SENATE DOCKET, NO. 2738 FILED ON: 8/20/2021

SENATE . . . . . No. 2535

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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 revitalize agriculture, conditioning and simulcasting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul R. Feeney	*Bristol and Norfolk*
Tackey Chan	*2nd Norfolk*

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SENATE . . . . . No. 2535

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 2535) (subject to Joint Rule 12) of Paul R. Feeney and Tackey Chan for legislation to revitalize agriculture, conditioning and simulcasting. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act to revitalize agriculture, conditioning and simulcasting.

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

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof the following:-

Tenth, "Illegal Gaming", a banking or percentage game played with cards, dice, tiles or dominoes or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted under chapter 23K; (iii) wagering on races under chapters 23K ¼ and 23K ½; (iv) a game of bingo conducted under chapter 271; and (v) charitable gaming conducted under said chapter 271.

SECTION 2. Section 2 of chapter 23K of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Application", the following definition:-

"Board", the state racing board established in section 7A.

SECTION 3. Section 4 of chapter 23K of the General Laws, as so appearing, is hereby amended in clause (29) by inserting after the word “the”, in line 113, the following:- board or.

SECTION 4. Section 7 of chapter 23K of the General Laws, as amended by section 117 of chapter 194 of the acts of 2011, is hereby further amended by striking out the section entirely, and inserting in place of the following:-

Section 7. (a) The commission shall administer and enforce appeals of decisions of the board related to pari-mutuel wagering and simulcasting.

(b) The commission may grant a simulcasting license to a gaming establishment subject to the provisions of sections 8 and 9 of chapter 23K ½; provided, however, that in granting any such license to a gaming establishment, the commission shall take into consideration the impact on facilities licensed under chapters 23K ¼ and 23K ½.

SECTION 5. Said chapter 23K of the General Laws, as so appearing, is hereby amended by inserting after section 7 the following section:-

Section 7A. There shall be within the commission a board to be known as the state racing board, in this chapter and in chapters 23K ¼ and 23K ½ called the board.

The board shall consist of three members, one who shall serve as chair, all to be appointed by the governor. Not more than two of such members shall be of the same political party. No person shall be appointed to the board nor be an employee thereof nor officiate at pari-mutuel meetings conducted in this commonwealth who is licensed or regulated, directly or indirectly, by the board other than for the position to which such person is appointed nor shall such person have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in

any firm, association or corporation so licensed or regulated or which participates in pari-mutuel wagering or simulcasting in any manner nor shall such person participate in pari-mutuel wagering or simulcasting in any manner other than in such person's official capacity. No person shall be a member of the board who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Massachusetts or any other state, or the United States. Members of the board shall each possess not less than five years of responsible administrative experience in public or business administration; provided that the chair shall also have professional experience in gaming or racing regulatory administration or gaming or racing industry management; provided, further, that at least one member shall be licensed to practice veterinary medicine in the commonwealth with equine racing diagnosis and treatment or research experience.

Members shall receive salaries not greater than three-fourths of the salary of the commissioner of administration under section 4 of chapter 7; provided, however, that the chair shall receive a salary equal to the salary of the commissioner of administration. Members shall devote their full time and attention to the duties of their office.

Each member shall serve for a term of five years and shall hold office until reappointment, or the appointment and qualification of their successor; provided, however, that no member shall serve more than 15 years. The governor may remove any member for cause and shall fill any vacancy for the unexpired term. Whenever any action by the board is required to be in writing, such writing shall be sufficient when signed by the board chair.

Notwithstanding the provisions of section 7, the board shall administer and enforce chapters 23K ¼ and 23K ½ and any general and special law related to live racing, pari-mutuel

wagering and simulcasting. The board shall serve as a host racing commission and an off-track betting commission for purposes of 15 U.S.C. 3001, et seq.

The day-to-day operations and general administration of the board, including all administrative functions of the board and all actions not expressly required by statute or regulation to be carried out by the board itself, shall, at the direction and under the board, be under the supervision of an executive director of racing, who shall be appointed by the chair of the board. The executive director of racing shall devote their full time during business hours to their duties hereunder. Subject to the provisions of subsections (k) through (w), inclusive, of section 3, the board may employ such other persons, in addition to the aforementioned executive director of racing, as the board may determine to be necessary to carry out such day-to-day operations and general administration of the board.

The board shall make an annual report in January of each year to the general court. That report shall include the following information with respect to the previous calendar year: statements of monies deposited in the Race Horse Development Fund established under section 60, the Thoroughbred Horse Capital Improvements Trust Fund established under section 60A, and the Standardbred Horse Capital Improvements Trust Fund established under section 60B, together with a detailed account of monies disbursed from the funds, the specific capital improvements for which the disbursements were intended, and a report on which of the improvements have been accomplished; a statement of racing dates awarded to licensees, including those awarded in connection with a state or county fair; and a statement of the total amounts wagered at each race track, together with the monies paid to the commonwealth and the board, purses paid to horse owners and monies retained by each licensee, together with a statement of the net profit of each licensee taken from the financial statements filed under section

11 of chapter 23K ¼. Copies of the report shall be transmitted to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate committees on ways and means, the joint committee on consumer protection and professional licensure, and the joint committee on revenue.

SECTION 6. Section 19 of said chapter 23K, as so appearing, is hereby amended by striking out the figure “128A” each time it appears, and inserting in place thereof the following:- 23K ¼.

SECTION 7. Said section 19 of said chapter 23K, as so appearing, is hereby further amended by striking out figure “128C” each time it appears, and inserting in place thereof the following:- 23K ½.

SECTION 8. Section 20 of said chapter 23K, as so appearing, is hereby amended by striking out the figure “128A” each time it appears, and inserting in place thereof the following:- 23K ¼.

SECTION 9. Said section 20 of said chapter 23K, as so appearing, is hereby further amended by striking out figure “128C” each time it appears, and inserting in place thereof the following:- 23K ½.

SECTION 10. Section 24 of said chapter 23K, as so appearing, is hereby amended by striking out the figure “128A”, in line 2, and inserting in place thereof the following:- 23K ¼.

SECTION 11. Chapter 23K of the General Laws, as so appearing, is hereby amended by striking out section 60, and inserting in place thereof the following:-

Section 60. (a) There shall be established and set up on the books of the commonwealth a Race Horse Development Fund to be administered by the board. The fund shall consist of monies deposited under subsection (c) of section 55. The board shall make distributions from the Race Horse Development Fund to each licensee under chapter 23K ¼.

(b) The board shall make recommendations on how the funds received in subsection (a) shall be distributed between thoroughbred and standardbred racing facilities to support the thoroughbred and standardbred horse racing industries under this section. In making its recommendations, the board shall consider certain criteria including, but not limited to: (i) the average purses awarded at thoroughbred and standardbred racing facilities; (ii) the total employment numbers, both direct and indirect, attributable to each horse racing industry; (iii) the relative needs of each horse racing industry for increased purses; (iv) the amount of the live racing handle generated by each horse racing industry; and (v) the number of breeding and training farms of each industry that are located in the commonwealth. The board shall submit distribution recommendations to the clerks of the senate and house of representatives not later than 30 days before changing the distribution percentage; provided, however, that the total distribution percentage between the thoroughbred and standardbred racing industries shall not be changed by more than 10 percentage points in a given year.

(c) Funds received from the Race Horse Development Fund shall be distributed between thoroughbred and standardbred accounts, as approved by the board, as follows:

(i) 80 per cent of the funds approved by the board shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen; provided, however, that the earned interest on the account shall be credited to the purse account;

and provided further, that licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen;

(ii) 16 per cent of the funds approved by the board shall be deposited as follows: (A) for a thoroughbred track, into the Massachusetts Thoroughbred Breeding Program authorized by the board; or (B) for a standardbred track, into the Massachusetts Standardbred Breeding Program authorized by the board;

(iii) 4 per cent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at a horse racing facility for the benefit of the organization's members, their families, employees and others under the rule and eligibility requirements of the organization, as approved by the board; provided, however, that this amount shall be deposited within 5 business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice; and provided further, that of this amount, the board shall determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization.

SECTION 12. Said Chapter 23K of the General Laws, as so appearing, is hereby amended by inserting after section 60, the following 2 new sections:-

Section 60A. There shall be established and set up on the books of the commonwealth a Thoroughbred Horse Capital Improvements Trust Fund to be administered by the board. During

each calendar year each running horse track licensee under section 3 of chapter 23K ¼, other than a licensee holding a racing meeting in connection with a state or county fair, shall daily pay: the total sum of the so-called breaks, as defined in section 9 of said chapter 23K ¼ , less one hundred thousand dollars, into the said trust fund under the direction and supervision of the state racing board members, as they are individuals, as trustees of said trust; provided, however, that the aforementioned sum of one hundred thousand dollars shall be allocated, subject to appropriation, to the Massachusetts council on compulsive gambling. Said trustees shall deposit all monies in said trust fund in one or more banks, at interest, within the commonwealth.

Said trustees may expend without appropriation all or any part of the Thoroughbred Horse Capital Improvements Trust Fund to a running horse track licensee in proportion to the amount deposited in said fund by said running horse track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by such licensee and used by it for the conduct of racing, but not for the costs of maintenance or of other ordinary operations, whether such costs have been incurred or not. Said trustees may expend to a licensee all amounts accumulated in such trust fund which are attributable to racing operations conducted at a running horse track.

Said trustees shall prescribe terms and conditions for such grants and may designate specific capital improvements to be undertaken by a licensee; provided, however, that, prior to approving any expenditures from said trust funds for purposes not designated by the trustees, the trustees shall require the licensee to submit to them detailed business plans describing the specific capital improvements contemplated by the licensee and shall formally vote to permit such expenditures; provided, further, that under no circumstances shall the trustees permit the expenditure of trust funds for purposes not directly related to the improvement of running horse

racing; and provided, further, that such terms and conditions for capital improvement projects shall include schedules of periodic payments to be prepared by the trustees in accordance with schedules contained in construction contracts for such capital improvement projects. Such licensee shall comply with all applicable provisions of chapter 149 unless such compliance is waived by the commission for cause.

