
36 may impose an initial nonrefundable license application fee to cover the cost of  
37 investigating the background of the licensee, including a criminal background check, as  
38 follows:

39 (a) For video lottery game manufacturers, video lottery game distributors, and  
40 video lottery game operators, no more than fifteen thousand dollars;

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

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

44 (2) The initial license shall be for a period of one year. Thereafter, license renewal  
45 periods shall be four years with the applicable annual renewal fee paid for each year of  
46 such license renewal in advance. Annual license renewal fees for anyone licensed under  
47 this subsection and subsequent to the initial one-year period shall be as follows:

48           **(a) Five thousand dollars for video lottery game manufacturers, video lottery game**  
49 **distributors, and video lottery game operators;**

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

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

52           **(3) In addition to the license fees imposed in subdivisions (1) and (2) of this**  
53 **subsection, video lottery game operators shall pay the commission an annual license fee of**  
54 **two hundred dollars for each video lottery game terminal placed in service. Such video**  
55 **lottery game terminal license shall be renewed each year and cost two hundred dollars. A**  
56 **license issued under this subsection is nontransferable.**

57           **(4) Nothing in this subsection shall be construed to relieve the licensee of the**  
58 **affirmative duty to notify the commission of any change relating to the status of the license**  
59 **or to any other information contained in the application materials on file with the**  
60 **commission.**

61           **4. No license shall be issued to any person, and no person shall be allowed to serve**  
62 **as a sales agent, who has been convicted of a felony or a crime involving illegal gambling.**  
63 **Sales agents shall register with the commission and shall not solicit or enter into any**  
64 **agreement with a retailer or retail establishment prior to such registration with the**  
65 **commission.**

66           **5. No license requirement, sticker fee, or tax shall be imposed by any local**  
67 **jurisdiction upon a video lottery game manufacturer, video lottery game distributor, video**  
68 **lottery game operator, video lottery game retailer, video lottery game handler, or video**  
69 **lottery game terminal or an establishment relating to the operation of video lottery games,**  
70 **video lottery game terminals, or associated equipment.**

71           **6. (1) Video lottery game terminals shall meet independent testing standards**  
72 **approved by the commission, as tested by one or more approved independent test labs, and**  
73 **be capable of randomly generating the outcome of video lottery games approved by the**  
74 **commission. Video lottery game terminals shall be capable of printing a ticket redeemable**  
75 **for winning video lottery game plays. Such video lottery game terminals shall be inspected**  
76 **and approved by the commission prior to being sold, leased, or transferred.**

77           **(2) Licensed video lottery game manufacturers may buy, sell, or lease new or**  
78 **refurbished video lottery game terminals to and from licensed video lottery game**  
79 **distributors.**

80           **(3) Licensed video lottery game distributors may buy, sell, or lease new or**  
81 **refurbished video lottery game terminals to or from licensed video lottery game**  
82 **manufacturers or licensed video lottery game operators.**

83           **7. (1) Licensed video lottery game operators:**



84 (a) May buy, lease, or rent video lottery game terminals from licensed video lottery  
85 game manufacturers, operators, or distributors;

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

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

89 (d) Shall, notwithstanding the provisions of section 313.321 to the contrary, pay all  
90 video lottery game winnings using a video lottery game ticket redemption terminal. Such  
91 video lottery ticket redemption terminal shall be located within the video lottery game  
92 retailer's establishment in direct proximity to such video lottery games. Video lottery game  
93 operators shall pay the commission thirty-two percent of any unclaimed cash prize  
94 associated with a winning ticket that has not been redeemed within one hundred eighty  
95 days of issue.

96 (2) Rents or leases for video lottery game terminals shall be written at a flat rate  
97 and shall not include revenue splitting as a method used in the calculation of the lease or  
98 rent.

99 (3) Licensed video lottery game operators and licensed video lottery game retailers  
100 shall enter into a written agreement for the placement of video lottery game terminals. The  
101 agreement shall be on a form approved by the commission and shall specify an equal  
102 division of adjusted gross receipts between the video lottery game operator and the video  
103 lottery game retailer after adjustments for taxes and administrative fees are made. A video  
104 lottery game operator shall be responsible for remitting to the commission and the video  
105 lottery game retailer their respective shares of adjusted gross receipts. Nothing in this  
106 subdivision shall prohibit a licensed video lottery game operator from entering into an  
107 agreement with a sales agent for retailer agreements, provided such agreement is in writing  
108 and approved by the commission prior to beginning sales activities and prior to the start  
109 date established under section 313.431. Video lottery game operators and their sales agents  
110 and affiliates and video lottery game retailers are specifically prohibited from offering  
111 anything of value, other than the percentage of adjusted gross receipts provided under this  
112 subsection, or entering into an agreement with a retailer prior to the start date for the  
113 initial or continued placement of video lottery game terminals. Contract agreements  
114 entered into prior to the start date established under section 313.431 between a prospective  
115 video lottery game terminal operator or sales agent with a prospective video lottery game  
116 retailer shall be invalid. Persons violating this subdivision shall forfeit their right to a  
117 license to operate video lottery game terminals for a period of one year.

118 (4) To combat problem gambling, video lottery game operators shall allow players  
119 to be self-excluded from video lottery game play. Operators shall provide the commission

120 with a list of players that have elected to be self-excluded from video lottery game play  
121 within thirty days of such election and shall update such list periodically as required by the  
122 commission. Such self-excluded list shall be considered confidential information and shall  
123 not be released to the public. The commission shall issue such self-exclusion procedures  
124 by rule.

125 (5) Nothing in this section shall be construed to prevent a video lottery game  
126 operator or a video lottery retailer from using a player rewards system as approved by the  
127 commission. No player shall be required to enroll in a rewards program offered by a video  
128 lottery game operator or video lottery game retailer as a condition to play video lottery  
129 games.

