

SENATE No. 165

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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:

Joseph A. Boncore

DISTRICT/ADDRESS:

First Suffolk and Middlesex

SENATE No. 165

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 165) of Joseph A. Boncore for legislation relative to regulating horse racing and wagering. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 101 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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, as appearing in the 2016
2 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof
3 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) pari-mutuel wagering on horse races and greyhound races under chapter
9 128D; (iv) a game of bingo conducted under chapter 271; and (v) charitable gaming conducted
10 under said chapter 271.”

11 SECTION 2. Section 7 of chapter 23K of the General Laws is hereby repealed. Said
12 section 7 shall not be revived by any future operation of sections 17 or 112 of chapter 194 of the
13 acts of 2011.

14 SECTION 3. Chapter 128A of the General Laws is hereby repealed.

15 SECTION 4. Chapter 128C of the General Laws is hereby repealed.

16 SECTION 5. The General Laws are hereby amended by inserting after said chapter
17 128C the following chapter:-

18 CHAPTER 128D.

19 HORSE RACING, SIMULCASTING AND WAGERING

20 Section 1. Preamble. It is the intent of this chapter to grant the Massachusetts gaming
21 commission all necessary authority to oversee and regulate all aspects of horse racing and
22 simulcasting in the commonwealth with the object of promoting their efficient operation, and the
23 honesty and integrity of the wagering process related to them. It is the further intent of this
24 chapter that the commission utilize best efforts to ensure that the horse racing and simulcasting
25 industries be preserved and sustained for, amongst other reasons, the preservation of open space,
26 the agricultural benefits associated with horse racing, and the creation and preservation of jobs
27 and businesses associated with horse racing and simulcasting.

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

30 “Advance deposit wagering”, a form of pari-mutuel wagering in which an individual may
31 deposit money to an account established through an agreement with a holder of a racing license

32 or simulcasting license or such licensee's service provider and use the account balance to make
33 and pay for wagers by the holder of the account which wagers may be made in person, by direct
34 telephone call or by communication through other electronic media by the holder of the account.

35 "Breaks", in the case of live horse racing meetings conducted in the commonwealth by a
36 racing licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered;
37 provided, however, that in the case of horse race conducted at a race track outside the
38 commonwealth, the amount of the breaks shall be determined in accordance with the laws of the
39 state in which the race track is located.

40 "Commission", the Massachusetts gaming commission established in chapter 23K.

41 "Exotic wager", a wager on the speed or ability of a combination of more than 1 horse in
42 a single race.

43 "Guest track", a simulcasting licensee's facility or an out-of-state pari-mutuel wagering
44 facility which accepts a simulcast wager on a race conducted live at another location which is
45 presented by simulcast at the simulcasting licensee's facility or the out-of-state pari-mutuel
46 wagering facility.

47 "Host track", a racing licensee or an out-of-state track which conducts a live race which
48 is the subject of simulcasting and simulcast wagering.

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

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

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

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

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

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

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

78 “Simulcasting license”, an authorization awarded to a person by the commission, under
79 specified conditions, to accept simulcast wagers, provided that the commission may award a
80 simulcasting license only to a racing licensee, a gaming licensee pursuant to chapter 23K, or an
81 entity that was licensed as a greyhound or horse racing meeting licensee pursuant to chapter
82 128A and authorized pursuant to chapter 128C to conduct simulcasting in 2020.

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

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

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

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

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

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

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

95 (3) the power to award, revoke, suspend, and approve transfers of racing licenses and
96 simulcasting licenses in accordance with regulations adopted pursuant to section 4, provided,
97 however, notwithstanding any provision of this chapter, any other general or special law, or any
98 regulations adopted hereunder to the contrary, the entities licensed as greyhound or horse racing
99 meeting licensee under chapter 128A and authorized to conduct simulcasting under chapter 128C
100 during calendar year 2020 shall be licensed as simulcasting licensees under this chapter through
101 December 31st of the year in which the tenth anniversary of effective date of this chapter occurs.
102 Such greyhound and horse racing meeting licensees shall be authorized to conduct simulcasting
103 and simulcast wagering in one or more locations in the commonwealth without any requirement
104 to conduct live racing or to conduct business in the same location as they operated under chapters
105 128A and 128C, except that the harness horse racing meeting licensee shall comply with any live
106 racing obligations under chapter 23K or under chapter 194 of the acts of 2011. Such a
107 greyhound or horse racing meeting licensee may assign its simulcasting license to another
108 person, provided that the assignee passes a background investigation by the commission;

