

HOUSE No. 362

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian C. Madaro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating horse racing, simulcasting and wagering.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/20/2023</i>

HOUSE No. 362

By Representative Madaro of Boston, a petition (accompanied by bill, House, No. 362) of Adrian C. Madaro relative to regulating horse racing, simulcasting and wagering. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act regulating horse racing, simulcasting and wagering.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking
2 out clause Tenth, as inserted by section 1 of chapter 173 of the acts of 2022, and inserting in
3 place thereof the following clause:-

4 Tenth, “Illegal gaming,” a banking or percentage game played with cards, dice, tiles or
5 dominoes, or an electronic, electrical or mechanical device or machine for money, property,
6 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the
7 state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted
8 under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering
9 on horse races and greyhound races under chapter 128D; (v) a game of bingo conducted under
10 chapter 271; and (vi) charitable gaming conducted under said chapter 271.”

11 SECTION 2. Section 7 of chapter 4 of the General Laws is hereby amended by striking
12 out clause Tenth, as inserted by section 1, and inserting in place thereof the following clause:-

13 Tenth, “Illegal gaming,” a banking or percentage game played with cards, dice, tiles or
14 dominoes, or an electronic, electrical or mechanical device or machine for money, property,
15 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the
16 state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted
17 under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering
18 on horse races under chapter 128D; (v) a game of bingo conducted under chapter 271; and (vi)
19 charitable gaming conducted under said chapter 271.”

20 SECTION 3. Section 7 of chapter 23K of the General Laws is hereby repealed. Said
21 section 7 shall not be revived by any future operation of sections 17 or 112 of chapter 194 of the
22 acts of 2011.

23 SECTION 4. Chapter 128A of the General Laws is hereby repealed.

24 SECTION 5. Chapter 128C of the General Laws is hereby repealed.

25 SECTION 6. The General Laws are hereby amended by inserting after said chapter
26 128C the following chapter:-

27 CHAPTER 128D.

28 HORSE RACING, SIMULCASTING AND WAGERING

29 Section 1. Preamble. It is the intent of this chapter to grant the Massachusetts gaming
30 commission all necessary authority to oversee and regulate all aspects of horse racing and
31 simulcasting in the commonwealth with the object of promoting their efficient operation, and the
32 honesty and integrity of the wagering process related to them. It is the further intent of this
33 chapter that the commission utilize best efforts to ensure that the horse racing and simulcasting

34 industries be preserved and sustained for, amongst other reasons, the preservation of open space,
35 the agricultural benefits associated with horse racing, and the creation and preservation of jobs
36 and businesses associated with horse racing and simulcasting.

37 Section 2. As used in this chapter, the following terms shall, unless the context
38 clearly otherwise requires, have the following meanings:

39 “Advance deposit wagering”, a form of pari-mutuel wagering in which an individual may
40 deposit money to an account established through an agreement with a holder of a racing license
41 or simulcasting license or such licensee’s service provider and use the account balance to make
42 and pay for wagers by the holder of the account which wagers may be made in person, by direct
43 telephone call or by communication through other electronic media by the holder of the account.

44 “Breaks”, in the case of live horse racing meetings conducted in the commonwealth by a
45 racing licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered;
46 provided, however, that in the case of a horse race conducted at a race track outside the
47 commonwealth, the amount of the breaks shall be determined in accordance with the laws of the
48 state in which the race track is located.

49 “Commission”, the Massachusetts gaming commission established in chapter 23K.

50 “Exotic wager”, a wager on the speed or ability of a combination of more than 1 horse in
51 a single race.

52 “Guest track”, a simulcasting licensee’s facility or an out-of-state pari-mutuel wagering
53 facility which accepts a simulcast wager on a race conducted live at another location which is

54 presented by simulcast at the simulcasting licensee’s facility or the out-of-state pari-mutuel
55 wagering facility.

56 “Host track”, a racing licensee or an out-of-state track which conducts a live race which
57 is the subject of simulcasting and simulcast wagering.