130 8. No licensed video lottery game operator shall:

131 (1) Offer video lottery gaming terminals that directly dispense anything of value  
132 except for tickets for winning plays. Tickets shall be dispensed by pressing the ticket  
133 dispensing button on the video lottery gaming terminal at the end of any video lottery game  
134 play. The ticket shall indicate the total amount of video lottery game terminal credits and  
135 the cash award, the time of day in a twenty-four hour format showing hours and minutes,  
136 the date, the terminal serial number, the sequential number of the ticket, and an encrypted  
137 validation number from which the validity of the prize may be determined. The cost of the  
138 video lottery game terminal credits shall be one cent, five cents, ten cents, or twenty-five  
139 cents, and the maximum wager played per video lottery game shall not exceed five dollars  
140 with the payoff for a winning maximum wager for a single game play being no more than  
141 one thousand dollars;

142 (2) Operate more than ten video lottery game terminals per location on the  
143 premises of a fraternal organization, veterans' organization, or truck stop that has secured  
144 and maintains a video lottery game retailer's license;

145 (3) Operate more than five video lottery game terminals per location on the  
146 premises of any business entity licensed as a video lottery game retailer establishment with  
147 a license issued under chapter 311 to sell liquor;

148 (4) Operate more video lottery game terminals on the premises of a designated  
149 entertainment district than authorized by the commission under its rulemaking authority;

150 (5) Advertise video lottery games outside of a licensed video lottery game retailer's  
151 establishment through any media outlets, direct mail, or telephone solicitations. The  
152 advertising prohibition contained in this subdivision shall apply to all licensees including,  
153 but not limited to, video lottery game manufacturers, video lottery game distributors, video  
154 lottery game operators, video lottery game retailers, and video lottery game handlers;  
155 except that, a video lottery retailer may participate in an advertising program that is

156 promoted through and sponsored by the state lottery and may advertise in or on the  
157 outside of the establishment's building and parking lot; or

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

160 9. (1) No person under twenty-one years of age shall play video lottery games, and  
161 such video lottery game terminals shall be under the supervision of a person that is  
162 twenty-one years of age or older to prevent persons under twenty-one years of age from  
163 playing video lottery games. A warning sign shall be posted in a conspicuous location  
164 where such video lottery game terminals are located, containing in red lettering at least  
165 one-half inch high on a white background the following:

166 "YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY VIDEO LOTTERY  
167 GAMES".

168 (2) Verification of a person's age and identity shall be accomplished by at least one  
169 of the following methods:

170 (a) Video lottery game terminals shall provide a secure, real-time method by which  
171 any person playing a video lottery game can electronically verify the person's age and  
172 identity before the person is allowed to play any game on such terminal;

173 (b) Video lottery game terminals shall be placed in a fully enclosed room that is  
174 continually monitored by video surveillance and where access to persons under twenty-one  
175 years of age is denied by a procedure approved by the commission; or

176 (c) Video lottery game terminals shall be placed in an area of the video lottery game  
177 retailer's establishment that is restricted to use by persons twenty-one years of age or older.

178 (3) In addition to the age and identity verification and supervision requirements  
179 of this subsection, a video lottery game operator shall provide video surveillance in the  
180 immediate area of the video lottery game retailer's establishment where video lottery game  
181 terminals are located. Recorded video from such surveillance system shall be made  
182 available to the commission upon request and shall be reviewed by video lottery game  
183 operators as required by the commission for any violation of law, rules, or regulations  
184 governing the conduct of video lottery games. A video lottery game operator that fails to  
185 review such surveillance video and report any known violation of law, rules, or regulations  
186 governing the conduct of video lottery games in conformance with established commission  
187 procedures may be subject to an administrative fine not to exceed five thousand dollars.  
188 Any video lottery game retailer that fails to report any known violation of law, rules, or  
189 regulations governing the conduct of video lottery games in conformance with established  
190 commission procedures may be subject to an administrative fine not to exceed five  
191 thousand dollars. In the event a video lottery game operator or retailer is found to have

192 knowingly committed a violation governing the conduct of video lottery games, the  
193 commission may impose an administrative fine not to exceed five thousand dollars, suspend  
194 such operator's or retailer's license for up to thirty days, or in the case of repeated  
195 violations revoke such operator's or retailer's license for a period of one year. Any video  
196 lottery game operator or retailer aggrieved by the commission's decision in any  
197 disciplinary action that results in the suspension or revocation of such operator's or  
198 retailer's video lottery game license may appeal such decision by filing an action in circuit  
199 court. The commission shall refer a violation of the criminal code, with any evidence  
200 thereof, to the appropriate law enforcement officials.

201 (4) Video lottery game retailers shall provide an intrusion detection system capable  
202 of detecting unauthorized entrance of the video lottery game retailer's establishment  
203 during nonbusiness hours and shall report to the commission any unauthorized entrance  
204 of the video lottery game retailer's establishment. Such surveillance and intrusion  
205 detection system shall meet specifications as defined by the commission.

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

210 10. (1) Video lottery game operators shall pay the commission forty percent of the  
211 video lottery game adjusted gross receipts, which shall be deposited in the state lottery  
212 fund. The commission shall transfer, subject to appropriation, the amount received from  
213 the operator from the lottery fund to the lottery proceeds fund after:

214 (a) Administrative expenses equal to five percent of the video lottery game adjusted  
215 gross receipts are paid to the municipality where a licensed video lottery game retailer  
216 maintains an establishment licensed for the operation of video lottery game terminals, or  
217 if such licensed establishment is not located within the corporate boundaries of a  
218 municipality, then to the county where such licensed establishment is located to reimburse  
219 such municipality or county for administrative expenses;

220 (b) Administrative expenses equal to five percent of the video lottery game adjusted  
221 gross receipts are paid in equal amounts to all home dock cities in this state; and

222 (c) Any administrative expenses for the commission that are not covered by  
223 reimbursements from operators are deducted.

224 (2) Net proceeds transferred to the lottery proceeds fund shall be appropriated  
225 equally to public elementary and secondary education and public institutions of higher  
226 education with an emphasis on funding elementary and secondary education student

227 transportation costs under section 163.161 and public institutions of higher education  
228 workforce development programs.