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

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

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

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

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

123 (2) subject to section 3(a)(3), prescribe the process and criteria for evaluation of the
124 application and renewal of a simulcasting license; provided, however, that simulcast licenses
125 may be awarded only to a racing licensee, a gaming licensee pursuant to chapter 23K, or an
126 entity that was licensed as a greyhound or horse racing meeting licensee pursuant to chapter
127 128A and authorized pursuant to chapter 128C to conduct simulcasting in 2020, and provided
128 further that, in granting a simulcasting license to a gaming licensee, the commission shall take
129 into consideration the impact on facilities of persons previously licensed pursuant to said
130 chapters 128A and 128C;

131 (3) prescribe procedures and requirements necessary to the proper governance of the
132 conduct of live horse racing, simulcasting, and wagering thereon, including:

133 (i) prescribe the types of allowable wagers;

134 (ii) establish procedures for advance deposit wagering, including the use of advance
135 deposit wagering accounts including electronic components of advance deposit wagering
136 account, rebates and rewards;

- 137 (iii) prescribe the extent to which, if any, rebating will be authorized in the
138 commonwealth;
- 139 (iv) prescribe the use of the breaks;
- 140 (v) prescribe the amount and manner that premiums, if any, will be assessed upon the
141 simulcasting licensees;
- 142 (vi) establish licensure and registration provisions for veterinarians, blacksmiths,
143 owners, trainers, jockeys and stable employees performing work at race tracks;
- 144 (vii) establish uniform standards and requirements for horse racing including, but not
145 limited to, safety standards for horses, jockeys, drivers, and other participants, and for the drug
146 testing of horses and jockeys and drivers;
- 147 (viii) prescribe the manner in which judges, stewards and race officials will be qualified
148 and appointed;
- 149 (ix) develop procedures for the voluntary and involuntary exclusion of patrons from a
150 race track in a manner consistent with section 45 of chapter 23K;
- 151 (x) require racing meeting licensees and simulcasting licensees to develop protocols
152 to prevent underage wagering and establish security procedures for ensuring the safety of minors
153 at race tracks;
- 154 (xi) prescribe the minimum internal control procedures for racing meeting licensees
155 and simulcasting licensees including those for effective control over the internal fiscal affairs of
156 a licensee, including provisions for implementation of a uniform standard of accounting, the
157 safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the

158 maintenance of reliable records, accounts and reports of transactions, operations and events,
159 including reports to the commission;

160 (xii) establish licensure and registration procedures for employees of racing meeting
161 licensees and simulcasting licensees not working at a gaming establishment pursuant to chapter
162 23K;

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

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

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

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

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

177 (b) The commission may, pursuant to section 2 of chapter 30A, promulgate, amend or
178 repeal any regulation promulgated under this chapter as an emergency regulation if such

179 regulation is necessary to protect the interests of the commonwealth in regulating horse racing,
180 simulcasting, or wagering thereon.

181 Section 5. Advance deposit wagering by residents of the commonwealth on the
182 results of horse races conducted in the commonwealth or in jurisdictions outside of the
183 commonwealth shall be authorized and lawful in the commonwealth so long as there is a racing
184 licensee or a simulcasting licensee under this chapter. Each racing or simulcasting licensee shall
185 be authorized to conduct advance deposit wagering in accordance with any regulations
186 promulgated by the commission and may do so either directly or through a service provider with
187 whom it has a written agreement. No person who is not a racing or simulcasting licensee shall
188 conduct advance deposit wagering other than as a service provider with a written agreement with
189 a racing or simulcasting licensee.

190 Section 6. The commission may inspect and shall have access to the entire race track
191 or simulcasting facility and premises associated therewith upon which activity is conducted
192 pursuant to a racing license or a simulcasting license issued in accordance with this chapter
193 including all records, documents, systems, equipment, and supplies on the premises.

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

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

207 Section 9. Any records or information provided to the Commission by an applicant
208 or licensee under this chapter that the Commission determines constitute a trade secret or other
209 competitively sensitive or proprietary information, the public disclosure of which would be
210 detrimental to or place said applicant or licensee at a competitive disadvantage, may be subject to
211 a nondisclosure agreement with the commission and/or withheld from disclosure under section
212 10 of chapter 66.