No such expenditure for such capital improvements shall be approved by the trustees if such improvements are to be accomplished pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity owned wholly or in part by a person, corporation, partnership, trust or any combination of the same or any other entity which owns or operates or holds any interest in any racetrack in the commonwealth.

The trustees shall hire the services of such architectural and engineering consultants or the services of such other consultants as they deem appropriate to advise them generally and to evaluate proposed capital improvement projects submitted to them for their approval.

Nothing herein contained shall preclude a running horse track from making capital improvements not funded in whole or in part from such funds; provided, however, that all sums approved by said trustees hereunder shall be expended in their entirety for capital improvements; provided, further, that any revision by said licensee in the making of capital improvements as hereinbefore provided, shall require separate written approval by the trustees therefor. All financial statements required under section 11 of chapter 23K ¼ shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee, setting forth the capital improvements made with funds obtained under this section and

further certifying that such expenditures are treated as capital expenditures in the accompanying financial statements.

The trustees shall require from a running horse racetrack such vouchers, cancelled checks or other documents as said trustees deem necessary to verify that the expenditures from said funds were carried out in accordance with the provisions of this section.

Funds paid by licensees and deposited by the board in the Thoroughbred Horse Capital Improvements Trust Fund shall remain in said funds until expended under this section; provided, however, that any amount in said accounts as of December 31st of each year which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the Race Horse Development Fund established under section 60 of chapter 23K.

Section 60B. There shall be established and set up on the books of the commonwealth a Standardbred Horse Capital Improvements Trust Fund to be administered by the board. During each calendar year each harness horse track licensee under section 3 of chapter 23K ¼, other than a licensee holding a racing meeting in connection with a state or county fair shall daily pay: the total sum of the so-called breaks, as defined in section 9 of said chapter 23K ¼ , and a sum equal to 2 per cent of the total amount wagered by patrons wagering on the speed or ability of a combination of more than one harness horse in a single pool, exotic wagering, so-called, into the said trust fund under the direction and supervision of the state racing board members, as they are individuals, as trustees of said trust. Said trustees shall deposit all monies in said trust fund in one or more banks, at interest within the commonwealth.

Said trustees may expend without appropriation all or any part of the Standardbred Horse Capital Improvements Trust Fund to a harness horse track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by such licensee and used by it for the conduct of racing, but not for the costs of maintenance or of other ordinary operations, whether such costs have been incurred or not. Said trustees may expend to a licensee all amounts accumulated in such trust fund which are attributable to racing operations conducted at a harness horse track.

Said trustees shall prescribe terms and conditions for such grants and may designate specific capital improvements to be undertaken by the licensee; provided, however, that prior to approving any expenditures from said trust fund for purposes not designated by the trustees, the trustees shall require the licensee to submit to them detailed business plans describing the specific capital improvements contemplated by the licensee and shall formally vote to permit such expenditures; provided, further, that under no circumstances shall the trustees permit the expenditure of trust funds for purposes not directly related to the improvement of harness horse racing; provided, further, that such terms and conditions for capital improvement projects shall include schedules of periodic payments to be prepared by the trustees in accordance with schedules contained in construction contracts for such capital improvement projects. Such licensee shall comply with all applicable provisions of chapter 149 unless such compliance is waived by the commission in writing for cause.

No such expenditure for capital improvements shall be approved by the trustees if such improvements are to be accomplished pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity owned wholly or in part by

a person, corporation, partnership, trust or any combination of the same or any other entity which owns or operates or holds any interest in any racetrack in the commonwealth.

The trustees shall hire the services of such architectural and engineering consultants or the services of such other consultants as they deem appropriate to advise them generally and to evaluate capital improvement projects submitted to them for their approval.

Nothing herein contained shall preclude a harness horse track from making capital improvements not funded in whole or in part from such funds; provided, however, that all sums approved by said trustees hereunder shall be expended in their entirety for capital improvements; provided, further, that any revision by said licensee in the making of capital improvements as hereinbefore provided, shall require separate written approval by the trustees therefor. All financial statements required under section 11 of chapter 23K ¼ shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee, setting forth the capital improvements made with funds obtained under this section and further certifying that such expenditures are treated as capital expenditures in the accompanying statements.

The trustees shall require from a harness racetrack such vouchers, cancelled checks or other documents as said trustees deem necessary to verify that the expenditures from said funds were carried out in accordance with the provisions of this section.

Funds paid by licensees and deposited by the board in the Standardbred Horse Capital Improvements Trust Fund shall remain in said funds until expended under this section; provided, however, that any amount in said accounts as of December 31st of each year which has not been so expended or as to which no binding commitment has been made by said trustees shall

thereupon be deposited in the Race Horse Development Fund established under section 60 of chapter 23K.

SECTION 13. The General Laws, as so appearing, is hereby amended by inserting after Chapter 23K the following two chapters:-

CHAPTER 23K ¼.

HORSE RACING MEETINGS.

Section 1. Terms used in this chapter shall, unless the context otherwise requires, be construed as follows:-

“Board”, the state racing board established in chapter 23K.

"Breaks", in the case of racing meetings conducted in the commonwealth by a racing meeting licensee, the odd cents over any multiple of 10 cents of winnings per $1 wagered.

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

"Racing meeting" shall include every meeting within the commonwealth where horses are raced and where any form of betting or wagering on the speed or ability of horses shall be permitted, but shall not include any meeting where no such betting or wagering is permitted even though horses or their owners, are awarded certificates, ribbons, premiums, purses, prizes or a portion of gate receipts for speed or ability shown.

"Race track" shall include the track, grounds, auditorium, amphitheatre or bleachers, if any, and adjacent places used in connection therewith, where a horse racing meeting may be held; provided, however, that each person licensed to conduct a running horse racing meeting,

other than a licensee holding a racing meeting in connection with a state or county fair, shall conduct the racing meeting on a race track with a racing strip of not less than 1 mile.

"Rebate", money returned, which was not the result of winning a prize from the wagered competition pursuant to this chapter and chapter 23K ½, to a bettor by a racing meeting licensee based on a percentage of his wager.

"State or county fair" shall mean an agricultural fair or exhibition, the main purpose of which is the encouragement, improvement or extension of agriculture by competitive exhibits of agricultural products, including exhibits described in paragraph (f) of section 2 of chapter 128, and of varied types of available livestock, with youth participation therein, and the display of agricultural machinery, implements and other improvements of interest to dairy and produce farmers and horticulturists.

Section 2. Any person desiring to hold or conduct a horse racing meeting within the commonwealth shall make an application to the state racing board established in chapter 23K for a license so to do. Such application shall state:

(1) The name of the applicant.

(2) The post office address of the applicant, and if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders.

(3) The location of the race track where it is proposed to hold or conduct such meeting.

(4) The days on which it is intended to hold or conduct such a meeting.

(5) The hours of each day between which it is intended to hold or conduct racing at such meeting, which hours shall be not before ten o'clock ante meridian for horse racing except as provided for in section 3, nor later than seven o'clock post meridian for running horse racing nor later than twelve o'clock midnight for harness horse racing.

(6) Answers to such other questions as the board may prescribe, and

(7) That the applicant will comply, in case such license be issued, with all applicable laws and with all applicable rules and regulations prescribed by the board.

Such application shall be filed with the board on or before October 1st of the calendar year preceding the calendar year for which application requests a license to be issued under this chapter; and the board shall grant or dismiss such application not later than the November 15th next following; provided, however, that a supplementary application by a licensee for a subsequent license in the calendar year for which a license had theretofore been issued to such licensee and relating to the same premises as were specified in the previously issued license, and supplementary applications by a licensee for additional licenses under section 4, may be filed with the board at any time prior to the expiration of said calendar year for which a license had theretofore been issued to said licensee; and the board shall grant or dismiss such applications within 30 days of the date of filing. Such applications shall be signed and sworn to, if made by an individual, by such individual; if made by two or more individuals or a partnership, by one of such individuals or by a member of such partnership, as the case may be, if made by a trust, by a trustee of such trust, and, if made by an association or corporation, by the president or vice president thereof. The board may prescribe forms to be used in making such applications.

With such application there shall be delivered to the board a certified check or bank draft, payable to the board, weekly in advance for the full amount of the license fee required by this chapter.

Section 3. If any application for a license, filed as provided by section 2, shall be in accordance with the provisions of this chapter, the board, after reasonable notice and a public hearing in the city or town wherein the license is to be exercised, may issue a license to the applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the race track specified in such application; provided, that if the board has already taken action on an application for any calendar year, after such notice and public hearing, no other public hearing need be held on any other application from the same applicant relating to the same premises filed prior to the expiration of said year; and provided, further, that on an application for a license to conduct a horse racing meeting in connection with a state or county fair the applicant shall show a certificate from the commissioner of food and agriculture that (1) such fair is a state or county fair as defined in section one, (2) such fair has been operating for each of the five consecutive years immediately preceding the date of filing such application and had received for each of said five consecutive years assistance from the agricultural purposes fund, (3) such fair is properly qualified as hereinafter in this paragraph provided and (4) the location where such racing meeting is to be held is annually approved by him and by the board of agriculture; and provided, further, that on an application for a license to conduct a horse racing meeting in connection with a state or county fair by an applicant to whom a prior license to conduct such a racing meeting at the race track specified in said application has been granted by the board, no hearing need be held, unless a request, signed by at least one per cent of the registered voters of the city or town in which the track is located, is filed with the board not later than thirty days following the

granting of said license. In determining whether a fair is properly qualified under this paragraph, the commissioner of food and agriculture shall consider the number of days such fair has operated each previous year, the area of the land used for fair purposes, the number of entries in agricultural show events in previous years, the number and value of prizes offered in such events and whether or not the granting of a racing license would tend to promote the agricultural purposes of the fair.

Such license shall state:

(1) The name of the person to whom the same is issued,

(2) The location of the race track where the racing meeting thereby authorized is to be held,

(3) The days on which such meeting may be held or conducted,

(4) The hours of each day between which racing may take place at such meeting, and

(5) That the required license fee has been received by the commission.

No license shall be issued which would permit a racing meeting to be held or conducted except under the following conditions:

(a) No license shall be issued for more than an aggregate of 200 racing days in any 1 year at all running horse racing meetings combined, not including running horse racing meetings held in connection with state or county fairs.

