

**SENATE . . . . . No. 172**

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**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*

**SENATE . . . . . No. 172**

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By Mr. Feeney, a petition (accompanied by bill, Senate, No. 172) of Paul R. Feeney and Tackey Chan for legislation to revitalize agriculture, conditioning and simulcasting. Consumer Protection and Professional Licensure.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2535 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

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:*

1           SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2020  
2   Official Edition, as amended by section 1 of chapter 173 of the acts of 2022, is hereby further  
3   amended by striking out clause Tenth and inserting in place thereof the following:-

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

10 charitable gaming conducted under said chapter 271; and (vii) a fantasy contest conducted under  
11 section 11M1/2.

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

14 “Board”, the state racing board established in section 7A.

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

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

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

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

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

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

30           The board shall consist of three members, one who shall serve as chair, all to be  
31 appointed by the governor. Not more than two of such members shall be of the same political  
32 party. No person shall be appointed to the board nor be an employee thereof nor officiate at pari-  
33 mutuel meetings conducted in this commonwealth who is licensed or regulated, directly or  
34 indirectly, by the board other than for the position to which such person is appointed nor shall  
35 such person have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in  
36 any firm, association or corporation so licensed or regulated or which participates in pari-mutuel  
37 wagering or simulcasting in any manner nor shall such person participate in pari-mutuel  
38 wagering or simulcasting in any manner other than in such person's official capacity. No person  
39 shall be a member of the board who is not of good moral character or who has been convicted of,  
40 or is under indictment for, a felony under the laws of Massachusetts or any other state, or the  
41 United States. Members of the board shall each possess not less than five years of responsible  
42 administrative experience in public or business administration; provided that the chair shall also  
43 have professional experience in gaming or racing regulatory administration or gaming or racing  
44 industry management; provided, further, that at least one member shall be licensed to practice  
45 veterinary medicine in the commonwealth with equine racing diagnosis and treatment or research  
46 experience.

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

51           Each member shall serve for a term of five years and shall hold office until  
52 reappointment, or the appointment and qualification of their successor; provided, however, that

53 no member shall serve more than 15 years. The governor may remove any member for cause and  
54 shall fill any vacancy for the unexpired term. Whenever any action by the board is required to be  
55 in writing, such writing shall be sufficient when signed by the board chair.

56 Notwithstanding the provisions of section 7, the board shall administer and enforce  
57 chapters 23K  $\frac{1}{4}$  and 23K  $\frac{1}{2}$  and any general and special law related to live racing, pari-mutuel  
58 wagering and simulcasting. The board shall serve as a host racing commission and an off-track  
59 betting commission for purposes of 15 U.S.C. 3001, et seq.

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

69 The board shall make an annual report in January of each year to the general court. That  
70 report shall include the following information with respect to the previous calendar year:  
71 statements of monies deposited in the Race Horse Development Fund established under section  
72 60, the Thoroughbred Horse Capital Improvements Trust Fund established under section 60A,  
73 and the Standardbred Horse Capital Improvements Trust Fund established under section 60B,  
74 together with a detailed account of monies disbursed from the funds, the specific capital

75 improvements for which the disbursements were intended, and a report on which of the  
76 improvements have been accomplished; a statement of racing dates awarded to licensees,  
77 including those awarded in connection with a state or county fair; and a statement of the total  
78 amounts wagered at each race track, together with the monies paid to the commonwealth and the  
79 board, purses paid to horse owners and monies retained by each licensee, together with a  
80 statement of the net profit of each licensee taken from the financial statements filed under section  
81 11 of chapter 23K ¼. Copies of the report shall be transmitted to the governor, the president of  
82 the senate, the speaker of the house of representatives, the chairs of the house and senate  
83 committees on ways and means, the joint committee on consumer protection and professional  
84 licensure, and the joint committee on revenue.

85 SECTION 6. Section 19 of said chapter 23K, as so appearing, is hereby amended by  
86 striking out the figure “128A” each time it appears, and inserting in place thereof the following:-  
87 23K ¼.

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

91 SECTION 8. Section 20 of said chapter 23K, as so appearing, is hereby amended by  
92 striking out the figure “128A” each time it appears, and inserting in place thereof the following:-  
93 23K ¼.