58 “Pari-mutuel wagering”, a form of wagering on the outcome of an event in which all
59 wagers are pooled and held by an association for distribution of the total amount, less the
60 deductions authorized by law, to holders of tickets on the winning contestants.

61 “Premium”, an amount paid to a racing licensee by a simulcasting licensee on account of
62 the simulcasting licensee taking wagers on interstate simulcasts of the type of horse racing as is
63 conducted by the racing licensee.

64 “Racing license”, an authorization awarded to a person by the commission, under
65 specified conditions, to accept wagers on live horse racing conducted on the license holder’s
66 licensed premises in the commonwealth; a racing license shall not confer on its holder any rights
67 to simulcast or to accept simulcast wagers, but an eligible person may apply for and be awarded
68 both a racing license and a simulcasting license.

69 “Racing licensee”, a person who holds a racing license; a racing licensee may also be a
70 simulcasting licensee.

71 “Race track”, a track where live horse racing meetings are held, including but not limited
72 to the track, grounds, auditoriums, amphitheaters and bleachers, if any, and adjacent places used
73 in connection therewith.

74 “Rebate”, a portion of pari-mutuel wagers, otherwise payable to a racing or simulcasting
75 licensee, that is paid to a holder of a pari-mutuel wagering ticket and that reduces the amount
76 otherwise payable to such licensee, including, but not limited to: refunds to holders of pari-
77 mutuel wagering tickets of any portion or percentage of the full face value of a pari-mutuel
78 wager; bonuses on a winning pari-mutuel ticket; awards of merchandise; services such as meals,
79 parking, admission, seating and programs; free or reduced-cost pari-mutuel wagers; monetary
80 awards; or any other benefit that the commission deems appropriate to reward racing and
81 simulcasting patrons for their patronage.

82 “Simulcast”, the broadcast, transmission, receipt or exhibition, by any medium or
83 manner, of a live race conducted at a race track other than the one at which it is being exhibited,
84 whether inside or outside the commonwealth, including but not limited to, a system, network, or
85 programmer which transmits, or receives, television or radio signals by wire, satellite, or
86 otherwise.

87 “Simulcasting license”, an authorization awarded to a person by the commission, under
88 specified conditions, to accept simulcast wagers, provided that the commission may award a
89 simulcasting license only to a racing licensee, a gaming licensee pursuant to chapter 23K, or an
90 entity that was licensed as a greyhound or horse racing meeting licensee pursuant to chapter
91 128A and authorized pursuant to chapter 128C to conduct simulcasting in 2022; and provided
92 further that a simulcasting license shall have a term of 5 years.

93 “Simulcasting licensee”, a person who holds a simulcasting license.

94 “Simulcast wager”, a wager taken by a simulcasting licensee on a race that is simulcast.

95 “Straight wager”, a wager on the speed or ability of any 1 horse in a single race.

96 “Takeout”, monies deducted from a pari-mutuel pool in accordance with this chapter
97 prior to payment of winnings.

98 Section 3. (a) The commission shall have all powers necessary or convenient to
99 effectively regulate horse racing, simulcasting, and pari-mutuel wagering thereon including, but
100 not limited to,

101 (1) all requisite powers afforded in accordance with section 4 of chapter 23K necessary
102 for the implementation, administration and enforcement of this chapter;

103 (2) the power to adopt, amend or repeal regulations for the implementation,
104 administration and enforcement of this chapter;

105 (3) the power to award, revoke, suspend, and approve transfers of racing licenses and
106 simulcasting licenses in accordance with regulations adopted pursuant to section 4, provided,
107 however, notwithstanding any provision of this chapter, any other general or special law, or any
108 regulations adopted hereunder to the contrary, the entities licensed as greyhound or horse racing
109 meeting licensee under chapter 128A and authorized to conduct simulcasting under chapter 128C
110 during calendar year 2022 shall be licensed as simulcasting licensees under this chapter through
111 December 31st of the year in which the tenth anniversary of effective date of this chapter occurs.
112 Such greyhound and horse racing meeting licensees shall be authorized to conduct simulcasting
113 and simulcast wagering without any requirement to conduct live racing, except that the harness
114 horse racing meeting licensee shall comply with any live racing obligations under chapter 23K or
115 under chapter 194 of the acts of 2011. Such a greyhound or horse racing meeting licensee may
116 assign its simulcasting license to another person, provided that the assignee passes a background
117 investigation by the commission;

118 (4) the power to administer and enforce any general or special law related to pari-mutuel
119 wagering or simulcasting; and

120 (5) the power to serve as a host racing commission and an off-track racing commission
121 for purposes of the Interstate Horseracing Act, 15 U.S.C. § 3001 et seq.