(b) No license shall be issued for more than an aggregate of 200 racing days in any 1 year at all harness horse racing meetings combined, including harness horse racing meetings at state or county fairs.

(c) Licenses shall permit racing meetings only between the hours of 10:00 a.m. and 12:00 midnight. The board shall grant authorized dates at such times that are consistent with the best interests of racing and the public; provided, however, that dates for racing meetings held in connection with a state or county fair may only be awarded during the period between June 15 and October 15. The board may, in its discretion, on written application from a racing licensee made at least 7 days prior to the date of any proposed change of time stated in the racing license and without necessity for further public hearing, change the hours of conducting such racing meeting between any of the aforesaid hours, notwithstanding the hours set forth on the license; provided, however, that, if by reason of state or national emergency, night illumination is forbidden by public authority, then the board may, in its discretion, issue a license to permit racing at such hours as the board shall determine between the hours of 10:00 a. m. and 12:00 midnight. For the purpose of imposing the fee provided for in section 4, computing the sums payable to the board under section 9 and counting the number of days authorized by clauses (a) and (b), any racing meeting held after 7:00 p.m. on the same day on which a racing meeting is held at the same race track prior to 7:00 p.m. shall be considered a separate day of racing.

(d) Each county shall have not more than 1 racing meeting licensee, except in connection with a state or county fair.

(e) No license shall be issued to any person who is in any way in default, under the provisions of this chapter, in the performance of any obligation or in the payment of any debt to

the board; provided, however, that no license shall be issued to any person who has, within 10 years of the time of filing the application for the license, been convicted of violating section 9.

(f) In granting authorized dates under this section, the board shall take into consideration, in addition to any other appropriate and pertinent factors, the following: the financial ability of an applicant to operate a race track; the maximization of state revenues; the suitability of racing facilities for operation at the time of the year for which dates are assigned; the circumstance that large groups of spectators require safe and convenient facilities; the interest of members of the public in racing competition honestly managed and of good quality; the necessity of having and maintaining proper physical facilities for racing meetings and the necessity of according fair treatment to the economic interest and investments of those who in good faith have provided and maintain such facilities. Notwithstanding the foregoing provisions of this section, the board shall have the right to review and reconsider without further notice or public hearing any application made prior to October 1 for which racing dates have been requested for the following year; provided that the application has had a public hearing prior to November 15; and provided, further, that any applicant who has been denied these racing dates makes a written request for review and reconsideration within 90 days of receiving notice of the denial; and provided further, that the commission shall reconsider and review the request within 180 days of the denial.

(g) No license shall be transferable, except with the approval of the board.

(h) No license shall be issued to permit horse racing meetings to be held on premises owned by the commonwealth or any political subdivision thereof.

(j) No license shall be issued to any person to hold or conduct a horse racing meeting in connection with a state or county fair or any exhibition for the encouragement or extension of

agriculture under the reduced license fee provided in section 4, unless the applicant shall first satisfy the board that the main purpose of the fair or exhibition is the encouragement or extension of agriculture and that the same constitutes a bona fide exhibition of that character. No license shall be issued to a person to hold or conduct a horse racing meeting in connection with a state or county fair or any exhibition for the encouragement or extension of agriculture for more than 15 days in a calendar year.

(k) No license shall be issued unless the person applying therefor shall have executed and delivered to the board a bond payable to the board in the amount of $1,250,000 with a surety or sureties approved by the board conditioned upon the payment of all sums which may become payable to the board under this chapter; provided, however, that the amount of such bond, in the case of any person holding or conducting a racing meeting in connection with a state or county fair, shall be $250,000.

(l) Every license shall be recorded in the office of the clerk of the city or town in which the racing meeting is held or conducted at a time not less than 5 days before the first day of the meeting or forthwith upon the issuance of the license if the same shall be issued after that time. After the license is so recorded, a duly certified copy thereof shall forthwith be conspicuously displayed and shall be kept so displayed continuously during the racing meeting in the principal business office at the race track where the meeting is held and at all reasonable times shall be exhibited to any person requesting to see the same.

(m) Every licensee shall keep conspicuously posted in various places on its premises a notice containing the name and numbers of the council on compulsive gambling and a statement of its availability to offer assistance.

Section 4. The fee for the license provided for in section 3 shall be $300 or three-fourths of one-tenth of one per cent of the average daily handle of the previous calendar year for each day of any running horse or harness horse racing meeting, whichever is the greater amount; provided, however, that a reduced fee, applicable to a license to any person holding or conducting a horse racing meeting in connection with a state or county fair, or any exhibition for the encouragement or extension of agriculture, shall not exceed $100 for each day of such horse racing meeting.

If for any reason or cause, beyond the control of and through no fault or neglect of any licensee and while such licensee is not in default, it should become impossible or impracticable to conduct racing upon any day or successive days specified in a license issued by the board, the board at the request of the licensee may, and upon proper showing shall, request the state treasurer to refund to the licensee an amount equal to the license fees paid for days on which such licensee does not hold or conduct a racing meeting under the terms of the license issued for such purpose. Upon receipt of such request, the state treasurer shall forthwith pay such amount to such licensee. The board may, upon application of any such licensee, and upon the payment of the required license fees, grant an additional license for not more than the number of days on which it was impossible or impracticable to conduct racing, which days shall not be counted in the aggregate of racing days permitted by section 3. The decision of the board as to such impossibility or impracticability shall be final.

No license fee for the privilege of holding or conducting a horse racing meeting, or for any other purpose peculiarly incidental to the holding or conducting of such a meeting, shall be imposed upon or collected from such a licensee by any city or town.

Section 5. (a) The provisions of section 181 of chapter 140, and of sections 31, 33 and 34 of chapter 271, and of chapter 494 of the acts of 1908 shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the board for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and city council or the town council or the selectmen as provided by said section 33 of said chapter 271, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated, and a majority of the registered voters of such city or town voting on the described location relative to granting such licenses have voted in the affirmative within the same calendar year as such approval by a mayor and city council or the town council or the selectmen.

(b) A certified copy of the results of a vote on a question submitted to the voters of a political subdivision, in accordance with the provisions of this chapter, relative to granting a license for a horse racing meeting or horse races at fairs, shall be sent by the state secretary, or by the city or town clerk in the case of a vote by a city or town, to the board within 90 days after the election.

Section 6. The board shall have full discretion to refuse to grant a license to any applicant for a license or to suspend or revoke the license of any licensee. If any license is suspended or revoked, the board shall make a record of its reasons for doing so and such record shall be made available to any person requesting to inspect the same.

Section 7. Except in the case of a publicly held corporation, no person, firm, partnership, trust, association or corporation who has been granted a license to conduct a horse racing meeting, or an officer, director or the beneficial owner of 10 per cent or more of the stock of a corporation holding such a license, shall sell, transfer, convey or cause to be transferred, singly or in concert with others, more than 10 per cent of the value or stock of the facility or corporation so licensed without first obtaining the written approval of the board.

The board shall approve such sale, transfer or conveyance unless it finds that the consideration therefor is (i) inadequate or (ii) without good cause, (iii) that the sale or transfer results in an undesirable concentration of ownership of racing facilities within the commonwealth, or (iv) that the sale or transfer has an adverse impact upon the integrity of the racing industry.

A publicly held corporation, shall, prior to the sale, transfer or conveyance of more than 10 per cent of the stock of the corporation, file notice of such action with the board. A copy of any filing required by state or federal securities law regarding notice of such sale, transfer or conveyance shall be simultaneously filed with the board. The board shall have the same rights as to transferees as it would have with respect to original applicants for licensure.

Section 8. At least 85 per cent of the persons employed by a licensee at a racing meeting held or conducted by them shall be citizens of the commonwealth and shall have been such citizens for at least two years immediately prior to such employment.

Section 9. (a) Before holding or conducting a racing meeting, every licensee shall provide a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and

supervise the pari-mutuel or certificate system of wagering on the speed or ability of horses performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel or certificate method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, notwithstanding any general or special law to the contrary. Such place or places shall be equipped with automatic betting machines capable of accurate and speedy determination of awards or dividends to winning patrons, and all such awards or dividends shall be calculated by a totalisator machine or like machine, except at state or county fairs.

(b) No other place or method of betting, poolmaking, wagering or gambling shall be used or permitted by the licensee, nor shall this chapter be deemed to authorize or legalize the pari-mutuel or certificate system of wagering on any races except at the track where such pari-mutuel or certificate system of wagering is conducted; provided, however, that this prohibition shall not apply to simulcast wagering authorized under chapter 23K ½ nor to account wagering authorized under section 10 of said chapter.

(c) Each licensee conducting a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall return to the winning patrons wagering on the speed or ability of any 1 running horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 running horse; and each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend,

according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 26 per cent of the total amount deposited. Each licensee shall:

(1) pay to the board on the day following each day of such running horse racing meeting a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so wagering at the meeting, the percentage to be paid from the 19 per cent or 26 per cent withheld, as provided in this section, from the total amount wagered;

(2) pay to the Massachusetts Thoroughbred Breeders Association, Inc. on the day following each day of such running horse racing meeting a sum equal to 1 per cent of the total amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld and from the 26 per cent withheld from exotic wagers, the monies to be used for the purposes of subsection (g) of section 2 of chapter 128;

(3) allocate from the total amount deposited daily by the patrons wagering at the meeting a sum equal to 8.5 per cent from the 19 per cent withheld and a sum equal to 9.5 per cent from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to the horse owners in accordance with the rules and established customs of conducting running horse racing meetings and, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations, and the monies shall be in addition to monies deposited into a separate purse account as simulcast premiums received pursuant to section 2 of chapter 23K ½;

(5) pay a sum equal to 0.25 per cent from the 19 per cent and 26 per cent withheld from the total amount wagered by patrons so wagering and the total sum of the breaks annually into

the trust fund known as the Thoroughbred Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing board members as they are individuals as trustees of said trust;

(6) pay to Tufts University School of Veterinary Medicine on the day following each day of such running horse racing meeting a sum equal to 0.5 per cent of the total amount deposited by the patrons, less the breaks, from the 26 per cent withheld from exotic wagers, to be used for equine research scholarships and loans.