229 (3) Video lottery game operators shall retain the remainder of the video lottery  
230 game adjusted gross receipts, a portion of which shall be used to pay for administrative  
231 expenses which shall include the cost of the centralized computer system, which cost shall  
232 be paid by video lottery game operators in proportion to the number of video lottery game  
233 terminals operated. Fifty percent of the costs of the centralized computer system shall be  
234 apportioned by the video lottery game operator among video lottery game retailers to  
235 which it provides operations based on the number of video lottery game terminals located  
236 at the video lottery game retailer's establishment. The remainder of adjusted gross receipts  
237 retained by the video lottery game operator, after the cost of the centralized computer  
238 system and administrative costs are paid and apportioned, shall be divided equally between  
239 the video lottery game operator and video lottery game retailer as agreed under  
240 subdivision (2) of subsection 6 of this section.

241 11. All revenues received by the commission from license fees and any  
242 reimbursements associated with the administration of the provisions of sections 313.425  
243 to 313.437, and all interest earned thereon, shall be considered administrative expenses and  
244 shall be deposited in the state lottery fund. Moneys deposited into the state lottery fund  
245 from license fees and any reimbursements of commission administrative expenses to  
246 administer sections 313.425 to 313.437 shall be considered administrative expenses and  
247 shall not be considered net proceeds under Article III, Section 39(b) of the Constitution of  
248 Missouri. Subject to appropriation, up to one percent of such license fees shall be  
249 deposited to the credit of the compulsive gamblers fund created under section 313.842. The  
250 remainder of the moneys deposited in the state lottery fund from video lottery game license  
251 fees and any reimbursements of commission administrative expenses to enforce sections  
252 313.425 to 313.437 shall, subject to appropriation, be used for administrative expenses  
253 associated with supervising and enforcing the provisions of sections 313.425 to 313.437.

254 12. The commission shall contract with a state law enforcement entity to assist in  
255 conducting investigations into applicants for any video lottery game license and to  
256 investigate violations by any retail lottery game licensee of any of the provisions of sections  
257 313.425 to 313.437 or state law regulating illegal gambling activities referred by the  
258 commission. A video lottery game licensee suspected of a violation shall be afforded an  
259 administrative hearing by the director of the state lottery on the record, and an appeal of  
260 any action taken to impose a fine on such licensee, or to suspend or revoke the ability of a  
261 licensee to offer lottery game products for sale, shall be to the commission. Any such

262 administrative suspension or revocation upheld by the commission may be appealed by the  
263 video lottery game licensee in a state court of competent jurisdiction.

264       **13. The possession or use of any video gaming terminal, machine, or device capable**  
265 **of simulating lottery games, games of chance, or gambling games, regardless of whether**  
266 **there is an element of skill involved, that uses a video display and microprocessor capable**  
267 **of randomly generating the outcome of such games in the possession of any video lottery**  
268 **game licensee that is not authorized by the commission shall be a violation of sections**  
269 **313.425 to 313.437. The commission shall have the power to investigate suspected**  
270 **violations by any lottery license holder and to refer any violations or suspected violations**  
271 **to the appropriate law enforcement authority. Any lottery vendor or licensee that violates**  
272 **the provisions of this subsection shall be deemed guilty of a class D felony and fined up to**  
273 **ten thousand dollars per occurrence, and such fines shall be deposited in the compulsive**  
274 **gamblers fund created under section 313.842. The commission shall suspend or revoke the**  
275 **license of any lottery vendor or licensee that allows the use of any video terminal, gambling**  
276 **machine, or device other than a video lottery game terminal authorized under sections**  
277 **313.425 to 313.437.**

278       **14. The commission shall adopt rules for the implementation of the video lottery**  
279 **game system authorized under sections 313.425 to 313.437 including, but not limited to, the**  
280 **placement of video lottery game terminals within a retail establishment and the active**  
281 **oversight of the conduct of video lottery games. Any rule or portion of a rule, as that term**  
282 **is defined in section 536.010, that is created under the authority delegated in this section**  
283 **shall become effective only if it complies with and is subject to all of the provisions of**  
284 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**  
285 **nonseverable, and if any of the powers vested with the general assembly pursuant to**  
286 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
287 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
288 **proposed or adopted after August 28, 2020, shall be invalid and void.**

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

4       **(1) Contract for the supply and operation of a centralized computer system for**  
5 **video lottery games within one hundred twenty days after the effective date of this section;**

6       **(2) Make license applications for video lottery game manufacturers, video lottery**  
7 **game distributors, video lottery game operators, video lottery game retailers, and video**  
8 **lottery game handlers available to applicants and promulgate any emergency or regular**  
9 **rules and regulations needed for the implementation of the video lottery system authorized**

9 under sections 313.425 to 313.437 within one hundred twenty days after the effective date  
10 of this section;

11 (3) Issue an approved form for persons applying for a video lottery game terminal  
12 operator's license available for use in contracting with a video lottery game retailer within  
13 one hundred twenty days after the effective date of this section; and

14 (4) Establish a start date, once applications and the approved contract form are  
15 made available, whereby any person seeking a license as a video lottery game operator that  
16 has applied for a license to be a video lottery game terminal operator, has paid the initial  
17 license fee, and has satisfactorily completed an initial criminal background check may  
18 begin soliciting contracts with prospective video lottery game retailers for the placement  
19 of video lottery terminals. Such date shall be set no more than sixty days after applications  
20 are made available.

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

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

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

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

313.435. A municipality may adopt an ordinance prohibiting video lottery game  
2 terminals within the corporate limits of such municipality within one hundred eighty days  
3 after the effective date of this act. A county commission may, for the unincorporated area  
4 of the county, adopt an ordinance prohibiting video lottery game terminals within the  
5 unincorporated area of the county within one hundred eighty days after the effective date  
6 of this act. The commission shall not license video lottery game retailers within such area  
7 covered by such ordinance. Any such municipality or county that has opted to prohibit the  
8 use of video lottery game terminals to play video lottery games may repeal such ordinance

9 and upon such repeal the commission may license video lottery game retailers within such  
10 municipality or county to conduct video lottery games.

