

HOUSE No. 322

The Commonwealth of Massachusetts

PRESENTED BY:

Harold P. Naughton, Jr.

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 to promote horse racing in the Commonwealth.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Harold P. Naughton, Jr.

12th Worcester

Josh S. Cutler

6th Plymouth

HOUSE No. 322

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 322) of Harold P. Naughton, Jr. and Josh S. Cutler for legislation to promote horse racing in the Commonwealth. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to promote horse racing in the Commonwealth.

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. Subsection (a) of section 60 of chapter 23K of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by striking out the words “licensee
3 under chapter 128A” and inserting in place thereof the following words:- persons licensed by the
4 commission to hold or conduct horse racing meetings.

5 SECTION 2. Subsection (b) of said section 60 of said chapter 23K, as so appearing, is
6 hereby amended by striking out the first sentence and inserting in place thereof the following
7 sentence:-

8 There shall be a horse racing committee consisting of 5 members, 2 of whom shall be
9 appointed by the chair of the commission, 1 of whom shall be appointed by the New England
10 Horsemen’s Benevolent & Protective Association and the Massachusetts Thoroughbred
11 Breeding Program; 1 of whom shall be appointed by the Massachusetts Thoroughbred

12 Horsemen's Association; and 1 of whom shall be appointed by the Harness Horseman's
13 Association of New England and the Massachusetts Standardbred Breeding Program.

14 SECTION 3. Notwithstanding chapters 128A and 128C of the General Laws, or any
15 general or special law, rule or regulation to the contrary, the Massachusetts Gaming Commission
16 shall accept applications by persons seeking to hold or conduct horse racing meetings at a race
17 track within the commonwealth which has not previously conducted horse racing meetings. For
18 any such application, the commission shall:

19 (1) prescribe the application process and criteria for evaluation of the application for a
20 racing license; provided that the commission shall not accept applications to conduct horse
21 racing meetings at a race track with a racing strip of less than 1 mile or applications where
22 training and stabling will not be held on the same property as the race track;

23 (2) prescribe the process and criteria for evaluation of the application of a simulcasting
24 license to a racing licensee licensed under this section;

25 (3) prescribe the minimum number of live racing days required to be held by a racing
26 licensee; provided that the minimum number of live racing days shall not be less than 60 days;

27 (4) prescribe rules governing simulcasting and simulcast wagering;

28 (5) prescribe the manner that premiums, if any, will be assessed upon the racing and/or
29 simulcasting licensees;

30 (6) prescribe any allowable or required takeouts;

31 (7) prescribe procedures and requirements for the use of breaks and unclaimed wagers;

32 (8) establish uniform standards and requirements for horse racing including, but not
33 limited to, safety standards for horses, jockeys, drivers, and other participants, use and operation
34 of a Totalizator, and drug testing;

35 (9) prescribe the types of allowable wagers;

36 (10) prescribe procedures for the use of credit, advance deposit wagering accounts, and
37 rebates;

38 (11) prescribe the manner in which judges, stewards and race officials will be qualified
39 and appointed;

40 (12) develop procedures for the voluntary and involuntary exclusion of patrons from a
41 race track in a manner consistent with section 45 of chapter 23K;

42 (13) require racing licensees and simulcasting licensees to develop protocols to prevent
43 underage wagering and establish security procedures for ensuring the safety of minors at race
44 tracks;

45 (14) prescribe the minimum internal control procedures for racing licensees and
46 simulcasting licensees including those for effective control over the internal fiscal affairs of a
47 licensee, including provisions for implementation of a uniform standard of accounting, the
48 safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the
49 maintenance of reliable records, accounts and reports of transactions, operations and events,
50 including reports by the commission;

51 (15) prescribe requirements for the governance of internet or electronic based wagering
52 on horse racing;

53 (16) establish licensure and registration procedures for employees of racing licensees and
54 simulcasting licensees not working at a gaming establishment pursuant to chapter 23K;

55 (17) establish licensure and registration provisions for veterinarians, blacksmiths, owners,
56 trainers, jockeys and stable employees;

57 (18) require that all employees of a racing licensee and simulcasting licensee who have
58 racing responsibilities, including financial, be properly trained in their respective professions;

59 (19) prescribe grounds and procedures for the revocation, suspension, and discipline of
60 all licenses and registrations;

61 (20) prescribe the process that an applicant can receive approval from towns hosting the
62 new race track; and

63 (21) prescribe any other issues related to the honest conduct of horse racing and wagering
64 related to it.

65 SECTION 4. Notwithstanding any general or special law, rule or regulation to the
66 contrary, upon the grant of any new license to conduct horse racing meetings in the
67 commonwealth; the Horse Racing Committee of the Massachusetts Gaming Commission shall
68 convene to review allocations made to the thoroughbred and standardbred industry through the
69 Race Horse Development Fund established pursuant to chapter 23K of the General Laws. The
70 committee shall consider the funding necessary to promote and support horse racing at new
71 establishments within the commonwealth.