Each licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from the total amounts wagered less the amounts required to be paid under clauses (1) to (6), inclusive.

(d) Each licensee conducting a harness horse racing meeting shall return to the winning patrons wagering on the speed or ability of any 1 harness horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse; and each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 26 per cent of the total amount so deposited. Each such licensee, including a licensee holding a harness horse racing meeting in connection with a state or county fair, shall:

(1) pay to the board on the day following each day of such harness horse racing meeting, excluding races conducted in connection with a state or county fair, a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so wagering at the meeting, the percentage to be paid from the 19 per cent withheld from the straight wagers or 26 per cent withheld from the exotic wagers as provided under this section;

(2) pay to the Massachusetts Standardbred Breeders program established under subsection (j) of section 2 of chapter 128, on the day following each day of the harness horse racing meeting a sum equal to 0.5 per cent of the total amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld from the straight wagers and a sum equal to 1.5 per cent of the total amount deposited by the patrons, less the breaks, from the 26 per cent withheld from the exotic wagers; the monies to be used for the purposes of said subsection (j) of said section 2 of said chapter 128;

(3) allocate from the total amount deposited daily by the patrons wagering at such meeting a sum equal to 8 per cent from the 19 per cent withheld and a sum equal to 10 per cent from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to the horse owners in accordance with the rules and established customs of conducting harness horse racing meetings; the monies shall be in addition to monies deposited into a separate purse account as simulcast premiums received under section 2 of chapter 23K ½ ;

(5) pay the total sum of the breaks and a sum equal to 2 per cent of the total amount of the exotic wagers into the trust fund known as the Standardbred Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing board members as they are individuals as trustees of the trust.

Each licensee may retain as its commission on the total of all sums deposited, a sum not exceeding the balance of the 19 per cent withheld from the straight wagers or the 26 per cent withheld from the exotic wagers as provided in this section less the amounts required to be paid under clauses (1) to (5), inclusive.

(f) Each licensee conducting a running horse racing meeting in connection with a state or county fair shall return to the winning patrons wagering on the speed or ability of any 1 running horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 running horse.

Each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also called an exotic wager, all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 26 per cent of the total amount so deposited. Each licensee shall:

(1) pay to the board on the day following each day of such running horse racing meeting a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons wagering at the meeting, the percentage to be paid from the 19 per cent and 26 per cent withheld, as provided under this section, from the total amount wagered on straight wagers and exotic wagers, respectively;

(2) allocate from the total amount deposited daily by the patrons wagering at the meeting a sum equal to 8 per cent from each of the respective 19 per cent withheld and 26 per cent

withheld as provided in this subsection to be used solely for the payment of purses to the horse owners in accordance with the rules and established customs for the conduct of running horse racing meetings; and

(3) pay a sum equal to 1 per cent of the total handle at the end of its racing schedule to the Massachusetts Thoroughbred Breeders Association, Inc.; provided, however, that the Association shall utilize the monies to develop a program to support horse racing at agricultural fairs including, but not limited to, owners' and breeders' awards for Massachusetts-bred thoroughbreds and provisions to supplement the purses of races or to provide the entire purse for the Massachusetts-bred thoroughbred races.

Each licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from the total amounts wagered less the amounts required to be paid under clauses (1) to (3), inclusive.

(h) All pari-mutuel taxes paid to the board under this section, together with all pari-mutuel taxes paid to the board under section 2 of chapter 23K ½, and all assessments, association licensing fees, occupational licensing fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the board shall be deposited in the race horse development fund established in chapter 23K.

(j) 3.5 per cent of all purses at all running horse racing meeting licensees' tracks in the commonwealth shall be paid to the Massachusetts Thoroughbred Breeders' Association, Inc.

Section 10. Monies from all unclaimed live wagers made under this chapter and chapter 23K ½ shall be deposited with the board. Subject to the rules and regulations established by the board, the board shall deposit the unclaimed live wagers into the purse accounts of the racing

meeting licensees that generated those unclaimed live wagers. A notice of the limitation prescribed by this section, in such form as the board shall prescribe, shall be posted by each licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold.

Section 11. Accurate records and books shall at all times be kept and maintained by each licensee, showing the number, nature and amount of all wagers made in connection with such meeting. The board, or its duly authorized representatives, shall at all reasonable times have access to the records and books of any licensee for the purpose of examining and checking the same, and ascertaining whether or not the proper amount has been or is being paid to the commission as herein provided.

Within 60 days after the close of a racing meeting, each licensee conducting a horse racing meeting shall submit, on forms prescribed by the board, financial statements certified to the board by a certified public accountant; provided, however, that said licensee with the prior written approval of the board, may submit said statements annually within 60 days after the close of its fiscal year, if any. The board, or its duly authorized representatives, shall at all reasonable times have access to all records and books of the licensee for the purpose of examining and certifying the same.

The board may also from time to time require sworn statements of such wagers and may prescribe blanks upon which such reports shall be made. Any licensee failing or refusing to make such report as herein provided, or failing or refusing to pay the amount found to be due as provided in this chapter, shall be deemed guilty of larceny and upon conviction shall be punished by a fine of not less than $1,000 nor more than $10,000.

Section 12. The board shall appoint two stewards to each track licensed to conduct racing meetings, who shall not be subject to chapter 31 or section 9A of chapter 30. The board shall assign, by regulation, duties to be performed by him. The compensation of the board-appointed steward shall be fixed by the board.

The board may also appoint one or more other representatives to attend each racing meeting held or conducted under a license issued under this chapter, and the appointment of said representatives shall not be subject to chapter 31 or section 9A of chapter 30. The compensation and duties of each such representative shall be fixed by the board.

Each such representative appointed by the board to attend a racing meeting shall have full and free access to the space or enclosure where the pari-mutuel or certificate system of wagering is conducted or supervised for the purpose only of ascertaining whether or not the provisions of this chapter are being properly observed. They shall also, for the same purpose only, have full and free access to the books, records and papers pertaining to such pari-mutuel or certificate system of wagering. All employees of the board assigned to the tracks for security purposes and all police officers assigned to the board shall be under the control and authority of one of the representatives of the board at each track. Said representative shall have full and free access to any other areas used in connection with the conduct of racing. They shall investigate, ascertain and report to the board in writing under oath as to whether or not he has discovered any violation at such meeting of any of the provisions of this chapter, and, if so, the nature and character of such violations. Such report shall be made within 10 days after the termination of the duties of such representative at any racing meeting.

If any such report shows any violation of this chapter, the board shall transmit a copy of such report to the attorney general for such action as they shall deem proper.

Section 13. The board shall apply to the department of public safety for the assignment of a complement of police officers to the board on a regular basis and said department shall assign such complement to the board. The board shall assign such police officers to guard and protect the lives and safety of the public, property and the animals to be raced at any such meeting, and to perform any such other duties which may be required by said board in order to maintain fair and honest pari-mutuel racing at any such meeting. The police officers so assigned shall, except in the case of an emergency, and while on duty at any such racing meeting, be subject to the operational authority of the board; provided, however, that such assignment or reassignment shall not in any way impair any rights to which any officer may be entitled.

The board shall from funds available pay to the department of public safety the cost of the salaries of the police officers so assigned from funds appropriated to the board.

All assignments and reassignments to the board, except as the commissioner of public safety shall determine that an emergency exists or is threatened, shall be subject to the approval of the chair of the board. Nothing herein shall prevent licensees from applying to the state police if they have jurisdiction in the area where a racing meeting is to be held, or to the police department of a city or town wherein a racing meeting is to be held, in order that such police agency may furnish a police detail for safety or traffic purposes at any racing meeting authorized by this chapter. The total cost for any such police detail shall be a sum equal to the salaries of the police officers comprising such detail, plus a sum to cover the administrative expenses incurred by the department of each such police officer.

The board shall employ as many veterinarians, chemists and laboratory technicians as it deems necessary to insure the legitimate performance of the animals to be raced at any racing meetings authorized by this chapter and to protect the health of such animals and the department of public safety shall provide that such veterinarians, chemists and laboratory technicians shall have access to the department's laboratory facilities.

Section 14. The board shall make periodic inspections of all of the installations and facilities operated by its licensees, including stable areas and the office of the racing secretary during the time that entries are being filed. Each member shall from time to time personally visit the jockeys' room to observe the activity of the custodians and valets, and the operation of the clerk of the scales, weighing procedures and security provisions. The activities of stewards, placing judges, patrol judges and starters shall be closely supervised by said board and the calculating and tote control room of the various tracks shall be regularly spot-checked to insure fair and equitable results for the wagering public.

Section 15. The board shall have full power to prescribe rules, regulations and conditions under which all horse races at horse racing meetings shall be conducted in the commonwealth and may by rule or regulation prohibit licensees from admitting minors to horse racing meetings.

The board shall have power to prescribe special rules, regulations and conditions applicable to horse racing meetings held under licenses granted hereunder in connection with a state or county fair, or any exhibition for the encouragement or extension of agriculture.

The board shall prescribe rules and regulations under which betting accounts for account wagering, as provided in section 10 of chapter 23K ½, shall be established, maintained and operated.

Rules and regulations so prescribed shall be printed by the board and furnished in reasonable numbers to anyone who may request them.

Any person violating any such rule or regulation shall, upon a complaint brought by the board, be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both.

Section 16. For the purpose of enabling the board to exercise and maintain a proper control over horse racing conducted under the provisions of this chapter, the rules, regulations and conditions prescribed by the board under section 15 shall provide for the licensing and registering at reasonable and uniform fees, of agents, assumed names, colors, partnerships and minor agreements and shall provide for the licensing at reasonable and uniform fees of veterinarians, blacksmiths, owners, trainers, jockeys and stable employees at horse tracks participating in such racing, and any other persons having access to horses and all pari-mutuel clerks and other persons with access to money wagered on races.

Such rules and regulations shall also provide for the fingerprinting of all licensees. Every person so licensed shall be required to display and wear a badge containing a photograph. Such rules and regulations may also provide for the suspension and revocation of licenses so granted and for the imposition on persons so licensed of reasonable forfeitures and penalties for the violation of any rule or regulation prescribed by the board and for the use of the proceeds of such penalties and forfeitures.