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

6 313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires  
7 otherwise, the following terms mean:

8 (1) "Adjusted gross receipts", the gross receipts from licensed gambling games and  
9 devices less winnings paid to wagerers. **"Adjusted gross receipts" shall not include adjusted**  
10 **gross receipts from sports wagering as defined in section 313.1000;**

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

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

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

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

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

(7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or  
other authorization from a qualified person to an excursion gambling boat licensee or any of its  
affiliated companies licensed by the commission authorizing the licensee to withdraw the amount  
of credit extended by the licensee to such person from the qualified person's banking account in  
an amount determined under section 313.817 on or after a date certain of not more than thirty



31 days from the date the credit was extended, and includes any such writing taken in consolidation,  
32 redemption or payment of a previous credit instrument, but does not include any interest-bearing  
33 installment loan or other extension of credit secured by collateral;

34 (8) "Dock", the location in a city or county authorized under subsection 10 of section  
35 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to  
36 a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the  
37 embarking of passengers on and disembarking of passengers from a gambling excursion but shall  
38 not include any artificial space created after May 20, 1994, and is located more than one  
39 thousand feet from the closest edge of the main channel of the river as established by the United  
40 States Army Corps of Engineers;

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

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

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

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

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

52 (14) "Games of chance", any gambling game in which the player's expected return is not  
53 favorably increased by ~~[his or her]~~ **such player's** reason, foresight, dexterity, sagacity, design,  
54 information or strategy;

55 (15) "Games of skill", any gambling game in which there is an opportunity for the player  
56 to use ~~[his or her]~~ **such player's** reason, foresight, dexterity, sagacity, design, information or  
57 strategy to favorably increase the player's expected return; including, but not limited to, the  
58 gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai  
59 gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

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

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

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

65 (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers,  
66 including any space filled by the water of those rivers for docking purposes in a manner approved

67 by the commission but shall not include any artificial space created after May 20, 1994, and is  
68 located more than one thousand feet from the closest edge of the main channel of the river as  
69 established by the United States Army Corps of Engineers;

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

72 2. (1) In addition to the games of skill defined in this section, the commission may  
73 approve other games of skill upon receiving a petition requesting approval of a gambling game  
74 from any applicant or licensee. The commission may set the matter for hearing by serving the  
75 applicant or licensee with written notice of the time and place of the hearing not less than five  
76 days prior to the date of the hearing and posting a public notice at each commission office. The  
77 commission shall require the applicant or licensee to pay the cost of placing a notice in a  
78 newspaper of general circulation in the applicant's or licensee's home dock city or county. The  
79 burden of proof that the gambling game is a game of skill is at all times on the petitioner. The  
80 petitioner shall have the affirmative responsibility of establishing [~~his or her~~] **such petitioner's**  
81 case by a preponderance of evidence including:

82 [~~(1)~~] (a) Is it in the best interest of gaming to allow the game; and

83 [~~(2)~~] (b) Is the gambling game a game of chance or a game of skill?

84 (2) All testimony shall be given under oath or affirmation. Any citizen of this state shall  
85 have the opportunity to testify on the merits of the petition. The commission may subpoena  
86 witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall  
87 evaluate the record of the hearing and issue written findings of fact that shall be based  
88 exclusively on the evidence and on matters officially noticed. The commission shall then render  
89 a written decision on the merits which shall contain findings of fact, conclusions of law and a  
90 final commission order. The final commission order shall be within thirty days of the hearing.  
91 Copies of the final commission order shall be served on the petitioner by certified or overnight  
92 express mail, postage prepaid, or by personal delivery.

313.807. 1. A person may apply to the commission for a license to conduct gambling  
2 games on an excursion gambling boat or to operate an excursion gambling boat as provided in  
3 sections 313.800 to 313.850. The application for such licenses shall be filed with the  
4 commission and shall identify the excursion gambling boat upon which gambling games will be  
5 authorized, shall specify the exact location where the excursion gambling boat will be docked,  
6 shall specify the extent of the land-based economic development or impact and an affirmative  
7 action plan for ownership, contracting and recruiting, training and hiring of minorities and  
8 women in all employment classifications for that area, a lease with a home dock city or county,  
9 or in lieu thereof a resolution adopted by a city or county supporting or opposing the docking and  
10 land-based economic development or impact plan of the operator, and shall be in a form and

11 contain information as the commission prescribes. If a city or county fails to pass a resolution,  
12 such action shall not adversely affect the application which shall be deemed complete. The  
13 applicant for such license shall file with the application a nonrefundable fee of fifty thousand  
14 dollars or fifteen thousand dollars for each person to be investigated, whichever amount is  
15 greater. The applicant shall be responsible for the total cost of the investigation. If the cost of  
16 the investigation exceeds the total amount of fees filed by the applicant in this subsection, the  
17 commission may assess additional fees as it deems appropriate; however, if the applicant is  
18 denied a license, the applicant shall be entitled to a refund of the difference between the  
19 application fee and the actual cost of the investigation. The initial license and first subsequent  
20 license renewal of an excursion gambling boat operator shall be for a period of one year.  
21 Thereafter, license renewal periods shall be four years. However, the commission may reopen  
22 licensing hearings at any time. The annual fee for anyone licensed pursuant to this subsection  
23 shall be set by the commission at a minimum of twenty-five thousand dollars.

24         2. A person may apply to the commission for a license to conduct an occupation within  
25 excursion gambling boat operations which the commission has identified as requiring a license.  
26 The commission shall establish and charge holders of occupational licenses an annual license  
27 fee for each occupation in amounts determined appropriate by the commission and shall be  
28 charged each year the license is in effect. The commission shall set a nonrefundable filing fee  
29 to cover the cost of any investigation. Each applicant for a license pursuant to this subsection  
30 shall biennially file for a license.

31         3. A supplier shall biennially apply for a license. The application fee shall be a  
32 nonrefundable amount set by the commission to cover the cost of any investigation. The annual  
33 fee for such license shall be set by the commission. The commission shall set all standards for  
34 equipment and supplies.