122 (b) The power and authority granted to the commission shall be construed as broadly as
123 necessary for the implementation, administration and enforcement of this chapter.

124 Section 4. (a) The commission shall promulgate regulations for the implementation,
125 administration and enforcement of this chapter including, without limitation, regulations that:

126 (1) prescribe the application process and criteria for evaluation of the application and
127 renewal for a racing license; provided, however, in determining whether to award or renew a
128 racing license the commission shall take into consideration the physical location of the race track
129 as it relates to other proposed and licensed tracks, whether the race track will maximize benefits
130 to the commonwealth, the support or opposition to each applicant from the public, and any other
131 considerations deemed relevant by the commission;

132 (2) subject to section 3(a)(3), prescribe the process and criteria for evaluation of the
133 application and renewal of a simulcasting license; provided, however, that simulcast licenses
134 may be awarded only to a racing licensee, a gaming licensee pursuant to chapter 23K, or an
135 entity that was licensed as a greyhound or horse racing meeting licensee pursuant to chapter
136 128A and authorized pursuant to chapter 128C to conduct simulcasting in 2022, and provided
137 further that, in granting a simulcasting license to a gaming licensee, the commission shall take
138 into consideration the impact on facilities of persons previously licensed pursuant to said
139 chapters 128A and 128C;

- 140 (3) prescribe procedures and requirements necessary to the proper governance of the
141 conduct of live horse racing, simulcasting, and wagering thereon, including:
- 142 (i) prescribe the types of allowable wagers;
- 143 (ii) establish procedures for advance deposit wagering, including the use of advance
144 deposit wagering accounts including electronic components of advance deposit wagering
145 account, rebates and rewards;
- 146 (iii) prescribe the extent to which, if any, rebating will be authorized in the
147 commonwealth;
- 148 (iv) prescribe the use of the breaks;
- 149 (v) prescribe the amount and manner that premiums, if any, will be assessed upon the
150 simulcasting licensees;
- 151 (vi) establish licensure and registration provisions for veterinarians, blacksmiths,
152 owners, trainers, jockeys and stable employees performing work at race tracks;
- 153 (vii) establish uniform standards and requirements for horse racing including, but not
154 limited to, safety standards for horses, jockeys, drivers, and other participants, and for the drug
155 testing of horses and jockeys and drivers;
- 156 (viii) prescribe the manner in which judges, stewards and race officials will be qualified
157 and appointed;
- 158 (ix) develop procedures for the voluntary and involuntary exclusion of patrons from a
159 race track in a manner consistent with section 45 of chapter 23K;

160 (x) require racing meeting licensees and simulcasting licensees to develop protocols
161 to prevent underage wagering and establish security procedures for ensuring the safety of minors
162 at race tracks;

163 (xi) prescribe the minimum internal control procedures for racing meeting licensees
164 and simulcasting licensees including those for effective control over the internal fiscal affairs of
165 a licensee, including provisions for implementation of a uniform standard of accounting, the
166 safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the
167 maintenance of reliable records, accounts and reports of transactions, operations and events,
168 including reports to the commission;

169 (xii) establish licensure and registration procedures for employees of racing meeting
170 licensees and simulcasting licensees not working at a gaming establishment pursuant to chapter
171 23K;

172 (xiii) require that all employees of a racing meeting licensee and simulcasting licensee
173 who have racing or simulcasting responsibilities, be properly trained in their respective
174 professions;

175 (4) prescribe the minimum number of live racing days required to be held by a racing
176 licensee;

177 (5) prescribe grounds and procedures for the revocation, termination or suspension of
178 licenses and registrations issued by the commission, and for the issuance of discipline or fines to
179 persons holding licenses and registrations issued by the commission;

180 (6) prescribe the assessment and allocation of funds from racing licensees and
181 simulcasting licensees for the purpose of funding, to the extent not funded in accordance with
182 section 11, the activities of the commission relative to racing, simulcasting and wagering
183 thereon, and

184 (7) prescribe any other issues related to the honest conduct of horse racing, simulcasting
185 and wagering thereon.