The board shall have access to criminal offender record information of applicants for any license granted under this chapter or chapter 23K ¼, including officers, directors and beneficial owners of 10 per cent or more of the stock of a corporation applying for such a license, and for

applicants for employment by the board. Such access shall be exercised in accordance with sections 167 to 178, inclusive, of chapter 6.

Section 17. Notwithstanding the provisions of section 5 of chapter 30A, no rule, regulation or condition of the board promulgated under the provisions of this chapter shall take effect except as hereinafter provided.

A copy of every such rule, regulation or condition shall be filed with the clerk of the senate and shall be forthwith referred by them to the joint committee on consumer protection and professional licensure.

Said committee shall file a written report with the clerks of the house and senate within 30 days after the filing of the copy thereof with said clerks, stating whether said rules, regulations and conditions are consistent with the statutory provisions under which they were promulgated.

Said rules, regulations and conditions shall take effect unless disapproved by a majority vote of both branches of the general court within 60 days after the filing of the copy thereof with the clerks of the house and senate unless the general court has prorogued within said 60 days.

If the general court prorogues within 60 days of the filing, with the clerks of the house and senate of such rules, regulations and conditions, the clerks of the house and senate shall refer the same to the committee on consumer protection and professional licensure the next session of the general court.

Said committee shall report as hereinbefore provided within 30 days of the first day of such session and such rules, regulations and conditions shall take effect unless disapproved by a

majority vote of both branches of the general court within 60 days of the first day of such session.

The clerks of the house and senate shall notify the board of the action taken thereon by the general court.

Notwithstanding the provisions of this section, the board may adopt emergency rules or regulations to protect the health or safety of the public, participants, or animals; provided, however, that no emergency rule or regulation shall attempt to regulate the dates, manner of wagering, or economic terms or conditions of horse racing within the commonwealth; and provided, further, that such emergency rules and regulations shall expire within 90 days.

Section 18. (a) Whoever, being under 21 years old, participates, whether personally or through an agent, in the pari-mutuel or certificate system of wagering at a racing meeting held or conducted by a licensee shall be punished by a fine not to exceed $1,000.

(b) Whoever, being a licensee or an employee of a licensee, who knowingly allows a person under the age of 21 to participate, whether personally or through an agent, in the pari-mutuel or certificate system of wagering at a racing meeting held or conducted by such licensee shall be punished, for a first offense, by imprisonment in the house of correction for not more than 1 year or a fine not to exceed $10,000, or both, and in the case of a person other than a natural person, by a fine not to exceed $500,000 and, for a second or subsequent offense, by imprisonment in the house of correction for not more than 2 years or a fine not to exceed $50,000, or both, and in the case of a person other than a natural person, by a fine not to exceed $1,000,000.

(c) Whoever knowingly participates in the pari-mutuel or certificate system of wagering at a racing meeting held or conducted by such licensee for or on behalf of a person under 21 years of age shall be punished by imprisonment in a house of correction for not more than 6 months or by a fine of not more than $1,000 or both.

Section 19. Whoever, with intent to defraud, falsely makes, alters or forges a pari-mutuel betting ticket issued under the provisions of section 9, or whoever, with intent to defraud, utters and publishes as true a false, forged or altered pari-mutuel betting ticket issued under the provisions of said section 9, knowing the same to be false, forged or altered, shall be punished by a fine of not more than $1,000 or by imprisonment in the state prison for not more than five years or in a jail for not more than two years.

Section 20. Any person making a handbook, at any race track within the commonwealth, or holding or conducting a gambling pool or managing any other type of wagering or betting on the results of any horse or dog race, or aiding or abetting any of the foregoing types of wagering or betting, except as permitted by this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars and imprisonment for not more than one year, and for a subsequent offence by a fine of not more than $10,000 and imprisonment for not more than two years.

Section 21. Any jockey, trainer or owner of horses participating in horse racing, if found guilty by the board of unfair riding or crooked tactics, may be barred or suspended from further participation in racing throughout the commonwealth.

Section 22. No person shall administer or cause to be administered any drug, internally or externally by injection, drench or otherwise, to any horse for the purpose of retarding,

stimulating or in any other manner affecting the speed of such horse in or in connection with a race conducted under the provisions of this chapter. Whoever violates this section shall be punished by a fine of $5,000 or by imprisonment for one year, or both.

Section 23. No person shall influence, induce or conspire or connive with, or attempt so to do, any owner, trainer, jockey, agent, driver, groom or other person associated with or interested in or having charge of or access to any horse entered or to be entered in a race for the purpose of fraudulently affecting the ultimate result of such race. Whoever violates this section shall be punished by a fine of not less than $100 nor more than $3,000 or by imprisonment for not more than one year, or both.

Section 24. Any board member or representative of the board or any person licensed to conduct a horse racing meeting, including racing meetings conducted in connection with state or county fairs, shall have the right to refuse admission to or eject from its premises any person whose presence on said premises is detrimental, in the sole judgment of the board member or representative of the board or of said licensee, to the proper and orderly conduct of a racing meeting.

Any person who has been notified by any board member or representative of the board or a licensee of a racing meeting not to enter or attempt to enter its premises and who thereafter, without the express approval of any board member or representative of the board or the licensee, enters or attempts to enter such premises while a racing meeting is being conducted therein, shall be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or both. Any person so excluded by any board member or representative of the board or by a licensee shall have a right of appeal to the commission. The commission shall hold a hearing

within ten days after any such person requests an appeal and may after such hearing by vote allow such person admission to such meeting.

Section 25. No person shall hold or conduct, or assist, aid or abet in holding or conducting, any horse racing meeting within the commonwealth unless such person shall comply with the provisions of this chapter.

Any person holding or conducting or any person aiding or abetting in holding or conducting, any horse racing meeting within the commonwealth in violation of any of the provisions of this chapter shall, unless some other penalty for such violation is provided in this chapter, be punished for each such offence by a fine of not more than $10,000 or by imprisonment for not more than one year, or both.

For the purpose of this section, each day on which any horse racing meeting shall be held or conducted in violation of any of the provisions of this chapter shall be considered a separate and distinct offence.

Section 26. Notwithstanding the provisions of this chapter or any general or special law to the contrary, no dog racing or racing meeting where any form of betting or wagering on the speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the board is hereby prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating any provision of this section relative to dog racing shall be subject to a civil penalty of not less than $20,000 which shall be payable to the board and used for administrative purposes of the board subject to appropriation.

CHAPTER 23K ½.

SIMULCAST WAGERING OF RACING.

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Advance deposit wagering”, a form of pari-mutuel wagering in which a person deposits money in an account with an advance deposit wagering hub operator licensed by the board to conduct advance deposit wagering. The money is used to pay for pari-mutuel wagers made in person, by telephone, or through a communication by other electronic means on horse or dog races held in or outside the Commonwealth.

"Advance deposit wagering hub operator", a simulcast and interactive wagering hub business operated by a racing meeting licensee or gaming licensee directly, or through an agreement with an authorized and licensed service provider, and licensed by the board that, through a subscriber-based service located in this or another state, conducts pari-mutuel wagering on the races that it simulcasts and on other races that it carries in its wagering menu and that uses a computer that registers bets and divides the total amount bet among those who won.

“Board”, the state racing board established in chapter 23K.

"Breaks", in the case of racing meetings conducted in the commonwealth by a racing meeting licensee, the odd cents over any multiple of 10 cents of winnings per 1 dollar wagered. In the case of racing meetings conducted at a host track outside the commonwealth, the amount

of the breaks shall be determined in accordance with the laws of the state in which the host track is located.

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

"Dark days", those days during a racing season on which live racing is not conducted.

"Dark season", that period of consecutive days between racing seasons during which a racing meeting licensee may not conduct live racing performances.

"Full schedule of live racing performances", the conduct of no fewer than seven live races at not less than four separate racing performances each full week during a racing season.

“Gaming licensee”, a person or entity who holds a gaming license under chapter 23K.

"Guest track", a racing meeting licensee or an out-of-state pari-mutuel wagering facility which accepts any simulcast wager on a live race conducted at another track which is presented by simulcast at its facility.

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

"Inter-track simulcasting", the simulcast of a live race conducted at one track to another track, whether either of said tracks is inside or outside the commonwealth, to permit the recipient of the simulcast to accept simulcast wagers on the race.

"Racing card", a full program of races on a specified day as approved by the state racing commission at a racing meeting licensee, a pari-mutuel licensee, or other licensed wagering facility located outside the commonwealth.

"Racing day", a day on which 1 or more racing performances are conducted.

"Racing meeting licensee", a person licensed by the board, under chapter 23K ¼ to conduct live horse racing meetings; provided, however, that for the purposes of this chapter the words racing meeting licensee shall not include licensees holding racing meetings in connection with a state or county fair.

"Racing performance", the conduct of at least seven live races during one day.

"Racing season", that period of consecutive days including dark days during which a racing meeting licensee conducts a full schedule of live racing performances pursuant to his operating license.

"Simulcast", the broadcast, transmission, receipt or exhibition, by any medium or manner, of a live race, including but not limited to, a system, network, or programmer which transmits, or receives, television or radio signals by wire, satellite, or otherwise.

"Simulcast wager", a wager taken at a guest track on a race conducted live at another track, whether inside or outside the commonwealth.

"Source market fee", the portion of a wager made with a licensed advance deposit wagering hub operator by a Massachusetts resident that is paid to the board.

"Takeout", that amount of money wagered which is not returned as prize money to the wagerers and which does not include the breaks as defined in section 9 of chapter 23K ¼.

Section 2. A racing meeting licensee, except a licensee operating within Berkshire county, or gaming licensee shall have the right to simulcast live races, for wagering purposes or otherwise, within the commonwealth except in Berkshire county and to and from pari-mutuel

licensees or other licensed wagering facilities located outside the commonwealth. Such right shall only be exercised on any calendar day on which a racing meeting licensee conducts a racing performance, a dark day or during a dark season. Any violation of the provisions of this chapter shall be cause for the board to invoke its power to suspend or revoke a racing meeting licensee's operating license under section 6 of chapter 23K ¼ or for the commission to invoke its power to suspend or revoke a gaming licensee's operating license under section 3 of chapter 23K. A racing meeting licensee shall make simulcasts of live races conducted by such racing meeting licensee available to all otherwise eligible racing meeting licensees and gaming licensees who have successfully made application to the board or commission to simulcast, on the same terms, to include economic terms, and conditions.