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

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

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

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

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

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

120 (i) 80 per cent of the funds approved by the board shall be deposited weekly into a  
121 separate, interest-bearing purse account to be established by and for the benefit of the horsemen;  
122 provided, however, that the earned interest on the account shall be credited to the purse account;  
123 and provided further, that licensees shall combine these funds with revenues from existing purse  
124 agreements to fund purses for live races consistent with those agreements with the advice and  
125 consent of the horsemen;

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

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



139 benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and  
140 eligibility requirements of that organization.

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

143 Section 60A. There shall be established and set up on the books of the commonwealth a  
144 Thoroughbred Horse Capital Improvements Trust Fund to be administered by the board. During  
145 each calendar year each running horse track licensee under section 3 of chapter 23K  $\frac{1}{4}$ , other  
146 than a licensee holding a racing meeting in connection with a state or county fair, shall daily pay:  
147 the total sum of the so-called breaks, as defined in section 9 of said chapter 23K  $\frac{1}{4}$ , less one  
148 hundred thousand dollars, into the said trust fund under the direction and supervision of the state  
149 racing board members, as they are individuals, as trustees of said trust; provided, however, that  
150 the aforementioned sum of one hundred thousand dollars shall be allocated, subject to  
151 appropriation, to the Massachusetts council on compulsive gambling. Said trustees shall deposit  
152 all monies in said trust fund in one or more banks, at interest, within the commonwealth.

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

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

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

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

181 Nothing herein contained shall preclude a running horse track from making capital  
182 improvements not funded in whole or in part from such funds; provided, however, that all sums

183 approved by said trustees hereunder shall be expended in their entirety for capital improvements;  
184 provided, further, that any revision by said licensee in the making of capital improvements as  
185 hereinbefore provided, shall require separate written approval by the trustees therefor. All  
186 financial statements required under section 11 of chapter 23K ¼ shall be accompanied by a  
187 statement signed under the pains and penalties of perjury by the chief financial officer of the  
188 licensee, setting forth the capital improvements made with funds obtained under this section and  
189 further certifying that such expenditures are treated as capital expenditures in the accompanying  
190 financial statements.

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

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

200 Section 60B. There shall be established and set up on the books of the commonwealth a  
201 Standardbred Horse Capital Improvements Trust Fund to be administered by the board. During  
202 each calendar year each harness horse track licensee under section 3 of chapter 23K ¼, other  
203 than a licensee holding a racing meeting in connection with a state or county fair shall daily pay:  
204 the total sum of the so-called breaks, as defined in section 9 of said chapter 23K ¼ , and a sum

205 equal to 2 per cent of the total amount wagered by patrons wagering on the speed or ability of a  
206 combination of more than one harness horse in a single pool, exotic wagering, so-called, into the  
207 said trust fund under the direction and supervision of the state racing board members, as they are  
208 individuals, as trustees of said trust. Said trustees shall deposit all monies in said trust fund in  
209 one or more banks, at interest within the commonwealth.

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

217 Said trustees shall prescribe terms and conditions for such grants and may designate  
218 specific capital improvements to be undertaken by the licensee; provided, however, that prior to  
219 approving any expenditures from said trust fund for purposes not designated by the trustees, the  
220 trustees shall require the licensee to submit to them detailed business plans describing the  
221 specific capital improvements contemplated by the licensee and shall formally vote to permit  
222 such expenditures; provided, further, that under no circumstances shall the trustees permit the  
223 expenditure of trust funds for purposes not directly related to the improvement of harness horse  
224 racing; provided, further, that such terms and conditions for capital improvement projects shall  
225 include schedules of periodic payments to be prepared by the trustees in accordance with  
226 schedules contained in construction contracts for such capital improvement projects. Such

227 licensee shall comply with all applicable provisions of chapter 149 unless such compliance is  
228 waived by the commission in writing for cause.

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

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

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

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

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

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

258           CHAPTER 23K ¼.

259           HORSE RACING MEETINGS.

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

262           "Board", the state racing board established in chapter 23K.

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

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

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

271 "Race track" shall include the track, grounds, auditorium, amphitheatre or bleachers, if  
272 any, and adjacent places used in connection therewith, where a horse racing meeting may be  
273 held; provided, however, that each person licensed to conduct a running horse racing meeting,  
274 other than a licensee holding a racing meeting in connection with a state or county fair, shall  
275 conduct the racing meeting on a race track with a racing strip of not less than 1 mile.