35         4. A licensee licensed to conduct gambling games shall acquire all gambling games or  
36 implements of gambling from a licensed supplier or from a person or entity approved by the  
37 commission. A licensee shall not sell or give gambling games or implements of gambling to  
38 another licensee without the commission's prior written approval. Any licensed supplier shall  
39 have a registered agent within this state.

40         5. The commission may issue a limited license to operate an excursion gambling boat  
41 as defined ~~[pursuant to subdivision (7) of]~~ in section 313.800 at a dock other than its home dock,  
42 if such city or county where such dock is located has approved gambling games on excursion  
43 gambling boats pursuant to subsection 10 of section 313.812.

44         6. Prior to granting a license for an excursion gambling boat, the commission shall  
45 ensure that the applicant complies with all local zoning laws, provided that such laws were not  
46 changed to the detriment of the applicant having an ownership interest, including without

47 limitation, an option to purchase, a contingent purchase agreement, leasehold interest or  
48 contingent leasehold interest, that is the subject of the zoning law change when such law is  
49 enacted subsequent to the filing of such application. Nothing in this section shall be construed  
50 to prohibit a change in local law in favor of the applicant having the ownership interest in the  
51 property.

**313.1000. As used in sections 313.1000 to 313.1024, the following terms shall mean:**

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

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

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

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

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

9 **c. Voided wagers; and**

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

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

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

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

19 **(3) "Certificate of authority", a certificate issued by the commission authorizing**  
20 **a licensed applicant to conduct sports wagering under sections 313.1000 to 313.1024;**

21 **(4) "Commission", the Missouri gaming commission;**

22 **(5) "Department", the department of revenue;**

23 **(6) "Designated entertainment district", any establishment registered to do**  
24 **business in this state that is or becomes licensed under chapter 311 to sell liquor at retail,**  
25 **and that is one or more of the following:**

26 **(a) An area owned and operated by an entity or affiliated entities that are license**  
27 **under chapter 311 as an entertainment district as defined by section 311.086, and such**  
28 **entity or affiliated entities have a verifiable financial investment of more than two hundred**  
29 **million dollars to develop such district, and which through the entity or affiliated entities**  
30 **that own such area obtains and maintains a license issued by the commission to offer**  
31 **lottery games on video lottery game terminals;**

32           **(b) A convention trade area owned and operated by an entity or affiliated entities**  
33 **licensed under section 311.176 that is also designated as a redevelopment area by the**  
34 **governing body of the city under and sections 99.915 to 99.1060, required a verifiable**  
35 **financial investment of more than one hundred fifty million dollars by such entity or**  
36 **affiliated entities to develop such area, and which through the entity or affiliated entities**  
37 **that own such area obtains and maintains a license issued by the commission to offer**  
38 **lottery games on video lottery game terminals;**

39           **(7) "Excursion gambling boat", the same meaning as defined under section**  
40 **313.800;**

41           **(8) "Gross receipts", the total amount of cash and cash equivalents paid by sports**  
42 **wagering patrons to a sports wagering operator to participate in sports wagering;**

43           **(9) "Interactive sports wagering platform" or "platform", a person that offers**  
44 **sports wagering over the internet, including on internet websites and mobile devices on**  
45 **behalf of a certificate holder;**

46           **(10) "Licensed applicant", a person holding a license issued under section 313.807**  
47 **to operate an excursion gambling boat or a person holding a license issued under this**  
48 **section and sections 313.1002 to 313.1024 for a designated entertainment district;**

49           **(11) "Licensed facility", an excursion gambling boat licensed under this chapter**  
50 **or a designated entertainment district licensed under this section and sections 313.1002 to**  
51 **313.1024;**

52           **(12) "Licensed supplier", a person holding a supplier's license issued by the**  
53 **commission;**

54           **(13) "Occupational license", a license issued by the commission;**

55           **(14) "Official league data", statistics, results, outcomes, and other data relating to**  
56 **an athletic or sporting event obtained under an agreement with the relevant sports**  
57 **governing body, or an entity expressly authorized by the sports governing body to provide**  
58 **such information to sports wagering operators, that authorizes the use of such data for**  
59 **determining the outcome of tier two sports wagers;**

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

62           **(16) "Personal biometric data", an athlete's information derived from DNA, heart**  
63 **rate, blood pressure, perspiration rate, internal or external body temperature, hormone**  
64 **levels, glucose levels, hydration levels, vitamin levels, bone density, muscle density, and**  
65 **sleep patterns;**

66           **(17) "Registered sports governing body", a sports governing body that is**  
67 **headquartered in the United States and that has registered with the commission under**

68 sections 313.1000 to 313.1024. "Registered sports governing body" shall not include the  
69 National Collegiate Athletic Association;

70 (18) "Sports governing body", the organization that prescribes final rules and  
71 enforces codes of conduct with respect to a sporting event and participants therein;

72 (19) "Sports wagering", wagering conducted under sections 313.1000 to 313.1024  
73 on athletic and sporting events involving human competitors or on other events as  
74 approved by the commission. "Sports wagering" shall not include moneys spent to  
75 participate in paid fantasy sports under sections 313.900 to 313.955;

76 (20) "Sports wagering device", a mechanical, electrical, or computerized  
77 contrivance, terminal, device, apparatus, piece of equipment, or supply approved by the  
78 commission for conducting sports wagering under sections 313.1000 to 313.1024. "Sports  
79 wagering device" shall not include a device used by a sports wagering patron to access an  
80 interactive sports wagering platform;

81 (21) "Sports wagering operator" or "operator", a certificate holder or an  
82 interactive sports wagering platform offering sports wagering on behalf of a certificate  
83 holder;

84 (22) "Supplier's license", a license issued by the commission under section 313.807;

85 (23) "Tier one sports wager", a sports wager that is determined solely by the final  
86 score or final outcome of the sporting event and is placed before the sporting event has  
87 begun;

88 (24) "Tier two sports wager", a sports wager that is not a tier one sports wager.

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

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

313.1003. 1. Sports wagering shall not be offered in this state except by a licensed  
2 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 wagering platform to persons  
6 physically located in this state.