186 (b) The commission may, pursuant to section 2 of chapter 30A, promulgate, amend or
187 repeal any regulation promulgated under this chapter as an emergency regulation if such
188 regulation is necessary to protect the interests of the commonwealth in regulating horse racing,
189 simulcasting, or wagering thereon.

190 Section 5. Advance deposit wagering by residents of the commonwealth on the
191 results of horse races conducted in the commonwealth or in jurisdictions outside of the
192 commonwealth shall be authorized and lawful in the commonwealth so long as there is a racing
193 licensee or a simulcasting licensee under this chapter. Each racing or simulcasting licensee shall
194 be authorized to conduct advance deposit wagering in accordance with any regulations
195 promulgated by the commission and may do so either directly or through a service provider with
196 whom it has a written agreement. No person who is not a racing or simulcasting licensee shall
197 conduct advance deposit wagering other than as a service provider with a written agreement with
198 a racing or simulcasting licensee.

199 Section 6. The commission may inspect and shall have access to the entire race track
200 or simulcasting facility and premises associated therewith upon which activity is conducted

201 pursuant to a racing license or a simulcasting license issued in accordance with this chapter
202 including all records, documents, systems, equipment, and supplies on the premises.

203 Section 7. The commission may audit as often as the commission determines
204 necessary the accounts, programs, activities, and functions of all racing licensees and
205 simulcasting licensees. To conduct the audit, authorized officers and employees of the
206 commission shall have access to such accounts at reasonable times, upon reasonable notice, and
207 the commission may require the production of books, documents, vouchers and other records
208 relating to any matter within the scope of the audit.

209 Section 8. Each racing licensee and simulcasting licensee shall make readily
210 available to the commission all documents, materials, equipment, personnel and any other items
211 requested during an investigation; provided, however, that material that a racing licensee or
212 simulcasting licensee considers a trade secret or other competitively sensitive or proprietary
213 information, and that would be detrimental to the licensee if publicly disclosed may, with the
214 commission's approval, be protected from public disclosure and the licensee may require
215 nondisclosure agreements with the commission before disclosing such material.

216 Section 9. Any records or information provided to the Commission by an applicant
217 or licensee under this chapter that the Commission determines constitute a trade secret or other
218 competitively sensitive or proprietary information, the public disclosure of which would be
219 detrimental to or place said applicant or licensee at a competitive disadvantage, may be subject to
220 a nondisclosure agreement with the commission and/or withheld from disclosure under section
221 10 of chapter 66.

222 Section 10. The commission shall establish application fees for all licenses, approvals,
223 and renewals awarded under this chapter which shall include costs incurred for conducting a
224 background investigation into an applicant. The commission may seek reimbursement from an
225 applicant for any costs of investigation in excess of the initial application or renewal fee.

226 Section 11. (a) Every racing licensee conducting pari-mutuel wagering on horse races
227 run live at its licensed race track shall return all sums deposited in any pari-mutuel pool by
228 patrons for wagers on such live horse races to the holders of winning tickets therein less the
229 breaks and less a takeout in an amount to be determined by the licensee but not to exceed 19 per
230 cent of the total amount so deposited on a straight wager and 26 per cent of the total amount so
231 deposited on an exotic wager. From the takeout, the licensee shall pay:

232 (i) to the commission on behalf of the commonwealth, a pari-mutuel tax in an amount
233 equal to 0.75 per cent of all amounts so deposited, less the breaks;