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

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

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

288 (1) The name of the applicant.

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

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

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

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

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

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

301 Such application shall be filed with the board on or before October 1st of the calendar  
302 year preceding the calendar year for which application requests a license to be issued under this  
303 chapter; and the board shall grant or dismiss such application not later than the November 15th  
304 next following; provided, however, that a supplementary application by a licensee for a  
305 subsequent license in the calendar year for which a license had theretofore been issued to such  
306 licensee and relating to the same premises as were specified in the previously issued license, and  
307 supplementary applications by a licensee for additional licenses under section 4, may be filed  
308 with the board at any time prior to the expiration of said calendar year for which a license had



309 theretofore been issued to said licensee; and the board shall grant or dismiss such applications  
310 within 30 days of the date of filing. Such applications shall be signed and sworn to, if made by  
311 an individual, by such individual; if made by two or more individuals or a partnership, by one of  
312 such individuals or by a member of such partnership, as the case may be, if made by a trust, by a  
313 trustee of such trust, and, if made by an association or corporation, by the president or vice  
314 president thereof. The board may prescribe forms to be used in making such applications.

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

318           Section 3. If any application for a license, filed as provided by section 2, shall be in  
319 accordance with the provisions of this chapter, the board, after reasonable notice and a public  
320 hearing in the city or town wherein the license is to be exercised, may issue a license to the  
321 applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the  
322 race track specified in such application; provided, that if the board has already taken action on an  
323 application for any calendar year, after such notice and public hearing, no other public hearing  
324 need be held on any other application from the same applicant relating to the same premises filed  
325 prior to the expiration of said year; and provided, further, that on an application for a license to  
326 conduct a horse racing meeting in connection with a state or county fair the applicant shall show  
327 a certificate from the commissioner of food and agriculture that (1) such fair is a state or county  
328 fair as defined in section one, (2) such fair has been operating for each of the five consecutive  
329 years immediately preceding the date of filing such application and had received for each of said  
330 five consecutive years assistance from the agricultural purposes fund, (3) such fair is properly  
331 qualified as hereinafter in this paragraph provided and (4) the location where such racing

332 meeting is to be held is annually approved by him and by the board of agriculture; and provided,  
333 further, that on an application for a license to conduct a horse racing meeting in connection with  
334 a state or county fair by an applicant to whom a prior license to conduct such a racing meeting at  
335 the race track specified in said application has been granted by the board, no hearing need be  
336 held, unless a request, signed by at least one per cent of the registered voters of the city or town  
337 in which the track is located, is filed with the board not later than thirty days following the  
338 granting of said license. In determining whether a fair is properly qualified under this paragraph,  
339 the commissioner of food and agriculture shall consider the number of days such fair has  
340 operated each previous year, the area of the land used for fair purposes, the number of entries in  
341 agricultural show events in previous years, the number and value of prizes offered in such events  
342 and whether or not the granting of a racing license would tend to promote the agricultural  
343 purposes of the fair.

344 Such license shall state:

- 345 (1) The name of the person to whom the same is issued,  
346 (2) The location of the race track where the racing meeting thereby authorized is to be  
347 held,  
348 (3) The days on which such meeting may be held or conducted,  
349 (4) The hours of each day between which racing may take place at such meeting, and  
350 (5) That the required license fee has been received by the commission.

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

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

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

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

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

376 (e) No license shall be issued to any person who is in any way in default, under the  
377 provisions of this chapter, in the performance of any obligation or in the payment of any debt to  
378 the board; provided, however, that no license shall be issued to any person who has, within 10  
379 years of the time of filing the application for the license, been convicted of violating section 9.

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

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

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

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

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

412 (l) Every license shall be recorded in the office of the clerk of the city or town in which  
413 the racing meeting is held or conducted at a time not less than 5 days before the first day of the  
414 meeting or forthwith upon the issuance of the license if the same shall be issued after that time.  
415 After the license is so recorded, a duly certified copy thereof shall forthwith be conspicuously  
416 displayed and shall be kept so displayed continuously during the racing meeting in the principal

417 business office at the race track where the meeting is held and at all reasonable times shall be  
418 exhibited to any person requesting to see the same.

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

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

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

439 the aggregate of racing days permitted by section 3. The decision of the board as to such  
440 impossibility or impracticability shall be final.