All racing meeting licensees and gaming licensees, whether acting as a host or guest track for simulcasting purposes shall file with the board, clerk of the senate and clerk of the house of representatives a copy of all contracts, agreements, or conditions under which simulcast events are broadcast, transmitted or received which shall include provisions for takeout, commissions and charges.

No racing meeting licensee, whether acting as a guest track or a host track shall simulcast live races unless said licensee conducts a full schedule of live racing performances during a racing season except that if the board determines that a licensee cannot conduct a full schedule of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the board may permit the licensee to continue simulcasting, and if it appears that a racing meeting licensee is or will become unable to conduct a full schedule of live racing performances, the board shall suspend such right to simulcast until said licensee conducts or resumes a full schedule of live racing

performances; provided, further, that no racing meeting licensee shall simulcast live races unless each said racing meeting licensee is licensed to conduct no fewer than a total of 60 racing performances.

All simulcasts shall comply with the provisions of the Interstate Horseracing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states whose racing associations do not require approval in compliance with the Interstate Horseracing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association, or other entity deemed appropriate by the board, prior to being simulcast to any racing meeting licensee within the commonwealth; provided, further, that if said association agrees to approve such simulcast for one racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

Each racing meeting and gaming licensee shall pay a fee for those days, whether a dark day, a day during a dark season, or any day between periods of racing under an operating license, when no live races are conducted but simulcast races are shown and simulcast wagers are accepted. Such fee shall be determined by the board in accordance with the license fees charged under the provisions of chapter 23K ¼. No other daily fee shall be assessed.

Section 3. All wagers on simulcast races accepted by a racing meeting licensee or gaming licensee within the commonwealth or by a pari-mutuel licensee in another jurisdiction when such licensee is operating as a guest track shall be included in the pari-mutuel pool of the racing meeting licensee which conducts the live race, unless the board approves a different procedure.

The board shall promulgate rules as are necessary to facilitate the commingling of pari-mutuel pools, to ensure the proper calculations and distributions of payments and takeouts on such wagers and to regulate the distribution of net proceeds as provided in this chapter.

Section 4. The unclaimed simulcast wagers collected by the gaming licenses, the running horse racing meeting licensee, and the harness horse racing meeting licensee shall be deposited in a separate account under the control and supervision of the board for payment to the purse accounts of the racing meeting that generated the unclaimed wagers.

Section 5. (a) Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from such simulcast wagers a sum equal to 0.125 per cent and the total sum of the breaks into the trust fund known as the Thoroughbred Horse Capital Improvements Trust Fund under the direction and supervision of the state racing board members.

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less such breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any one running horse, also known as a straight wager, and, each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and less an amount not to exceed 26 per cent of the total amount so deposited.

The licensee shall pay to the board on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the breeders association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding in the commonwealth pursuant to law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for purses in accordance with the rules and established customs of conducting running horse racing meetings or, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations; said percentage to be paid from the 19 per cent and the 26 per cent withheld, as provided in this section.

The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses or, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations, said percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(b) Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live running horse race from a host track from outside the commonwealth shall pay daily from such simulcast wagers the sum of 0.125 per cent and the total sum of the such breaks into the trust fund known as the Thoroughbred Horse Capital Improvements Trust Fund under the direction and supervision of the state racing board members.

Each licensee shall return to the winning patrons all sums so deposited less the breaks and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over the host track; provided, however, that, from the total of the percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding of the animals in the commonwealth pursuant to law; and the remaining percentages shall be retained by the racing meeting licensee as their commission; provided further, that the running horse racing meeting licensee and the appropriate horseman's association representing the horse owners racing at that race track shall contract between themselves a percentage of not less than 4 per cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse owners.

Section 5A. (a) Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live harness horse race from a host track within the commonwealth shall pay daily from such simulcast wagers the total sum of the breaks, and a sum equal to 1 per cent of the exotic wagering pool into the trust fund known as the Standardbred Horse Capital Improvements Trust Fund under the direction and supervision of the state racing board members.

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the such breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any one

harness horse, also known as a straight wager, and each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amount so deposited.

The licensee shall pay to the board on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 0.375 per cent; a sum equal to 0.25 per cent to the breeders association of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs of conducting harness horse racing meetings; a sum equal to 5.875 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 7.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track, for purses, said percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

The licensee shall pay to the board on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 0.375 per cent; a sum equal to 0.75 per cent to the breeders association of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs of conducting harness horse racing meetings; a sum equal to 6.875 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however,

that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses, said percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

(b) Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live harness horse race from a host track from outside the commonwealth shall pay daily from such simulcast wagers the total sum of such breaks into the trust fund known as the Standardbred Horse Capital Improvement Trust Fund under the direction and supervision of the state racing board members.

Each licensee shall return to the winning patrons all sums so deposited less such breaks and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over the host track; provided, however, that, from the total of the percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the commonwealth; the sum of 1 per cent of the exotic wagering pool shall be paid daily to the Standardbred Horse Capital Improvement Trust Fund under the direction and supervision of the state racing board members; the sums of 0.25 per cent of the straight wagering pool and 0.75 per cent of the exotic wagering pool shall be paid daily to the breeders' association of the most recent live racing performance at the guest track for the purposes of promoting the breeding of the animals in the commonwealth pursuant to law; and the remaining percentages shall be retained by the racing meeting licensee as their commission; provided, however, that the harness horse racing meeting licensee and the appropriate horseman's association representing the horse owners racing at the race track shall contract between themselves a percentage of not less than 4

per cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse owners.

Section 6. (a) If a new running horse racing meeting licensee should replace the existing running horse meeting licensee during any point in a calendar year and a new contract is not agreed upon between the new running horse meeting licensee and the horseman's association before the start of the next racing season, then the last signed, executed and completed contract between the previous running horse racing meeting licensee and the horseman's association shall remain in effect for the racing season only or until a new contract is agreed upon.

(b) If a new harness horse racing meeting licensee should replace the existing harness horse meeting licensee during any point in a calendar year and a new contract between the new harness horse meeting licensee and the horseman's association is not agreed upon before the start of the next racing season, then the last signed, executed and completed contract between the previous harness horse racing meeting licensee and the horseman's association shall remain in effect for the racing season only or until a new contract is agreed upon

Section 7. Notwithstanding section 2, a running horse racing meeting licensee, excluding a licensee in Berkshire county, which is conducting running horse racing meetings in connection with a state or county fair, may, with the permission of the board and subject to the approval of the city council and mayor or board of selectmen and town meeting of a city or town where the fair is located, and following a demonstration by said licensee of its ability to complete no less than 50 per cent of the live races performances approved by the board, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if such simulcast is conducted in connection with a state or county

fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth except in Berkshire county; but, if the board determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the board may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for said reasons. The total number of days of simulcast at the state or county fair, which is licensed by the board for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall simulcast its live racing performances and receive a fee therefor of 11 per cent; provided, however, that said simulcast shall not be considered a live in-state racing performance for purposes of the fourth paragraph of section 2.

The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from such simulcast wagers the total sum of the breaks and a sum equal to 0.125 per cent into the host track trust fund known as the Running Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing board members.

The board shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel

or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any one running horse, also known as a straight wager, and, each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also called an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited on said exotic wagering pool shall be payable to the division of fairs of the commonwealth; provided, further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under the provisions of paragraph (f) of section 2 of chapter 128; and provided, further, that such expenditures by the division of fairs shall not exceed $50,000 in any fiscal year.

The licensee shall pay to the board on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the breeders' association of the most recent live racing performance at the host track for the purposes of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs of conducting running horse racing meetings.

The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track; and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall

be paid to the horse owners, of the most recent live racing performance at the host track, for purses, said percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association, or other entity deemed appropriate by the board, prior to being simulcast to any racing meeting licensee within the commonwealth; provided further, that if the association agrees to approve such simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

Section 8. (a) Each gaming licensee within the commonwealth acting as a guest track and simulcasting a live running or harness horse race from a host track within the commonwealth shall pay daily from such simulcast wagers a sum equal to 0.125 per cent and the total sum of the breaks into the trust fund of the most recent live performance at the guest track under the direction and supervision of the state racing board members.

Each such gaming licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less such breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any one running horse,

also known as a straight wager, and, each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and less an amount not to exceed 26 per cent of the total amount so deposited.

The licensee shall pay to the board on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the breeders association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding in the commonwealth under law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for purses in accordance with the rules and established customs of conducting running horse racing meetings or, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations; said percentage to be paid from the 19 per cent and the 26 per cent withheld, as provided in this section.

The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the gaming licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses or, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations, said percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(b) Each gaming licensee within the commonwealth acting as a guest track and simulcasting a live running or harness horse race from a host track from outside the commonwealth shall pay daily from such simulcast wagers the sum of 0.125 per cent and the total sum of the such breaks into the trust fund of the most recent live performance at the guest track under the direction and supervision of the state racing board members.

Each licensee shall return to the winning patrons all sums so deposited less the breaks and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over the host track; provided, however, that, from the total of the percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding of the animals in the commonwealth under law; and the remaining percentages shall be retained by the gaming licensee as their commission; provided further, that the gaming licensee and the appropriate horseman's association representing the horse owners racing at the host race track shall contract between themselves a percentage of not less than 4 per cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse owners.

Section 9. (a) Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth shall return to the winning patrons all sums so deposited less such breaks and less either an amount not to exceed 19 per cent of the total amount so deposited or an amount which would be paid under the laws of the jurisdiction exercising regulatory authority over such host track; provided, however, that a sum equal to 0.375 per cent of the total amount wagered shall be paid

daily to the board on behalf of the commonwealth; a sum equal to 0.5 per cent of the total amount wagered shall be paid to the Capital Improvement Trust Fund of the racing meeting licensee acting as a guest track under the direction and supervision of the state racing board members; and the remaining percentages shall be retained by the racing meeting licensee as their commission; provided, however, that not less than 3.5 per cent shall be paid to the purses of the racing meeting licensee acting as a guest track, and the remaining portion shall be applied to the expenses as the racing meeting licensee is required to pay under contracts negotiated with the host track.