234 (ii) (A) if a running horse licensee, to the Massachusetts Thoroughbred Breeders
235 Association, Inc., a sum equal to 1 per cent of the total amount so deposited, less the breaks, to
236 be used for the purposes of subsection (g) of section 2 of chapter 128; and

237 (B) if a harness horse licensee, to the Massachusetts Standardbred Breeders program
238 established pursuant to subsection (j) of section 2 of chapter 128, a sum equal to 0.5 per cent of
239 the total amount so deposited, less the breaks, on straight wagers and a sum equal to 1.5 per cent
240 of the total amount so deposited, less the breaks, on exotic wagers, the monies to be used for the
241 purposes of said subsection (j) of said section 2;

242 (iii) (A) if a running horse licensee, a sum equal to 8.5 per cent of the amount so
243 deposited, less the breaks, on straight wagers and a sum equal to 9.5 per cent of the amount so

244 deposited, less the breaks, on exotic wagers, for payment of purses and, with the approval of the
245 appropriate horsemen's association representing the horse owners racing at that meeting, for
246 payment of the licensee's administrative and horseracing operations;

247 (B) if a harness horse licensee, a sum equal to 8 per cent of the amount so deposited, less
248 the breaks, on straight wagers and a sum equal to 10 per cent of the amount so deposited, less the
249 breaks, on exotic wagers for the payment of purses; and

250 (iv) if a running horse licensee, to Tufts University School of Veterinary Medicine, a sum
251 equal to 0.5 per cent of the amount so deposited, less the breaks, on exotic wagers.

252 In addition, 3.5 per cent of all purses paid by running horse racing licensees, except
253 purses funded by the Massachusetts Thoroughbred Breeders Association, Inc., shall be paid to
254 the Massachusetts Thoroughbred Breeders Association, Inc.

255 The licensee shall be entitled to retain the remainder of the takeout as its commission.

256 (b) Every simulcasting licensee acting as a guest track simulcasting a race run live at a
257 host track within the commonwealth shall return all sums deposited in any pari-mutuel pool by
258 patrons for wagers on such in-state simulcast races to the holders of winning tickets therein less
259 the breaks and less a takeout in an amount to be determined by the licensee but not to exceed 19
260 per cent of the total amount so deposited on straight wagers and 26 per cent of the total amount
261 so deposited on exotic wagers. From the takeout, the licensee shall pay:

262 (i) to the commission on behalf of the commonwealth, a pari-mutuel tax in a sum equal to
263 0.375 per cent of the amount so deposited, less the breaks;

264 (ii) to the host racing association, a sum equal to 11 per cent of the amount so deposited,
265 less the breaks;

266 (iii) (A) if the simulcasting licensee is also a running horse racing licensee, to the
267 Massachusetts Thoroughbred Breeders Association, Inc., a sum equal to 0.5 per cent of the total
268 amount so deposited, less the breaks, to be used for the purposes of subsection (g) of section 2 of
269 chapter 128; and

270 (B) if the simulcasting licensee is also a harness horse racing licensee, to the
271 Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2
272 of chapter 128, a sum equal to 0.25 per cent of the total amount so deposited by patrons, less the
273 breaks, on straight wagers and a sum equal to 0.75 per cent of the total amount so deposited, less
274 the breaks, on exotic wagers, the monies to be used for the purposes of said subsection (j) of said
275 section 2 of said chapter 128; and

276 (iv) (A) if the simulcasting licensee is also a running horse racing licensee, a sum equal to
277 not less than 3.5 per cent of the total amount so deposited, less the breaks, for the payment of
278 purses in races at its race track and, with the approval of the appropriate horsemen's association
279 representing the horse owners racing at that meeting, for payment of the licensee's administrative
280 and horseracing operations;

281 (B) if the simulcasting licensee is also a harness horse racing licensee, a sum equal to not
282 less than 3.5 per cent of the total amount so deposited, less the breaks, for the payment of purses
283 in races at its race track;

284 (v) if the simulcast race is a thoroughbred race, to the department of agricultural
285 resources, a sum equal to 0.25 per cent of the total amount so deposited on exotic wagers.