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

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

458 (b) A certified copy of the results of a vote on a question submitted to the voters of a  
459 political subdivision, in accordance with the provisions of this chapter, relative to granting a  
460 license for a horse racing meeting or horse races at fairs, shall be sent by the state secretary, or

461 by the city or town clerk in the case of a vote by a city or town, to the board within 90 days after  
462 the election.

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

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

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

478           A publicly held corporation, shall, prior to the sale, transfer or conveyance of more than  
479 10 per cent of the stock of the corporation, file notice of such action with the board. A copy of  
480 any filing required by state or federal securities law regarding notice of such sale, transfer or  
481 conveyance shall be simultaneously filed with the board. The board shall have the same rights as  
482 to transferees as it would have with respect to original applicants for licensure.



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

486           Section 9. (a) Before holding or conducting a racing meeting, every licensee shall provide  
487 a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or  
488 conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and  
489 supervise the pari-mutuel or certificate system of wagering on the speed or ability of horses  
490 performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel  
491 or certificate method of wagering upon such races so conducted shall not under any  
492 circumstances be held or construed to be unlawful, notwithstanding any general or special law to  
493 the contrary. Such place or places shall be equipped with automatic betting machines capable of  
494 accurate and speedy determination of awards or dividends to winning patrons, and all such  
495 awards or dividends shall be calculated by a totalisator machine or like machine, except at state  
496 or county fairs.

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

503           (c) Each licensee conducting a running horse racing meeting, other than a licensee  
504 holding a racing meeting in connection with a state or county fair, shall return to the winning

505 patrons wagering on the speed or ability of any 1 running horse in a race or races all sums so  
506 deposited as an award or dividend, according to the acknowledged and recognized rules and  
507 methods under which such pari-mutuel or certificate system has been operated, less the breaks  
508 and less an amount not to exceed 19 per cent of the total amount so deposited by patrons  
509 wagering on the speed or ability of any 1 running horse; and each such licensee shall return to  
510 the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a  
511 single pool, also known as an exotic wager, all sums so deposited as an award or dividend,  
512 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
513 or certificate system has been operated, less the breaks and less an amount not to exceed 26 per  
514 cent of the total amount deposited. Each licensee shall:

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

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

524 (3) allocate from the total amount deposited daily by the patrons wagering at the meeting  
525 a sum equal to 8.5 per cent from the 19 per cent withheld and a sum equal to 9.5 per cent from  
526 the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to

527 the horse owners in accordance with the rules and established customs of conducting running  
528 horse racing meetings and, with the approval of the appropriate horsemen's association  
529 representing the horse owners racing at that meeting, for payment of administrative and  
530 horseracing operations, and the monies shall be in addition to monies deposited into a separate  
531 purse account as simulcast premiums received pursuant to section 2 of chapter 23K ½;

532 (5) pay a sum equal to 0.25 per cent from the 19 per cent and 26 per cent withheld from  
533 the total amount wagered by patrons so wagering and the total sum of the breaks annually into  
534 the trust fund known as the Thoroughbred Horse Capital Improvements Trust Fund, under the  
535 direction and supervision of the state racing board members as they are individuals as trustees of  
536 said trust;

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

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

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

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

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

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

568 (3) allocate from the total amount deposited daily by the patrons wagering at such  
569 meeting a sum equal to 8 per cent from the 19 per cent withheld and a sum equal to 10 per cent  
570 from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses

571 to the horse owners in accordance with the rules and established customs of conducting harness  
572 horse racing meetings; the monies shall be in addition to monies deposited into a separate purse  
573 account as simulcast premiums received under section 2 of chapter 23K ½ ;

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

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

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

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

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

598 (2) allocate from the total amount deposited daily by the patrons wagering at the meeting  
599 a sum equal to 8 per cent from each of the respective 19 per cent withheld and 26 per cent  
600 withheld as provided in this subsection to be used solely for the payment of purses to the horse  
601 owners in accordance with the rules and established customs for the conduct of running horse  
602 racing meetings; and

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

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

612 (h) All pari-mutuel taxes paid to the board under this section, together with all pari-  
613 mutuel taxes paid to the board under section 2 of chapter 23K ½, and all assessments, association  
614 licensing fees, occupational licensing fees, fines, penalties and miscellaneous revenues, other

615 than unclaimed wagers, paid to the board shall be deposited in the race horse development fund  
616 established in chapter 23K.