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

217 Section 11. (a) Every racing licensee conducting pari-mutuel wagering on horse races
218 run live at its licensed race track shall return all sums deposited in any pari-mutuel pool by
219 patrons for wagers on such live horse races to the holders of winning tickets therein less the
220 breaks and less a takeout in an amount to be determined by the licensee but not to exceed 19 per

221 cent of the total amount so deposited on a straight wager and 26 per cent of the total amount so
222 deposited on an exotic wager. From the takeout, the licensee shall pay:

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

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

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

233 (iii) (A) if a running horse licensee, a sum equal to 8.5 per cent of the amount so
234 deposited, less the breaks, on straight wagers and a sum equal to 9.5 per cent of the amount so
235 deposited, less the breaks, on exotic wagers, for payment of purses and, with the approval of the
236 appropriate horsemen's association representing the horse owners racing at that meeting, for
237 payment of the licensee's administrative and horseracing operations;

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

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

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

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

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

253 (i) to the commission on behalf of the commonwealth, a pari-mutuel tax in a sum equal to
254 0.375 per cent of the amount so deposited, less the breaks;

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

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

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

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

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

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

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

278 (c) Every simulcasting licensee acting as a guest track simulcasting a race run live at a
279 host track outside of the commonwealth shall return all sums deposited in any pari-mutuel pool
280 by patrons for wagers on such out-of-state simulcast races to the holders of winning tickets
281 therein less the breaks and less a takeout in an amount to be determined by the licensee but not to
282 exceed 19 per cent of the total amount so deposited on straight wagers and 26 per cent of the

283 total amount deposited on exotic wagers or the amount which would be paid under the laws of
284 the jurisdiction exercising regulatory authority over the host track. From the takeout, the
285 licensee shall pay:

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

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

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

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

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

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

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

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

315 (2) \$35,000 annually per racing and simulcasting licensee to the department of public
316 health for assistance with problem gambling research, prevention, and treatment programs;

317 (3) \$80,000 annually to an organization, as determined by the commission, which
318 provides health, medical, food, substance abuse treatment and other social services for persons
319 who are employed in the stable or the backstretch area of a running horse licensee, if there is
320 such a licensee;

321 (4) \$20,000 annually to the commission to provide economic assistance, in accordance
322 with regulations adopted by the commission, to any person employed in the racing facility, the

323 stable or the backstretch area of a running horse licensee who is facing hardship due to illness or
324 unforeseen tragedy;

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

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

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

331 (e) No winnings shall be paid by a racing or simulcasting licensee after December 31 of
332 the year following the year in which the wager was made except with permission of the
333 commission or pursuant to a judgment in an action brought to recover the winnings or in
334 settlement of such an action. No action to recover winnings upon a wager made under this
335 chapter or under chapter 128A or 128C after November 15, 2001 shall be commenced after
336 December 31 of the year following the year in which the wager was made. A notice of the
337 limitation prescribed by this section in such form as the commission may prescribe shall be
338 posted by each licensee in a conspicuous place at each window or booth where pari-mutuel
339 tickets are sold. Within 90 days of December 31, each licensee shall certify to the commission
340 the total amount of money held for the payment of any wagers for the recovery of which no
341 action has commenced within the time herein limited and shall thereafter be permitted free use of
342 the funds, provided, however, that if the licensee is a racing licensee, then the funds shall be used
343 for the payment of purses and, with the approval of the appropriate horsemen's association

344 representing the horse owners racing at that meeting, for payment of the licensee's administrative
345 and horseracing operations.

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

350 Section 13. The provisions of section 181 of chapter 140 and of sections 31, 33, and
351 34 of chapter 271, and of chapter 494 of the acts of 1908, shall not apply to race tracks or racing
352 meetings laid out and conducted by licensees under this chapter or to animals eligible to race at
353 such meetings; except that no license shall be granted by the commission for a racing meeting in
354 any city or town, except in connection with a state or county fair, unless the location of the race
355 track where such meeting is to be held or conducted has been once approved by the mayor and
356 city council or the town council or the selectmen as provided by said section 33 of said chapter
357 271, after a public hearing, seven days' notice of the time and place of which hearing shall have
358 been given by posting in a conspicuous public place in such city or town and by publication in a
359 newspaper published in such city or town, if there is any published therein, otherwise in a
360 newspaper published in the county wherein such city or town is situated.

361 The approval of a location by a mayor and city council shall be deemed to be a measure
362 within the provisions of section 42 of chapter 43 and the provisions of said section shall apply to
363 every city; provided, however, that such approval, if not rescinded as provided in said section,
364 shall be submitted to the voters of the city at a special election which shall be called by the city

365 council and shall be held within 45 days of the filing of the petition protesting such approval
366 taking effect.

367 The approval of a location by a town council, in a town having a town council, and by the
368 selectmen in any other town, upon petition of 12 per cent of the voters of the town filed with the
369 town clerk protesting against such approval taking effect shall be suspended from taking effect
370 and the town council or the selectmen, as the case may be, shall immediately reconsider such
371 approval, and if such approval is not rescinded, the question of such approval shall be submitted
372 to the voters of the town at a special election which shall be called by the selectmen or town
373 council, as the case may be, and which shall be held within 45 days of the submission of said
374 petition. Such approval shall become null and void unless a majority of the voters voting on the
375 same at said election vote in the affirmative.