313.1004. 1. The commission shall adopt rules to implement the provisions of  
2 sections 313.1000 to 313.1024, including establishing administrative application and

3 licensing procedures and standards for designated entertainment districts that are  
4 substantially similar in nature to those required of excursion gambling boats under this  
5 chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
6 created under the authority delegated in this section shall become effective only if it  
7 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
8 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers  
9 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
10 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
11 grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,  
12 shall be invalid and void.

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

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

17       (a) Wagers are received;

18       (b) Payouts are paid; and

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

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

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

27       (4) Standards concerning the detection and prevention of compulsive gambling.

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

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

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

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

36       (4) Allow the commission to be present through the commission's gaming agents  
37 when sports wagering is conducted in all areas of the certificate holder's licensed facility  
38 in which sports wagering is conducted to do the following:

- 39           **(a) Ensure maximum security of the counting and storage of the sports wagering**  
40 **revenue received by the certificate holder;**
- 41           **(b) Certify the sports wagering revenue received by the certificate holder; and**  
42           **(c) Receive complaints from the public;**
- 43           **(5) Ensure that individuals who are under twenty-one years of age do not make**  
44 **sports wagers;**
- 45           **(6) Provide written information to sports wagering patrons about sports wagering,**  
46 **payouts, winning wagers, and other information considered relevant by the commission;**  
47 **and**
- 48           **(7) Post a sign in the designated sports wagering area indicating the minimum and**  
49 **maximum amounts that may be wagered.**

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

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

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

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

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

5           **2. (1) A certificate holder shall designate an area or areas within the certificate**  
6 **holder's licensed facility for conducting sports wagering.**

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

10           **3. (1) Sports wagering may be conducted with chips, tokens, electronic cards, cash,**  
11 **or other negotiable currency.**

12           **(2) A certificate holder shall determine the minimum and maximum wagers in**  
13 **sports wagering conducted in the certificate holder's licensed facility.**



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

16           **5. A sports wagering device shall be approved by the commission and acquired by**  
17 **a certificate holder from a licensed supplier.**

18           **6. The commission shall determine the occupations related to sports wagering that**  
19 **require an occupational license.**

20           **7. A certificate holder may lay off one or more sports wagers. The commission may**  
21 **promulgate rules permitting certificate holders or platforms to employ systems that offset**  
22 **loss or manage risk in the operation of sports wagering under sections 313.1000 to 313.1024**  
23 **through the use of liquidity pools in other jurisdictions in which the certificate holder,**  
24 **platform, an affiliate of the certificate holder or platform, or a third party also holds**  
25 **licenses to conduct sports wagering; provided that, at all times adequate protections are**  
26 **maintained to ensure sufficient funds are available to pay winnings to patrons.**

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

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

4           **2. An applicant for an interactive sports wagering platform license shall:**

5           **(1) Submit an application to the commission in the manner prescribed by the**  
6 **commission to verify the platform's eligibility under this section; and**

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

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

14           **4. Notwithstanding any other provision of law to the contrary, the following**  
15 **information shall be confidential and shall not be disclosed to the public unless required**  
16 **by court order or by any other provision of section 313.1000 to 313.1024:**

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

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

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

4           **2. The commission shall adopt rules and regulations for a sports wagering**  
5           **self-exclusion program consistent with those adopted under sections 313.800 to 313.850.**  
6           **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
7           **under the authority delegated in this section shall become effective only if it complies with**  
8           **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
9           **This section and chapter 536 are nonseverable, and if any of the powers vested with the**  
10           **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
11           **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
12           **rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be**  
13           **invalid and void.**

14           **3. The commission shall adopt rules to ensure that advertisements for sports**  
15           **wagering:**

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

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

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

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

22           **313.1014. 1. The commission shall conduct background checks on individuals**  
23           **seeking licenses under sections 313.1000 to 313.1024. A background check conducted**  
24           **under this section shall be consistent with the provisions of section 313.810 and shall**  
25           **include a search for criminal history and any charges or convictions involving corruption**  
26           **or manipulation of sporting events.**

27           **2. (1) A certificate holder shall employ commercially reasonable methods to:**

28           **(a) Prohibit the certificate holder; directors, officers, and employees of the**  
29           **certificate holder; and any relative living in the same household of a person described in**  
30           **this paragraph from placing sports wagers with the certificate holder;**

31           **(b) Prohibit any individual with access to nonpublic confidential information held**  
32           **by the certificate holder from placing sports wagers with the certificate holder;**

33           **(c) Prevent the sharing of confidential information that could affect sports**  
34           **wagering offered by the certificate holder or by third parties until the information is made**  
35           **publicly available; and**

36           **(d) Prohibit persons from placing sports wagers as agents or proxies for other**  
37           **persons.**

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

20           **3. (1) A sports governing body may notify the commission that it desires to restrict,**  
21 **limit, or exclude sports wagers on its sporting events by providing notice in the form and**  
22 **manner as the commission may require, including but not limited to restrictions on the**  
23 **sources of data and associated video upon which an operator may rely in offering and**  
24 **paying wagers and the bet types that may be offered. Upon receiving such notice, the**  
25 **commission shall only deny a request if it deems such request arbitrary and capricious.**  
26 **If the commission denies a request, the sports governing body shall be afforded notice and**  
27 **the right to be heard and offer proof in opposition to such determination in accordance**  
28 **with the regulations of the commission. Offering or taking wagers contrary to restrictions**  
29 **promulgated by the commission is a violation of this section. Except in relation to an**  
30 **emergency situation as provided in subdivision (2) of this subsection, the provisions of this**  
31 **subsection shall not apply to tier one sports wagers on nonexhibition games or events of**  
32 **professional sports organizations or the National Collegiate Athletics Association. For the**  
33 **purposes of this subsection, "professional sports organization" shall include, but not be**  
34 **limited to, the National Football League, Major League Baseball, the National Basketball**  
35 **Association, the National Hockey League, Major League Soccer, and the Professional**  
36 **Golfers Association. "Professional sports organization" shall not include minor league**  
37 **baseball or any other developmental league, regardless of whether such league is affiliated**  
38 **with a professional sports organization.**