286 The licensee shall be entitled to retain the remainder of the takeout as its commission.

287 (c) Every simulcasting licensee acting as a guest track simulcasting a race run live at a
288 host track outside of the commonwealth shall return all sums deposited in any pari-mutuel pool
289 by patrons for wagers on such out-of-state simulcast races to the holders of winning tickets
290 therein less the breaks and less a takeout in an amount to be determined by the licensee but not to
291 exceed 19 per cent of the total amount so deposited on straight wagers and 26 per cent of the
292 total amount deposited on exotic wagers or the amount which would be paid under the laws of
293 the jurisdiction exercising regulatory authority over the host track. From the takeout, the
294 licensee shall pay:

295 (i) to the commission on behalf of the commonwealth, a pari-mutuel tax in an amount
296 equal to 0.375 per cent of all wagers, less the breaks

297 (ii) (A) if the simulcasting licensee is also a running horse racing licensee, to the
298 Massachusetts Thoroughbred Breeders Association, Inc., a sum equal to 0.5 per cent of the total
299 amount so deposited, less the breaks, to be used for the purposes of subsection (g) of section 2 of
300 chapter 128; and

301 (B) if the simulcasting licensee is also a harness horse racing licensee, to the
302 Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2
303 of chapter 128, a sum equal to 0.25 per cent of the total amount so deposited by patrons, less the
304 breaks, on straight wagers and a sum equal to 0.75 per cent of the total amount so deposited, less
305 the breaks, on exotic wagers, the monies to be used for the purposes of said subsection (j) of said
306 section 2;

307 (iii) (A) if the simulcasting licensee is also a running horse racing licensee, a sum equal
308 to not less than 0.5 per cent and not more than 2.5 per cent of the total amount so deposited, less
309 the breaks, for the payment of purses in races at its race track and, with the approval of the
310 appropriate horsemen's association representing the horse owners racing at that meeting, for
311 payment of the licensee's administrative and horseracing operations;

312 (B) if the simulcasting licensee is also a harness horse racing licensee, a sum equal to not
313 less than 4.0 per cent and not more than 7.5 per cent of the total amount so deposited, less the
314 breaks, for the payment of purses in races at its race track;

315 The licensee shall be entitled to retain the remainder of the takeout as its commission.

316 (d) All pari-mutuel taxes paid to the commission pursuant to this section, and all
317 assessments, association licensing fees, occupational licensing fees, fines, penalties and
318 miscellaneous revenues paid to the commission shall be deposited in a separate account under
319 the control and supervision of the commission. The total amount of such pari-mutuel taxes and
320 other revenues shall be expended in the following order of priority and for the purposes
321 specified:

322 (1) local aid to the host community of each racing licensee in the amount of 0.35 per cent
323 of all wagers placed with the racing licensee on its live races;

324 (2) \$35,000 annually per racing and simulcasting licensee to the department of public
325 health for assistance with problem gambling research, prevention, and treatment programs;

326 (3) \$80,000 annually to an organization, as determined by the commission, which
327 provides health, medical, food, substance abuse treatment and other social services for persons

328 who are employed in the stable or the backstretch area of a running horse licensee, if there is
329 such a licensee;

330 (4) \$20,000 annually to the commission to provide economic assistance, in accordance
331 with regulations adopted by the commission, to any person employed in the racing facility, the
332 stable or the backstretch area of a running horse licensee who is facing hardship due to illness or
333 unforeseen tragedy;

334 (5) up to \$1,080,976 per fiscal year for the operations of the commission relative to
335 racing, including the costs to the commission of conducting each racing performance conducted
336 by a racing licensee;

337 (6) any remaining revenues up to \$4,500,000 to the racing licensees to be used for purses
338 in amounts to be determined according to a formula established by the commission; and

339 (7) any remaining revenues to the General Fund.