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

619 Section 10. Monies from all unclaimed live wagers made under this chapter and chapter  
620 23K ½ shall be deposited with the board. Subject to the rules and regulations established by the  
621 board, the board shall deposit the unclaimed live wagers into the purse accounts of the racing  
622 meeting licensees that generated those unclaimed live wagers. A notice of the limitation  
623 prescribed by this section, in such form as the board shall prescribe, shall be posted by each  
624 licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold.

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

631 Within 60 days after the close of a racing meeting, each licensee conducting a horse  
632 racing meeting shall submit, on forms prescribed by the board, financial statements certified to  
633 the board by a certified public accountant; provided, however, that said licensee with the prior  
634 written approval of the board, may submit said statements annually within 60 days after the close  
635 of its fiscal year, if any. The board, or its duly authorized representatives, shall at all reasonable

636 times have access to all records and books of the licensee for the purpose of examining and  
637 certifying the same.

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

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

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

651           Each such representative appointed by the board to attend a racing meeting shall have full  
652 and free access to the space or enclosure where the pari-mutuel or certificate system of wagering  
653 is conducted or supervised for the purpose only of ascertaining whether or not the provisions of  
654 this chapter are being properly observed. They shall also, for the same purpose only, have full  
655 and free access to the books, records and papers pertaining to such pari-mutuel or certificate  
656 system of wagering. All employees of the board assigned to the tracks for security purposes and  
657 all police officers assigned to the board shall be under the control and authority of one of the



658 representatives of the board at each track. Said representative shall have full and free access to  
659 any other areas used in connection with the conduct of racing. They shall investigate, ascertain  
660 and report to the board in writing under oath as to whether or not he has discovered any violation  
661 at such meeting of any of the provisions of this chapter, and, if so, the nature and character of  
662 such violations. Such report shall be made within 10 days after the termination of the duties of  
663 such representative at any racing meeting.

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

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

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

677           All assignments and reassignments to the board, except as the commissioner of public  
678 safety shall determine that an emergency exists or is threatened, shall be subject to the approval  
679 of the chair of the board. Nothing herein shall prevent licensees from applying to the state police

680 if they have jurisdiction in the area where a racing meeting is to be held, or to the police  
681 department of a city or town wherein a racing meeting is to be held, in order that such police  
682 agency may furnish a police detail for safety or traffic purposes at any racing meeting authorized  
683 by this chapter. The total cost for any such police detail shall be a sum equal to the salaries of the  
684 police officers comprising such detail, plus a sum to cover the administrative expenses incurred  
685 by the department of each such police officer.

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

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

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

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

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

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

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

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

721 Such rules and regulations shall also provide for the fingerprinting of all licensees. Every  
722 person so licensed shall be required to display and wear a badge containing a photograph. Such  
723 rules and regulations may also provide for the suspension and revocation of licenses so granted

724 and for the imposition on persons so licensed of reasonable forfeitures and penalties for the  
725 violation of any rule or regulation prescribed by the board and for the use of the proceeds of such  
726 penalties and forfeitures.

727         The board shall have access to criminal offender record information of applicants for any  
728 license granted under this chapter or chapter 23K ¼, including officers, directors and beneficial  
729 owners of 10 per cent or more of the stock of a corporation applying for such a license, and for  
730 applicants for employment by the board. Such access shall be exercised in accordance with  
731 sections 167 to 178, inclusive, of chapter 6.

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

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

738         Said committee shall file a written report with the clerks of the house and senate within  
739 30 days after the filing of the copy thereof with said clerks, stating whether said rules,  
740 regulations and conditions are consistent with the statutory provisions under which they were  
741 promulgated.

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

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

749           Said committee shall report as hereinbefore provided within 30 days of the first day of  
750 such session and such rules, regulations and conditions shall take effect unless disapproved by a  
751 majority vote of both branches of the general court within 60 days of the first day of such  
752 session.

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

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

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

763           (b) Whoever, being a licensee or an employee of a licensee, who knowingly allows a  
764 person under the age of 21 to participate, whether personally or through an agent, in the pari-  
765 mutuel or certificate system of wagering at a racing meeting held or conducted by such licensee  
766 shall be punished, for a first offense, by imprisonment in the house of correction for not more

767 than 1 year or a fine not to exceed \$10,000, or both, and in the case of a person other than a  
768 natural person, by a fine not to exceed \$500,000 and, for a second or subsequent offense, by  
769 imprisonment in the house of correction for not more than 2 years or a fine not to exceed  
770 \$50,000, or both, and in the case of a person other than a natural person, by a fine not to exceed  
771 \$1,000,000.

