

**SENATE . . . . . No. 167**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael D. Brady*

*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 allowing for video lottery terminals.

PETITION OF:

NAME:

*Michael D. Brady*

DISTRICT/ADDRESS:

*Second Plymouth and Bristol*

**SENATE . . . . . No. 167**

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By Mr. Brady, a petition (accompanied by bill, Senate, No. 167) of Michael D. Brady for legislation to allow for video lottery terminals. Consumer Protection and Professional Licensure.

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**The Commonwealth of Massachusetts**

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

An Act allowing for video lottery terminals.

*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. Chapter 23K of the General Laws is hereby amended by adding the  
2 following section:-

3           Section 72. (a) The commission shall implement a wide area network system of video  
4 lottery gaming on a statewide basis. A license to operate a video lottery terminal may be issued  
5 by the commission issued to any licensee who is licensed pursuant to section 12 of chapter 138  
6 and any licensee who is licensed by the commission pursuant to section 3 of chapter 128A to  
7 conduct a racing meeting, excluding those licensed to conduct a racing meeting at a state or  
8 county fair; provided, however, that such licensee does not owe a financial obligation to the  
9 commonwealth and such licensee has not been convicted of a felony. A license to operate a  
10 video lottery terminals within the wide area network system shall not be issued to any person,  
11 business, corporation or other entity except as provided in this section.

12 (b) A license to operate a video lottery terminal may be granted to any licensee pursuant  
13 to section 12 of chapter 138; provided, however, that not less than 21 days before issuing any  
14 such license to operate a video lottery terminal, the chair or a designee shall send a notification  
15 by certified mail to the mayor or the board of selectmen of the municipality in which the facility  
16 to be licensed to operate a video lottery terminal is located and shall publish, in a newspaper of  
17 general circulation in the area, including the municipality where the video lottery terminal will  
18 operate, notice that an application for such license has been filed with the commission. The  
19 notice shall include the name and business address of the video lottery terminal applicant and the  
20 address where the video lottery terminal applicant will operate. No such license shall be issued  
21 by the chair of or designee to which the local licensing authority, as defined under section 1 of  
22 chapter 138, has objected in writing as a result of an official action of the authority, unless there  
23 is a hearing pursuant to chapter 30A and the chair of or a designee determines in writing, after  
24 considering all relevant circumstances, that such license to operate a video lottery terminal is in  
25 the public interest and approves in writing the issuance of such license notwithstanding the  
26 objection of the local licensing authority.

27 (c) A license to operate a video lottery terminal may be granted to any licensee licensed  
28 pursuant to section 3 of chapter 128A, except those licensed to conduct a racing meeting at a  
29 state or county fair, provided, however, that not less than 21 days before issuing any such license  
30 to operate a video lottery terminal, the chair or a designee shall send a notification by certified  
31 mail to the mayor or the board of selectmen of the municipality in which the facility to be  
32 licensed to operate a video lottery terminals is located and shall publish, in a newspaper of  
33 general circulation in the area, including the municipality where the video lottery terminals will  
34 operate, notice that an application for such license has been filed with the commission. The

35 notice shall include the name and business address of the video lottery terminal applicant and the  
36 address where the video lottery terminal applicant will operate. No such license shall be issued  
37 by the chair or a designee to which the local licensing authority, as defined under section 1 of  
38 chapter 138, has objected in writing as a result of an official action of said authority, unless there  
39 is a hearing under chapter 30A and the chair or a designee determines in writing, after  
40 considering all relevant circumstances, that such license to operate a video lottery terminals is in  
41 the public interest and approves in writing the issuance of such license notwithstanding the  
42 objection of the local licensing authority.

43 (d) Video lottery terminals shall be located in an area restricted to persons over 21 years  
44 of age and the entrance to which is within the view of at least 1 employee of the establishment in  
45 which they are located who is over 21 years of age. No licensee shall cause or permit any person  
46 under the age of 21 years to use or play a video lottery terminal. Pursuant to section 43B, any  
47 licensee who knowingly permits a person under the age of 21 years to use or play a video lottery  
48 terminal shall be punished by imprisonment in the house of correction for not more than 2 years  
49 or a fine not to exceed \$50,000, or both such fine and imprisonment.

50 The placement of video lottery terminals shall be subject to regulations promulgated by  
51 the commission.

52 The commission shall enter into an agreement in writing filed with the attorney general  
53 designating the area of the premises licensed pursuant to section 3 of chapter 128A or section 12  
54 of chapter 138, which shall be dedicated to at least 1 video lottery terminal, and the number of  
55 terminals to be placed on the premises. If the license issued pursuant to said section 3 of said  
56 chapter 128A or said section 12 of said chapter 138 for the premises is suspended, revoked or not

57 renewed by the commission, the lottery commission shall suspend, revoke or not renew any  
58 license for a video lottery terminal on the premise.

59 All revenues generated by the implementation of a statewide wide area network of video  
60 lottery terminals, after payout of prizes and the cost of operation and administration, shall be  
61 used to fund budgeted aid to cities and towns as provided in section 18C of chapter 58, subject to  
62 appropriation .

63 The payout structure, cost of operation and administration of the wide area network of  
64 video lottery terminals shall be consistent with current industry standards as of January 1, 2011  
65 at the time of implementation. The payout structure, cost of operation and administration shall be  
66 updated every 2 years.

67 SECTION 2. The Massachusetts gaming commission shall issue a request for proposals  
68 to implement a statewide wide area network of video lottery terminals pursuant to section 72 of  
69 chapter 23K of the General Laws. The request for proposals shall include, but not be limited to,  
70 requirements that:

71 (i) any qualifying proposal shall employ electronic gaming machines that each  
72 incorporate networked interactive digital technology that employs the use of a card to begin  
73 individual game play and, in support of a responsible gaming context, provides a suite of play  
74 safe options, including play time limits, wager limits and self-exclusion at the players own  
75 choosing;

76 (ii) any qualifying proposal shall provide a central computer technology to which  
77 individual gaming machines will be networked and be capable of accommodating and tracking  
78 individual game play, individual player play safe selections, player self-exclusion and individual

79 player account data such as wagers, wins and losses and reporting the same to the individual  
80 player on command;

81 (iii) any proponent or principal of a proponent's business shall not have been convicted of  
82 a felony; and

83 (iv) any proponent must be operating within a wide area network system in at least 1  
84 other jurisdiction at the time that proposals are due.