376 Section 14. Notwithstanding this chapter or any general or special law to the
377 contrary, no live dog racing or live racing meeting where any form of wagering on the speed or
378 ability of dogs occurs shall be conducted or permitted in this commonwealth and the commission
379 is hereby prohibited from accepting or approving any application or request for racing dates for
380 dog racing.

381 Any person who violates this section shall be subject to a civil penalty of not less than
382 twenty thousand dollars which shall be payable to the commission and used in accordance with
383 subsection (d) of section 11.

384 Section 15. Any person who accepts or pays out a wager on the results of any horse
385 race or dog race, or aids or abets any of the foregoing types of wagering, except as permitted by
386 this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars

387 and imprisonment for not more than one year, and for a subsequent offence by a fine of not more
388 than ten thousand dollars and imprisonment for not more than two years.

389 Section 16. In the event that the commonwealth authorizes any person or persons to
390 accept wagering on sporting events other than horse or dog races, a racing licensee or
391 simulcasting licensee under this chapter shall also be authorized to accept such sports wagers, on
392 the same terms and conditions as the other person or persons, either directly or through a service
393 provider.

394 Section 17. The commission shall provide an annual report of activity conducted
395 pursuant to this chapter. The report shall include, but not be limited to, an analysis of
396 commission activities designed to further the race horse industry and equine economy; a full and
397 complete statement of revenues, expenditures and the balance of the Race Horse Development
398 Fund; an accounting of funds received from racing meeting licensees and simulcast licensees for
399 the purpose of funding the activities of the commission; and an accounting of projected
400 expenditures from the Race Horse Development Fund in the next year. The report shall be made
401 available on the commission's website and filed annually with the clerks of the house of
402 representatives and the senate, the chairs of the house and senate committees on ways and means
403 and the chairs of the joint committee on economic development and emerging technologies not
404 later than March 1 of each calendar year.

405 SECTION 6. Section 17 of chapter 194 of the acts of 2011 is hereby repealed.

406 SECTION 7. Notwithstanding any provision of any general or special law to the
407 contrary, as of the effective date of this section, no person shall be required to pay any money
408 into the Running Horse Capital Improvements Trust Fund or the Running Horse Promotional

409 Trust Fund, each established pursuant to section 11 of chapter 494 of the acts of 1978 and
410 together referred to in this section as the “Thoroughbred Funds”, or into the Harness Horse
411 Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund, each
412 established pursuant to section 12 of said chapter 494 and together referred to in this section as
413 the “Harness Funds.” Any monies in the Thoroughbred Funds as of the effective date of this
414 section shall be paid by the commission, without condition or restriction and within thirty days of
415 the effectiveness of this section, to the running horse racing meeting licensee located in Suffolk
416 county and licensed under chapter 128A in 2020. Any monies in the Harness Funds as of the
417 effective date of this section shall be paid by the commission, without condition or restriction
418 and within thirty days of the effectiveness of this section, to the harness horse racing meeting
419 licensee located in Norfolk county and licensed under chapter 128A in 2020. Once all such
420 monies in a Thoroughbred Fund or a Harness Fund shall have been paid pursuant to this section,
421 the fund shall be disestablished.

422 SECTION 8. 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 Greyhound Capital Improvements Trust Fund or the Greyhound Promotional Trust
425 Fund, each established pursuant to section 12A of chapter 494 of the acts of 1978, or into the
426 Racing Stabilization Fund established pursuant to section 87 of chapter 194 of the acts of 2011,
427 all of which funds are referred to in this section as the “Greyhound Funds.” Any monies in a
428 Greyhound Fund as of the effective date of this section shall be paid by the commission, without
429 condition or restriction and within thirty days of the effectiveness of this section, to the
430 greyhound meeting licensee located in Bristol county and licensed under chapter 128A in 2020

431 and the greyhound meeting licensee located in Suffolk county and licensed under chapter 128A
432 in 2020 in proportion to their contributions to the Greyhound Funds since November 22, 2011.

433 SECTION 9. Notwithstanding any general or special law to the contrary, any person
434 authorized at any point in 2021 prior to the effective date of this Act by any general or special
435 law to conduct horse racing, simulcasting, or pari-mutuel wagering including advance deposit
436 wagering under said chapter 128A or said chapter 128C shall remain authorized to conduct
437 activity on the same terms and conditions as in effect immediately prior to the effective date of
438 this act until such time as the commission adopts regulations or takes other action to implement
439 this act and chapter 128D as herein established.