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

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

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

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

792           Section 22. No person shall administer or cause to be administered any drug, internally or  
793 externally by injection, drench or otherwise, to any horse for the purpose of retarding,  
794 stimulating or in any other manner affecting the speed of such horse in or in connection with a  
795 race conducted under the provisions of this chapter. Whoever violates this section shall be  
796 punished by a fine of \$5,000 or by imprisonment for one year, or both.

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

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

809           Any person who has been notified by any board member or representative of the board or  
810 a licensee of a racing meeting not to enter or attempt to enter its premises and who thereafter,

811 without the express approval of any board member or representative of the board or the licensee,  
812 enters or attempts to enter such premises while a racing meeting is being conducted therein, shall  
813 be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months,  
814 or both. Any person so excluded by any board member or representative of the board or by a  
815 licensee shall have a right of appeal to the commission. The commission shall hold a hearing  
816 within ten days after any such person requests an appeal and may after such hearing by vote  
817 allow such person admission to such meeting.

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

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

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

829           Section 26. Notwithstanding the provisions of this chapter or any general or special law  
830 to the contrary, no dog racing or racing meeting where any form of betting or wagering on the  
831 speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the



832 board is hereby prohibited from accepting or approving any application or request for racing  
833 dates for dog racing.

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

837 CHAPTER 23K ½.

838 SIMULCAST WAGERING OF RACING.

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

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

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

853 "Board", the state racing board established in chapter 23K.

854 "Breaks", in the case of racing meetings conducted in the commonwealth by a racing  
855 meeting licensee, the odd cents over any multiple of 10 cents of winnings per 1 dollar wagered.  
856 In the case of racing meetings conducted at a host track outside the commonwealth, the amount  
857 of the breaks shall be determined in accordance with the laws of the state in which the host track  
858 is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

895 Section 2. A racing meeting licensee, except a licensee operating within Berkshire  
896 county, or gaming licensee shall have the right to simulcast live races, for wagering purposes or  
897 otherwise, within the commonwealth except in Berkshire county and to and from pari-mutuel  
898 licensees or other licensed wagering facilities located outside the commonwealth. Such right  
899 shall only be exercised on any calendar day on which a racing meeting licensee conducts a racing  
900 performance, a dark day or during a dark season. Any violation of the provisions of this chapter  
901 shall be cause for the board to invoke its power to suspend or revoke a racing meeting licensee's  
902 operating license under section 6 of chapter 23K ¼ or for the commission to invoke its power to  
903 suspend or revoke a gaming licensee's operating license under section 3 of chapter 23K. A  
904 racing meeting licensee shall make simulcasts of live races conducted by such racing meeting  
905 licensee available to all otherwise eligible racing meeting licensees and gaming licensees who  
906 have successfully made application to the board or commission to simulcast, on the same terms,  
907 to include economic terms, and conditions.

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

913 No racing meeting licensee, whether acting as a guest track or a host track shall simulcast  
914 live races unless said licensee conducts a full schedule of live racing performances during a  
915 racing season except that if the board determines that a licensee cannot conduct a full schedule of  
916 live racing performances due to weather conditions, race track conditions, strikes, work  
917 stoppages, sickness or quarantine not within the control of the licensee, the board may permit the  
918 licensee to continue simulcasting, and if it appears that a racing meeting licensee is or will  
919 become unable to conduct a full schedule of live racing performances, the board shall suspend  
920 such right to simulcast until said licensee conducts or resumes a full schedule of live racing  
921 performances; provided, further, that no racing meeting licensee shall simulcast live races unless  
922 each said racing meeting licensee is licensed to conduct no fewer than a total of 60 racing  
923 performances.

924 All simulcasts shall comply with the provisions of the Interstate Horseracing Act of 1978,  
925 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all  
926 simulcasts from states whose racing associations do not require approval in compliance with the  
927 Interstate Horseracing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the  
928 month of August, shall require the approval of the New England Horsemen's Benevolent and  
929 Protective Association, or other entity deemed appropriate by the board, prior to being simulcast  
930 to any racing meeting licensee within the commonwealth; provided, further, that if said  
931 association agrees to approve such simulcast for one racing meeting licensee, it shall approve the  
932 simulcast for all otherwise eligible racing meeting licensees.