340 (e) No winnings shall be paid by a racing or simulcasting licensee after December 31 of
341 the year following the year in which the wager was made except with permission of the
342 commission or pursuant to a judgment in an action brought to recover the winnings or in
343 settlement of such an action. No action to recover winnings upon a wager made under this
344 chapter or under chapter 128A or 128C after November 15, 2001 shall be commenced after
345 December 31 of the year following the year in which the wager was made. A notice of the
346 limitation prescribed by this section in such form as the commission may prescribe shall be
347 posted by each licensee in a conspicuous place at each window or booth where pari-mutuel
348 tickets are sold. Within 90 days of December 31, each licensee shall certify to the commission
349 the total amount of money held for the payment of any wagers for the recovery of which no

350 action has commenced within the time herein limited and shall thereafter be permitted free use of
351 the funds, provided, however, that if the licensee is a racing licensee, then the funds shall be used
352 for the payment of purses and, with the approval of the appropriate horsemen's association
353 representing the horse owners racing at that meeting, for payment of the licensee's administrative
354 and horseracing operations.

355 Section 12. Notwithstanding any general or special law to the contrary, the
356 conducting of live racing, simulcasting, and pari-mutuel wagering thereon and activities ancillary
357 thereto are lawful when conducted in accordance with the provisions of this chapter and the rules
358 and regulations of the commission.

359 Section 13. The provisions of section 181 of chapter 140 and of sections 31, 33, and
360 34 of chapter 271, and of chapter 494 of the acts of 1908, shall not apply to race tracks or racing
361 meetings laid out and conducted by licensees under this chapter or to animals eligible to race at
362 such meetings; except that no license shall be granted by the commission for a racing meeting in
363 any city or town, except in connection with a state or county fair, unless the location of the race
364 track where such meeting is to be held or conducted has been once approved by the mayor and
365 city council or the town council or the selectmen as provided by said section 33 of said chapter
366 271, after a public hearing, seven days' notice of the time and place of which hearing shall have
367 been given by posting in a conspicuous public place in such city or town and by publication in a
368 newspaper published in such city or town, if there is any published therein, otherwise in a
369 newspaper published in the county wherein such city or town is situated.

370 The approval of a location by a mayor and city council shall be deemed to be a measure
371 within the provisions of section 42 of chapter 43 and the provisions of said section shall apply to

372 every city; provided, however, that such approval, if not rescinded as provided in said section,
373 shall be submitted to the voters of the city at a special election which shall be called by the city
374 council and shall be held within 45 days of the filing of the petition protesting such approval
375 taking effect.

376 The approval of a location by a town council, in a town having a town council, and by the
377 selectmen in any other town, upon petition of 12 per cent of the voters of the town filed with the
378 town clerk protesting against such approval taking effect shall be suspended from taking effect
379 and the town council or the selectmen, as the case may be, shall immediately reconsider such
380 approval, and if such approval is not rescinded, the question of such approval shall be submitted
381 to the voters of the town at a special election which shall be called by the selectmen or town
382 council, as the case may be, and which shall be held within 45 days of the submission of said
383 petition. Such approval shall become null and void unless a majority of the voters voting on the
384 same at said election vote in the affirmative.

385 Section 14. Notwithstanding this chapter or any general or special law to the
386 contrary, no live dog racing or live racing meeting where any form of wagering on the speed or
387 ability of dogs occurs shall be conducted or permitted in this commonwealth and the commission
388 is hereby prohibited from accepting or approving any application or request for racing dates for
389 dog racing. Any person who violates this section shall be subject to a civil penalty of not less
390 than twenty thousand dollars which shall be payable to the commission and used in accordance
391 with subsection (d) of section 11.

392 Section 15. Any person who accepts or pays out a wager on the results of any horse
393 race or dog race, or aids or abets any of the foregoing types of wagering, except as permitted by

394 this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars
395 and imprisonment for not more than one year, and for a subsequent offence by a fine of not more
396 than ten thousand dollars and imprisonment for not more than two years.

397 Section 16. The commission shall provide an annual report of activity conducted
398 pursuant to this chapter. The report shall include, but not be limited to, an analysis of
399 commission activities designed to further the race horse industry and equine economy; a full and
400 complete statement of revenues, expenditures and the balance of the Race Horse Development
401 Fund; an accounting of funds received from racing meeting licensees and simulcast licensees for
402 the purpose of funding the activities of the commission; and an accounting of projected
403 expenditures from the Race Horse Development Fund in the next year. The report shall be made
404 available on the commission's website and filed annually with the clerks of the house of
405 representatives and the senate, the chairs of the house and senate committees on ways and means
406 and the chairs of the joint committee on economic development and emerging technologies not
407 later than March 1 of each calendar year.