(b) Each gaming licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth shall return to the winning patrons all sums so deposited less such breaks and less either an amount not to exceed 19 per cent of the total amount so deposited or an amount which would be paid under the laws of the jurisdiction exercising regulatory authority over such host track; provided, however, that a sum equal to 0.375 per cent of the total amount wagered shall be paid daily to the board on behalf of the commonwealth; a sum equal to 0.5 per cent of the total amount wagered shall be paid to the Race Horse Development Fund under the direction and supervision of the board members; and the remaining percentages shall be retained by the gaming licensee as their commission; provided, however, that not less than 3.5 per cent shall be paid to for school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed under chapters 70 and 76 of the General Laws and section 3, and the remaining portion shall be applied to the expenses as the gaming licensee is required to pay under contracts negotiated with the host track.

Section 10. (a) The board may license an advance deposit wagering hub operator to conduct advance deposit wagering. The board shall impose an initial non-refundable application fee which of $2,500 which shall be paid by each applicant for such license or renewal thereof. Advance deposit wagering is prohibited and illegal unless it is conducted through an advance deposit wagering hub operator licensed by the board.

(b) A licensed advance deposit wagering hub operator:

(1) may only accept advance deposit wagering money for races conducted in compliance with the interstate horse racing act or by a licensed race meet;

(2) may not accept a wager in an amount in excess of the money on deposit in the account of a person who wishes to make the wager;

(3) may not rebate any money to a bettor based on a wager made under this chapter or chapter 23K ¼;

(4) may not allow a person under 18 years of age to open an account with the advance deposit wagering hub operator, make a wager from an account, or otherwise have access to an account;

(5) shall include a statement in any of its advertising for advance deposit wagering that a person under 18 years of age is not allowed to participate;

(6) shall verify the identification, residence, and age of each person seeking to open an advance deposit wagering account which shall not be assignable or otherwise transferable;

(7) shall utilize personal identification numbers and such other technologies as the board may specify to assure that only the account holder has access to the advance deposit wagering account;

(8) may require a minimum balance in an account, which the board shall prescribe by regulation;

(9) shall utilize appropriate totalizator and accounting controls to safeguard the transmission of wagering data, and keep a system of accounts to maintain a separate record of revenues and an accounting of costs relative to the operation of the hub operator;

(10) shall agree to pay to the board a source market fee in an amount equal to a percentage of the total amount wagered by Massachusetts residents from their accounts with the advance deposit wagering hub operator; and

(11) shall agree to a payment schedule of source market fees on or before the fifth business day of each month covering payments due for the period of the preceding calendar month.

(c) A licensed advance deposit wagering hub operator shall pay a source market fee equal to 5 per cent on each wager accepted from Massachusetts residents. Of the amounts collected under this subsection:

(1) 4 per cent shall be payable to for school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed under chapters 70 and 76 of the General Laws and section 3;

(2) 6 per cent shall be payable to the Race Horse Development Fund;

(3) 10 per cent shall be payable to the General Fund; and

(4) 80 per cent shall be payable to live race meet licensees based on each live race meet licensee's percentage of the total annual on-track pari-mutuel handle during the previous live race season. Prior to the beginning of each year's live race season, the correct percentage must be distributed by the board to each live race meet licensee to be used for race purses or other purposes that the board considers appropriate for the good of the horseracing industry; provided, however, that a minimum of 20 per cent shall be dedicated to race purses.

(d) Wagers placed with the operators shall result in the combination of all wagers placed with such operators with the wagering pools at the host track so as to produce common pari-mutuel betting pools for the calculation of odds and the determination of payouts from such pools, which payout shall be the same for all winning tickets, irrespective of whether a wager is placed at a host track or at an advance deposit wagering hub operator in compliance with this chapter and chapter 23K ¼.

(e) Each licensee shall, with respect to each betting account established with such licensee, make tax withholdings and provide tax and revenue reporting, all as otherwise required for wagers placed at a racing meeting licensee.

(f) The balance in any betting account maintained by a person licensed under this section, which account has been inactive for a period of 3 years, shall be presumed to be abandoned and paid to the state treasurer under the provisions of chapter 200A.

(g) The licensee may refuse to establish or maintain a betting account and may refuse deposits to any such account if the licensee deems such refusal appropriate; provided, however, that such licensee shall not establish or maintain a betting account for any person who has been banned or prohibited from entering the premises of a racing meeting licensee or gaming establishment in the commonwealth. The licensee may suspend or close any account at any time; provided, however, that the licensee shall return to the account holder any funds that are on deposit in the account at the time it is closed.

(h) No race shall be telecast live to a public location outside of a guest track if used in conjunction with the operation of the account wagering system in a manner that creates an off-track betting center. This section prohibits any contract or other agreement of a person licensed to conduct a running horse or harness horse racing meeting that facilitates or encourages off-track betting as well as any arrangement involving dedicated or direct telephone lines or other electronic connections between the licensee's facility and a public location outside the area of the licensee's facility at which live telecasts of races are presented. This section shall not prohibit television display of races at public locations when account wagering is incidental to the presentation of such races and the telecasting does not occur in conjunction with the operation of an off-track betting center within the commonwealth.

(i) Betting accounts authorized by this section shall be established, maintained and operated in accordance with rules and regulations promulgated by the board. The board shall conduct annual audits of each advance deposit wagering hub operator within 90 days of the end of each calendar year with respect to all monies attributable to account wagers. The board shall report the findings of each such audit within 30 days of the completion of the audit to the house and senate chairs of the joint committee on consumer protection and professional licensure.

(j) A licensee failing to comply with this section shall be punished by a fine of not more than $10,000 or by imprisonment in the house of correction for not more than two years, or both. A licensee failing to comply with the requirements of the section shall also be subject to revocation of their license and civil penalties imposed by the board of not more than $10,000 if, after notice and a hearing, the board finds that a violation has occurred.

Section 11. (a) The board shall have full power to promulgate rules, regulations, and conditions under which all running horse, harness horse, or greyhound racing simulcasts and simulcast and advance deposit wagers shall be conducted in the commonwealth.

(b) Notwithstanding the provisions of this section, the board may adopt emergency rules or regulations to protect the health or safety of the public, participants, or animals, or to insure the integrity of racing and pari-mutuel and advance deposit wagering; provided, however, that no emergency rule or regulation shall attempt to regulate the dates, manner of wagering, or economic terms or conditions of racing within the commonwealth; provided, further, that such emergency rules and regulations shall expire within 90 days of their promulgation.

SECTION 14. Section 2 of chapter 128 of the General Laws, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Promote, develop and encourage through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses. The Massachusetts Thoroughbred Breeders Association, Inc. shall from time to time in consultation with the chair of the state racing board set the percentages for bonuses to be awarded to the breeder of a Massachusetts bred thoroughbred horse, of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race if said horse

finishes first, second, third, fourth or fifth; the percentage for incentives to the owner of the stallion, at the time of service to the dam of such purse winner; provided, however, that (i) the stallion was registered by February 1st and stood the entire breeding season for that year in the commonwealth, (ii) the horse finishes first, second, third, fourth or fifth and (iii) said stallion is registered with the Massachusetts Thoroughbred Breeders Association, Inc. and was not registered to stand in any other state that year; the percentage for incentives for the purse monies won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race held within or outside the commonwealth to the owner of a Massachusetts bred or accredited horse if said horse finishes first, second, third, fourth or fifth.

The Massachusetts Thoroughbred Breeders Association, Inc. is further authorized to pay incentives for races to be limited to Massachusetts bred and accredited thoroughbred race horses from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized by the state racing board and in consultation with the chair of said board, and to pay cash incentives to encourage breeding in Massachusetts. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. Purse monies paid by the association under this section may be in such amounts as the association shall determine and may be the sole cash purse for such races or may be supplemental to the cash purses established by the licensee; and such discretion shall include the discretion to set an overall cap on awards earned.

No person shall be eligible for the prizes provided herein unless the following standards are met:

(1) The foal of a thoroughbred mare that drops said foal in the commonwealth shall be a Massachusetts bred; or

(2) The foal of a thoroughbred mare who resides in the commonwealth continuously for at least 90 days which includes foaling and foals in the commonwealth shall be Massachusetts bred.

(3) Any foal that is raised in the commonwealth for six months continuously prior to December 31st of its two year old year shall be a Massachusetts accredited horse.

(4) In either case of subparagraph (1),(2) or (3) each thoroughbred foal dropped or raised in the commonwealth shall be registered with the Jockey Club, and the Massachusetts Thoroughbred Breeders Association, Inc.

(5) Prior to the first day of September of each year, each person standing a thoroughbred stallion in the commonwealth at either private or public service shall file with the Massachusetts Thoroughbred Breeders Association, Inc.: (A) a list of all thoroughbred mares bred to such stallion in that year; and (B) a verified statement representing that said stallion stood the entire breeding season in the commonwealth.

A Massachusetts accredited thoroughbred shall be eligible for any Massachusetts bred race, except for Massachusetts restricted stakes races. For Massachusetts bred stake races Massachusetts accredited horses may enter to fill the race after all Massachusetts breds have already been entered in the race. A full race shall be determined by Massachusetts Thoroughbred Breeders Association, Inc. and the hosting track for the race.

Prior to the first day of September of each year, each person raising a weanling or yearling in Massachusetts for six months prior to December 31st of the horse's two-year old year shall file with the Massachusetts Thoroughbred Breeders Association, Inc. a verified statement that it is raising the horse in Massachusetts and the location of the horse.

The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized to pay foaling bonuses to the owner of any mare that foals within the commonwealth. To be eligible for such bonus, prior to foaling, the owner of such mare shall file with the Massachusetts Thoroughbred Breeders Association, Inc. a verified statement that the mare is in foal, the expected due date and the location of the mare.

The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized to expend up to 12 per cent of the amount received each fiscal year for said program for advertising, marketing, promotion, and administration for the thoroughbred breeding program in the commonwealth.

The state auditor shall annually audit the books of the Massachusetts Thoroughbred Breeders Association Inc., to ensure compliance with this subsection.