933 Each racing meeting and gaming licensee shall pay a fee for those days, whether a dark  
934 day, a day during a dark season, or any day between periods of racing under an operating license,  
935 when no live races are conducted but simulcast races are shown and simulcast wagers are

936 accepted. Such fee shall be determined by the board in accordance with the license fees charged  
937 under the provisions of chapter 23K ¼. No other daily fee shall be assessed.

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

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

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

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

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

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

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

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

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

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

999 Section 5A. (a) Each racing meeting licensee within the commonwealth acting as a guest  
1000 track and simulcasting a live harness horse race from a host track within the commonwealth shall  
1001 pay daily from such simulcast wagers the total sum of the breaks, and a sum equal to 1 per cent  
1002 of the exotic wagering pool into the trust fund known as the Standardbred Horse Capital  
1003 Improvements Trust Fund under the direction and supervision of the state racing board members.



1004           Each such racing meeting licensee acting as a guest track shall return to the winning  
1005 patrons wagering on such simulcast race all sums so deposited as an award or dividend,  
1006 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
1007 or certificate system has been operated, less the such breaks and less an amount not to exceed 19  
1008 per cent of the total amount so deposited by patrons wagering on the speed or ability of any one  
1009 harness horse, also known as a straight wager, and each such licensee shall return to the winning  
1010 patrons wagering on the speed or ability of a combination of more than one horse in a single  
1011 pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such  
1012 breaks and less an amount not to exceed 26 per cent of the total amount so deposited.

1013           The licensee shall pay to the board on behalf of the commonwealth on the day following  
1014 each day of simulcasting a sum equal to 0.375 per cent; a sum equal to 0.25 per cent to the  
1015 breeders association of the most recent live performance at the guest track for the purpose of  
1016 promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum  
1017 equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance  
1018 with the rules and established customs of conducting harness horse racing meetings; a sum equal  
1019 to 5.875 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 7.5  
1020 per cent shall be retained by the racing meeting licensee at the guest track; provided, however,  
1021 that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing  
1022 performance at the guest track, for purses, said percentages to be paid from the 19 per cent  
1023 withheld from the straight wager as provided in this section.

1024           The licensee shall pay to the board on behalf of the commonwealth on the day following  
1025 each day of simulcasting a sum equal to 0.375 per cent; a sum equal to 0.75 per cent to the  
1026 breeders association of the most recent live racing performance at the guest track for the purpose

1027 of promoting the respective breeding of such animals in the commonwealth pursuant to law; a  
1028 sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance  
1029 with the rules and established customs of conducting harness horse racing meetings; a sum equal  
1030 to 6.875 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 11  
1031 per cent shall be retained by the racing meeting licensee at the guest track; provided, however,  
1032 that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing  
1033 performance at the guest track, for purses, said percentages to be paid from the 26 per cent  
1034 withheld from the exotic wager pool as provided in this section.

1035 (b) Each racing meeting licensee within the commonwealth acting as a guest track and  
1036 simulcasting a live harness horse race from a host track from outside the commonwealth shall  
1037 pay daily from such simulcast wagers the total sum of such breaks into the trust fund known as  
1038 the Standardbred Horse Capital Improvement Trust Fund under the direction and supervision of  
1039 the state racing board members.

1040 Each licensee shall return to the winning patrons all sums so deposited less such breaks  
1041 and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent  
1042 of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction  
1043 exercising regulatory authority over the host track; provided, however, that, from the total of the  
1044 percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the  
1045 commonwealth; the sum of 1 per cent of the exotic wagering pool shall be paid daily to the  
1046 Standardbred Horse Capital Improvement Trust Fund under the direction and supervision of the  
1047 state racing board members; the sums of 0.25 per cent of the straight wagering pool and 0.75 per  
1048 cent of the exotic wagering pool shall be paid daily to the breeders' association of the most recent  
1049 live racing performance at the guest track for the purposes of promoting the breeding of the

1050 animals in the commonwealth pursuant to law; and the remaining percentages shall be retained  
1051 by the racing meeting licensee as their commission; provided, however, that the harness horse  
1052 racing meeting licensee and the appropriate horseman's association representing the horse  
1053 owners racing at the race track shall contract between themselves a percentage of not less than 4  
1054 per cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse  
1055 owners.