408 SECTION 7. Section 14 of chapter 128D of the General Laws is amended by striking
409 out the section in its entirety and inserting in place thereof the following new section:-

410 Section 14. (a) Notwithstanding this chapter or any general or special law to the contrary,
411 no live dog racing or live racing meeting where any form of wagering on the speed or ability of
412 dogs occurs shall be conducted or permitted in this commonwealth and the commission is hereby
413 prohibited from accepting or approving any application or request for racing dates for dog
414 racing. Any person who violates this section shall be subject to a civil penalty of not less than

415 twenty thousand dollars which shall be payable to the commission and used in accordance with
416 subsection (d) of section 11.

417 (b) Notwithstanding this chapter or any general or special law to the contrary, no racing
418 licensee or simulcasting licensees, including licensees holding racing meetings in connection
419 with a state or county fair as defined in section 1 of chapter 128A, shall simulcast or accept a
420 wager on greyhound dog racing.

421 SECTION 8. Section 17 of chapter 194 of the acts of 2011 is hereby repealed.

422 SECTION 9. Notwithstanding any provision of any general or special law to the
423 contrary, as of the effective date of this section, no person shall be required to pay any money
424 into the Running Horse Capital Improvements Trust Fund or the Running Horse Promotional
425 Trust Fund, each established pursuant to section 11 of chapter 494 of the acts of 1978 and
426 together referred to in this section as the “Thoroughbred Funds”, or into the Harness Horse
427 Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund, each
428 established pursuant to section 12 of said chapter 494 and together referred to in this section as
429 the “Harness Funds.” Any monies in the Thoroughbred Funds as of the effective date of this
430 section shall be paid by the commission, without condition or restriction and within thirty days of
431 the effectiveness of this section, to the running horse racing meeting licensee located in Suffolk
432 county and licensed under chapter 128A in 2022. Any monies in the Harness Funds as of the
433 effective date of this section shall be paid by the commission, without condition or restriction
434 and within thirty days of the effectiveness of this section, to the harness horse racing meeting
435 licensee located in Norfolk county and licensed under chapter 128A in 2022. Once all such

436 monies in a Thoroughbred Fund or a Harness Fund shall have been paid pursuant to this section,
437 the fund shall be disestablished.

438 SECTION 10. Notwithstanding any provision of any general or special law to the
439 contrary, as of the effective date of this section, no person shall be required to pay any money
440 into the Greyhound Capital Improvements Trust Fund or the Greyhound Promotional Trust
441 Fund, each established pursuant to section 12A of chapter 494 of the acts of 1978, or into the
442 Racing Stabilization Fund established pursuant to section 87 of chapter 194 of the acts of 2011,
443 all of which funds are referred to in this section as the “Greyhound Funds.” Any monies in a
444 Greyhound Fund as of the effective date of this section shall be paid by the commission, without
445 condition or restriction and within thirty days of the effectiveness of this section, to the
446 greyhound meeting licensee located in Bristol county and licensed under chapter 128A in 2022
447 and the greyhound meeting licensee located in Suffolk county and licensed under chapter 128A
448 in 2022 in proportion to their contributions to the Greyhound Funds since November 22, 2011.

449 SECTION 11. Notwithstanding any general or special law to the contrary, any person
450 authorized at any point in 2023 or 2024 prior to the effective date of this Act by any general or
451 special law to conduct horse racing, simulcasting, or pari-mutuel wagering including advance
452 deposit wagering under said chapter 128A or said chapter 128C shall remain authorized to
453 conduct such activities on the same terms and conditions as in effect immediately prior to the
454 effective date of this act until such time as the commission adopts regulations or takes other
455 action to implement this act and chapter 128D as herein established.

456 SECTION 12. Sections 2 and 7 shall take effect on August 1, 2023.