SECTION 15. Said section 2 of said chapter 128 of the General Laws, as so appearing, is hereby further amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) Promote, develop and encourage, through the Massachusetts Standardbred Breeding Program, the breeding of standardbred horses in the commonwealth by offering cash prizes to breeders of such horses. The representative organization of standardbred breeders and owners approved by the state racing board shall, from time to time in consultation with the chair of the

racing board and the commissioner of the department of food and agriculture, set the percentages for purses to be awarded to the breeder of a Massachusetts standardbred horse.

The representative organization of standardbred breeders and owners approved by the state racing commission may pay cash purses and stallion awards for stakes races limited to Massachusetts bred standardbred race horses and qualified Massachusetts stallions from the Massachusetts standardbred breeding program at licensed pari-mutuel racing meetings authorized by the state racing board. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. All races for the standardbred breeding program shall be held at a licensed pari-mutuel facility. Purse monies and stallion awards paid by the representative organization of standardbred breeders and owners approved by the state racing commission may be paid in such amounts as the representative organization shall determine and may be either the sole cash purse for such races or may be supplemental to the cash purses established by the licensee of the pari-mutuel facility.

The standardbred horses eligible to participate in the purses provided herein shall be limited to those of racing ages 2 and 3 and shall have met the following requirements:

(1) the qualifying standardbred horses shall have been sired by a Massachusetts registered stallion on file with the department of food and agriculture; provided, however, that the stallion shall have stood the entire breeding season of February 1 to July 15, inclusive, in the commonwealth in the year any such eligible foal was conceived; or

(2) the foal of a standardbred mare that drops the foal in the commonwealth and is bred back to a Massachusetts registered stallion; or the foal of a standardbred mare that resides in the

commonwealth from December 1 of the year prior to foaling and continues such residence until foaling and foals in the commonwealth;

(3) in either the case of subparagraph (1) or (2), each standardbred foal dropped in the commonwealth shall be registered with the United States Trotting Association and the department of food and agriculture.

Prior to October 1 of each year, each breeder standing a standardbred stallion in the commonwealth at either private or public service shall file with the department of food and agriculture a list of all standardbred mares bred to such stallion in that year and a verified statement representing that the stallion stood the entire breeding season in the commonwealth.

The representative organization may expend up to 8 per cent of the amount received each fiscal year for the program for advertising, marketing, promotion and administration of the standardbred breeding program in the commonwealth.

The state auditor shall annually audit the books of the qualified organization to ensure compliance with this subsection.

SECTION 16. Section 17A of chapter 271 of the General Laws, as so appearing, is hereby amended by inserting after the word "year", in line 13, the following words:- ; provided, however, that this section shall not apply to use of telephones or other devices or means to place wagers authorized under section 10 of chapter 23K ½.

SECTION 17. Section 12A of chapter 494 of the acts of 1978 is hereby repealed.

SECTION 18. Section 13 of said chapter 494 of the acts of 1978 is hereby repealed.

SECTION 19. Section 15 of said chapter 494 of the acts of 1978 is hereby repealed.

SECTION 20. Section 9 of chapter 277 of the acts of 1986 is hereby repealed.

SECTION 21. Sections 3 through 5, inclusive, of chapter 114 of the actions of 1991 are hereby repealed.

SECTION 22. Section 92 of chapter 2011 of the acts of 2011 is hereby repealed.

SECTION 23. Section 17 of chapter 1 (or chapter x) of the acts of 2020 is hereby repealed.

SECTION 24. (a) Notwithstanding the live racing takeout structure under subsection (c) of section 9 of chapter 23K ¼ of the General Laws or the simulcast racing takeout structures under sections 5, 5A and 9 of chapter 23K ½, for not more than 5 years, a new running race horse meeting licensee conducting a running horse racing meeting shall return to the winning patrons wagering on the speed or ability of any one running horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any one running horse; and each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 26 per cent of the total amount deposited. Such licensee shall:

(1) pay to the board on the day following each day of such running horse racing meeting a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so

wagering at the meeting, the percentage to be paid from the 19 per cent or 26 per cent withheld, as provided in this section, from the total amount wagered;

(2) pay to the Massachusetts Thoroughbred Breeders Association, Inc. on the day following each day of such running horse racing meeting a sum equal to 1 per cent of the total amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld and from the 26 per cent withheld from exotic wagers, the monies to be used for the purposes of subsection (g) of section 2 of chapter 128;

(3) allocate from the total amount deposited daily by the patrons wagering at the meeting a sum equal to 8.5 per cent from the 19 per cent withheld and a sum equal to 9.5 per cent from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to the horse owners in accordance with the rules and established customs of conducting running horse racing meetings and, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations, and the monies shall be in addition to monies deposited into a separate purse account as simulcast premiums received pursuant to section 2 of chapter 23K ½;

(4) pay to Tufts University School of Veterinary Medicine on the day following each day of such running horse racing meeting a sum equal to 0.5 per cent of the total amount deposited by the patrons, less the breaks, from the 26 per cent withheld from exotic wagers, to be used for equine research scholarships and loans.

Each such licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from

the total amounts wagered less the amounts required to be paid under clauses (1) to (6), inclusive.

(b) Each such licensee acting as a guest track and simulcasting a live running or harness horse race from a host track within the commonwealth shall pay daily from such simulcast wagers a sum equal to 0.125 per cent and the total sum of the breaks into the trust fund of the most recent live performance at the guest track under the direction and supervision of the state racing board members.

Each such licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less such breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any one running horse, also known as a straight wager, and, each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and less an amount not to exceed 26 per cent of the total amount so deposited.

The licensee shall pay to the board on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the breeders association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding in the commonwealth under law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for purses in accordance with the rules and

established customs of conducting running horse racing meetings or, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations; said percentage to be paid from the 19 per cent and the 26 per cent withheld, as provided in this section.

The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses or, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting, for payment of administrative and horseracing operations, said percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each such licensee acting as a guest track and simulcasting a live running or harness horse race from a host track from outside the commonwealth shall pay daily from such simulcast wagers the sum of 0.125 per cent and the total sum of the such breaks into the trust fund of the most recent live performance at the guest track under the direction and supervision of the state racing board members.

Each licensee shall return to the winning patrons all sums so deposited less the breaks and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over the host track; provided, however, that, from the total of the percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the

commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding of the animals in the commonwealth under law; and the remaining percentages shall be retained by the licensee as their commission.

(d) Each such licensee acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth shall return to the winning patrons all sums so deposited less such breaks and less either an amount not to exceed 19 per cent of the total amount so deposited or an amount which would be paid under the laws of the jurisdiction exercising regulatory authority over such host track; provided, however, that a sum equal to 0.375 per cent of the total amount wagered shall be paid daily to the board on behalf of the commonwealth; and the remaining percentages shall be retained by the racing meeting licensee as their commission; provided, however, that not less than 3.5 per cent shall be paid to the purses of the racing meeting licensee acting as a guest track, and the remaining portion shall be applied to the expenses as the racing meeting licensee is required to pay under contracts negotiated with the host track.

SECTION 25. (a) Notwithstanding any general or special law to the contrary, the harness race horse meeting licensee located in Norfolk county licensed to conduct live racing under chapter 128A and simulcast wagering under chapter 128C in calendar year 2020 shall not be subject to the provisions of section 5 of chapter 23K ¼ except for at any time that said licensee ceases live racing operations at the licensee’s location.

(b) The state racing board shall convert said licensee’s live racing license issued under chapter 128A to a live racing license issued under chapter 23K ¼, and shall convert said

licensee's simulcast wagering license issued under chapter 128C to a simulcast wagering license issued under chapter 23K ½ for the remaining duration of time as such chapter 128A and 128C licenses, respectively.

SECTION 26. (a) Notwithstanding any general or special law to the contrary, as of the effective date of this section, no person shall be required to pay any money into the Running Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, each established pursuant to section 11 of chapter 494 of the acts of 1978, or into the Harness Horse Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund, each established pursuant to section 12 of said chapter 494, or into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established pursuant to section 12A of said chapter 494, all of which funds are referred to in this section as the "Racing Trust Funds." Any funds that were previously paid into the Racing Trust Funds and had not been expended prior to the effective date of this section shall be paid by the state racing board, without condition or restriction and within 30 days of the effectiveness of this section, to the Race Horse Development Fund established under section 60 of chapter 23K.

(b) Once all funds in a Racing Trust Fund shall have been so paid, the Racing Trust Funds shall be dissolved.

SECTION 27. Notwithstanding any general or special law to the contrary, any person authorized at any point in 2021 prior to the effective date of this Act by any general or special law to conduct horse racing, simulcasting, or pari-mutuel wagering including advance deposit wagering under chapter 128A or chapter 128C shall remain authorized until July 31, 2022, to conduct horse racing, simulcasting, or pari-mutuel wagering on the same terms and conditions in

effect as of July 1, 2019 except for any term or condition that terminates such authorization prior to July 31, 2022.

SECTION 28. Notwithstanding section 2 of chapter 23K ¼ of the General Laws and sections 1, 2 and 7 of chapter 23K ½ of the General Laws or any other general or special law, rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county licensed to conduct live racing under chapter 128A and simulcast wagering under chapter 128C in calendar year 2009, may be authorized by the state racing board to conduct simulcast wagering under said chapter 23K ½ until July 31, 2022; provided, however, that the days between January 1 and December 31 of each year shall be dark days under said chapter 23K ½ and the licensees shall continue to be precluded from conducting live racing during that period and as provided in chapter 388 of the acts of 2008; provided further, that simulcasts shall be subject to section 7 of chapter 23K; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided further, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent & Protective Association, or other entity deemed appropriate by the board, prior to being simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

SECTION 29. Section 14 is hereby repealed.

SECTION 30. Section 29 shall take effect 6 years after the issuance of a new running race horse license by the state racing board.

SECTION 31. Notwithstanding any general or special law or rule or regulation to the contrary, any general and special laws outside of this Act, licenses, authorizations or approvals relative to horse or dog racing, simulcasting or wagering thereof in effect on or before July 31, 2022 are hereby repealed after affirmative review by the state racing board.

SECTION 32. This act shall take effect on August 1, 2022.