39           **(2) In the event that a request is submitted in relation to an emergency situation,**  
40 **the executive director of the commission may temporarily grant the request of the sports**  
41 **governing body until the commission makes a final determination as to whether such**  
42 **request is arbitrary and capricious.**

43           **4. The commission and certificate holders shall cooperate with investigations**  
44 **conducted by law enforcement agencies, including by providing or facilitating the**  
45 **provision of betting information and audio or video files relating to persons placing sports**  
46 **wagers.**

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

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

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

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

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

56           **(5) Suspicious or illegal wagering activities.**

57           **6. A certificate holder shall maintain the confidentiality of information provided**  
58 **by a sports governing body to the certificate holder unless disclosure is required by court**  
59 **order, the commission, or any other provision of law.**

60           **7. (1) Except as provided in subsection 8 of this section, certificate holders may use**  
61 **any data source to determine the results of sports wagers, provided the data is not obtained**  
62 **directly or indirectly from live event attendees who collect the data in violation of the terms**  
63 **of admittance to an event or through automated computer programs that compile data**  
64 **from the internet in violation of the terms of service of the relevant website or other**  
65 **internet platform.**

66           **(2) Certificate holders shall not purchase or use any personal biometric data of an**  
67 **athlete unless the certificate holder has received written permission from the athlete's**  
68 **exclusive bargaining representative.**

69           **8. A sports governing body may notify the commission that it desires to supply**  
70 **official league data to certificate holders for determining the results of tier two sports**  
71 **wagers. Such notification shall be made in the form and manner as the commission may**  
72 **require. Within thirty days of such notification by a sports governing body, certificate**  
73 **holders shall use only official league data to determine the results of tier two sports wagers,**  
74 **unless the certificate holder can demonstrate to the commission that the sports governing**  
75 **body or its designee cannot provide a feed of official league data to the certificate holder**  
76 **on commercially reasonable terms.**

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

5           **(1) Personally identifiable information of the bettor;**

6           **(2) The amount and type of bet placed;**

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

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

10          **(5) The outcome of the bet; and**

11          **(6) Any discernable pattern of abnormal betting activity by the patron.**

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

15           **(1) Personally identifiable information of the bettor;**

16           **(2) The amount and type of bet placed;**

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

18           **(4) The location, including specific information pertaining to the internet protocol**  
19 **address, where the bet was placed;**

20           **(5) The outcome of the bet; and**

21           **(6) Any discernable pattern of abnormal betting activity by the patron.**

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

25           **4. If a sports governing body has notified the commission that real-time**  
26 **information sharing for wagers placed on its sporting events is necessary and desirable,**  
27 **sports wagering operators shall share in real time, at the account level, and in**  
28 **pseudonymous form, the information required to be retained under subsections 1 and**  
29 **2 of this section, other than video files, with the sports governing body or its designee with**  
30 **respect to wagers on its sporting events. Such information may be used by a sports**  
31 **governing body solely for integrity purposes.**

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

5           **2. A certificate holder is not liable under the laws of this state to any party,**  
6 **including patrons, for disclosing information as required under sections 313.1000 to**  
7 **313.1024, and is not liable for refusing to disclose information unless required under**  
8 **sections 313.1000 to 313.1024.**

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

17           **4. (1) Any person, firm, corporation, association, agent, or employee shall be guilty**  
18 **of a class E felony if such person, firm, corporation, association, agent, or employee:**

19           **(a) Places, or causes to be placed, a bet or wager on the basis of material nonpublic**  
20 **information relating to that bet or wager; or**

21           **(b) Knowingly engages in, facilitates, or conceals conduct that intends to**  
22 **improperly influence a betting outcome of a sporting event for purposes of financial gain**  
23 **in connection with betting or wagering on a sporting event.**

24           **(2) For the purposes of this subsection, a bet or wager shall be "on the basis of**  
25 **material nonpublic information" if the person placing the bet or wager, or causing it to be**  
26 **placed, is aware of the material nonpublic information when such person places the bet or**  
27 **wager or causes it to be placed. "Material nonpublic information" shall include personal**  
28 **biometric data.**

**313.1021. 1. A wagering tax of nine percent is imposed on the adjusted gross**  
2 **receipts received from sports wagering conducted by a certificate holder under sections**  
3 **313.1000 to 313.1024. If a third party is contracted with to conduct sports wagering at a**  
4 **certificate holder's licensed facility, the third party contractor shall fulfill the certificate**  
5 **holder's duties under this section.**

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

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

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

16           **5. (1) A certificate holder shall pay to the commission an annual administrative fee**  
17 **of fifty thousand dollars. The fee imposed shall be due one year after the date on which**  
18 **the certificate holder commences sports wagering operations under sections 313.1000 to**  
19 **313.1024, and on each annual anniversary date thereafter. The commission shall deposit**  
20 **the administrative fees received under this subsection in the gaming commission fund and**  
21 **shall distribute such fees according to section 313.835.**

22           **(2) In addition to the annual administrative fee required under this subsection, a**  
23 **certificate holder shall pay to the commission a fee of ten thousand dollars to cover the**  
24 **costs of a full reinvestigation of the certificate holder in the fifth year after the date on**

25 which the certificate holder commences sports wagering operations under sections  
26 313.1000 to 313.1024 and on each fifth year thereafter. The commission shall deposit the  
27 fees received under this subdivision in the gaming commission fund and shall distribute  
28 such fees according to section 313.835.

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

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

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

7 (3) The identity of any reporting person shall remain confidential unless such  
8 person authorizes disclosure of such person's identity or until such time as the allegation  
9 of conduct in violation of sections 313.1000 to 313.1024 is referred to law enforcement.

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

13 (5) The commission shall promulgate rules to implement the provisions of this  
14 subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that  
15 is created under the authority delegated in this section shall become effective only if it  
16 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
17 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers  
18 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
19 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
20 grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,  
21 shall be invalid and void.

22 2. A sports wagering operator, sports governing body, professional sports  
23 franchise, or higher education institution shall not discharge, demote, suspend, threaten,  
24 harass, or in any other manner discriminate against an employee because of any lawful act

25 performed by the employee to provide information, cause information to be provided, or  
 26 otherwise assist in an investigation regarding any conduct which the employee reasonably  
 27 believes constitutes a violation of the provisions of sections 313.1000 to 313.1024.

28 **3. A person who alleges action or conduct by any person in violation of subsection**  
 29 **2 of this section may seek relief by bringing an action at law or equity in a court of**  
 30 **competent jurisdiction.**

31 **4. In any action brought under subsection 3 of this section, a court may find that**  
 32 **a violation of subsection 2 of this section has occurred and award judgment for the**  
 33 **employee only if:**

34 **(1) The employee demonstrates by a preponderance of the evidence that the actions**  
 35 **of the employee to provide information or assist in an investigation were a contributing**  
 36 **factor to the discharge or other discrimination; and**

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

40 **5. An action brought under subsection 3 of this section shall be commenced not**  
 41 **later than one hundred eighty days after the later of:**

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

43 **(2) The date on which the employee becomes aware of the violation.**

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

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



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

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

22 (4) "Gambling", a person engages in gambling when ~~[he or she]~~ **such person** stakes or  
23 risks something of value upon the outcome of a contest of chance or a future contingent event  
24 not under ~~[his or her]~~ **such person's** control or influence, upon an agreement or understanding  
25 that ~~[he or she]~~ **such person** will receive something of value in the event of a certain outcome.  
26 Gambling does not include bona fide business transactions valid under the law of contracts,  
27 including but not limited to contracts for the purchase or sale at a future date of securities or  
28 commodities, and agreements to compensate for loss caused by the happening of chance,  
29 including but not limited to contracts of indemnity or guaranty and life, health or accident  
30 insurance; nor does gambling include playing an amusement device that confers only an  
31 immediate right of replay not exchangeable for something of value. Gambling does not include  
32 any licensed activity, or persons participating in such games which are covered by sections  
33 313.800 to 313.840;

34 (5) "Gambling device", any device, machine, paraphernalia or equipment that is used or  
35 usable in the playing phases of any gambling activity, whether that activity consists of gambling  
36 between persons or gambling by a person with a machine, **regardless of whether the machine**  
37 **or device or system or network of devices includes a preview of the outcome or whether the**  
38 **outcome is known, displayed, or capable of being known or displayed to the user.** However,  
39 lottery tickets, policy slips and other items used in the playing phases of lottery and policy  
40 schemes are not gambling devices within this definition;

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

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

46 (8) "Player", a person who engages in any form of gambling solely as a contestant or  
47 bettor, without receiving or becoming entitled to receive any profit therefrom other than personal  
48 gambling winnings, and without otherwise rendering any material assistance to the  
49 establishment, conduct or operation of the particular gambling activity. A person who gambles  
50 at a social game of chance on equal terms with the other participants therein does not otherwise  
51 render material assistance to the establishment, conduct or operation thereof by performing,

52 without fee or remuneration, acts directed toward the arrangement or facilitation of the game,  
53 such as inviting persons to play, permitting the use of premises therefor and supplying cards or  
54 other equipment used therein. A person who engages in "bookmaking" as defined in subdivision  
55 (2) of this section is not a player;

56 (9) "Professional player", a player who engages in gambling for a livelihood or who has  
57 derived at least twenty percent of ~~his or her~~ **such player's** income in any one year within the  
58 past five years from acting solely as a player;

59 (10) "Profit from gambling activity", a person profits from gambling activity if, other  
60 than as a player, ~~he or she~~ **such person** accepts or receives money or other property pursuant  
61 to an agreement or understanding with any person whereby ~~he~~ **such person** participates or is  
62 to participate in the proceeds of gambling activity;

63 (11) "Slot machine", a gambling device that as a result of the insertion of a coin or other  
64 object operates, either completely automatically or with the aid of some physical act by the  
65 player, in such a manner that, depending upon elements of chance, it may eject something of  
66 value, **regardless of whether the machine or device or system or network of devices includes**  
67 **a preview of the outcome or whether the outcome is known, displayed, or capable of being**  
68 **known or displayed to the user.** A device so constructed or readily adaptable or convertible  
69 to such use is no less a slot machine because it is not in working order or because some  
70 mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or  
71 workability. Nor is it any less a slot machine because apart from its use or adaptability as such  
72 it may also sell or deliver something of value on a basis other than chance;

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

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

572.015. Nothing in this chapter prohibits constitutionally authorized activities under  
2 Article III, Sections 39(a) to 39(f) of the Missouri Constitution, **including a raffle using tickets,**  
3 **a device, or a machine, where a person or persons buy one or more chances from a finite**  
4 **number of draws for a prize. A machine or device shall be certified as a raffle by an**  
5 **ISO-17025-accredited independent testing laboratory authorized to test similar devices for**  
6 **compliance in at least five jurisdictions.**

572.100. The general assembly by enacting this chapter intends to preempt any other  
2 regulation of the area covered by this chapter. No governmental subdivision or agency ~~may~~  
3 **shall** enact or enforce a law that regulates or makes any conduct in the area covered by this  
4 chapter an offense, or the subject of a criminal or civil penalty or sanction of any kind, **except**

5 **for the revocation, suspension, or denial by the Missouri lottery commission, the Missouri**  
6 **gaming commission, or the division of alcohol and tobacco control of a license issued under**  
7 **chapter 311 or 313.** The term "gambling", as used in this chapter, does not include licensed  
8 activities under sections 313.800 to 313.840.

Section B. Because immediate action is necessary to eliminate illegal gambling activity  
2 in this state, the repeal and reenactment of sections 311.660, 311.710, 311.720, 313.004,  
3 313.255, 572.010, and 572.100 of section A of this act is deemed necessary for the immediate  
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
5 emergency act within the meaning of the constitution, and the repeal and reenactment of sections  
6 311.660, 311.710, 311.720, 313.004, 313.255, 572.010, and 572.100 of section A of this act shall  
7 be in full force and effect upon its passage and approval.

✓