1056           Section 6. (a) If a new running horse racing meeting licensee should replace the existing  
1057 running horse meeting licensee during any point in a calendar year and a new contract is not  
1058 agreed upon between the new running horse meeting licensee and the horseman's association  
1059 before the start of the next racing season, then the last signed, executed and completed contract  
1060 between the previous running horse racing meeting licensee and the horseman's association shall  
1061 remain in effect for the racing season only or until a new contract is agreed upon.

1062           (b) If a new harness horse racing meeting licensee should replace the existing harness  
1063 horse meeting licensee during any point in a calendar year and a new contract between the new  
1064 harness horse meeting licensee and the horseman's association is not agreed upon before the start  
1065 of the next racing season, then the last signed, executed and completed contract between the  
1066 previous harness horse racing meeting licensee and the horseman's association shall remain in  
1067 effect for the racing season only or until a new contract is agreed upon

1068           Section 7. Notwithstanding section 2, a running horse racing meeting licensee, excluding  
1069 a licensee in Berkshire county, which is conducting running horse racing meetings in connection  
1070 with a state or county fair, may, with the permission of the board and subject to the approval of  
1071 the city council and mayor or board of selectmen and town meeting of a city or town where the

1072 fair is located, and following a demonstration by said licensee of its ability to complete no less  
1073 than 50 per cent of the live races performances approved by the board, simulcast unlimited  
1074 thoroughbred horse races and the intrastate live races of the racing meeting licensees in the  
1075 commonwealth on any day if such simulcast is conducted in connection with a state or county  
1076 fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the  
1077 commonwealth except in Berkshire county; but, if the board determines that a licensee cannot  
1078 conduct 50 per cent of live racing performances due to weather conditions, race track conditions,  
1079 strikes, work stoppages, sickness or quarantine not within the control of the licensee, the board  
1080 may permit the licensee to continue simulcasting on that day despite the stoppage of the  
1081 performances for said reasons. The total number of days of simulcast at the state or county fair,  
1082 which is licensed by the board for live running horse racing meetings, shall not exceed the total  
1083 number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The  
1084 licensee shall simulcast its live racing performances and receive a fee therefor of 11 per cent;  
1085 provided, however, that said simulcast shall not be considered a live in-state racing performance  
1086 for purposes of the fourth paragraph of section 2.

1087         The racing meeting licensees conducting running horse racing meetings in connection  
1088 with a state or county fair and simulcasting a live running horse race from a host track within the  
1089 commonwealth shall pay daily from such simulcast wagers the total sum of the breaks and a sum  
1090 equal to 0.125 per cent into the host track trust fund known as the Running Horse Capital  
1091 Improvements Trust Fund, under the direction and supervision of the state racing board  
1092 members.

1093         The board shall promulgate rules and regulations for the simulcast of pari-mutuel races in  
1094 connection with state or county fairs.

1095           Each such racing meeting licensee acting as a guest track shall return to the winning  
1096 patrons wagering on such simulcast race all sums so deposited as an award or dividend,  
1097 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
1098 or certificate system has been operated, less the breaks and less an amount not to exceed 19 per  
1099 cent of the total amount so deposited by the patrons wagering on the speed or ability of any one  
1100 running horse, also known as a straight wager, and, each such licensee shall return to winning  
1101 patrons wagering on the speed or ability of a combination of more than one horse in a single  
1102 pool, also called an exotic wager, all sums so deposited as an award or dividend, less the breaks,  
1103 and less an amount not to exceed 26 per cent of the total amount so deposited; provided,  
1104 however, that a sum equal to 0.25 per cent of the total amount deposited on said exotic wagering  
1105 pool shall be payable to the division of fairs of the commonwealth; provided, further, that the  
1106 division of fairs may expend such funds without further appropriation and for such purposes as  
1107 authorized under the provisions of paragraph (f) of section 2 of chapter 128; and provided,  
1108 further, that such expenditures by the division of fairs shall not exceed \$50,000 in any fiscal  
1109 year.

1110           The licensee shall pay to the board on behalf of the commonwealth on the day following  
1111 each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the  
1112 breeders' association of the most recent live racing performance at the host track for the purposes  
1113 of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to  
1114 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  
1115 per cent withheld to the horse owners at the host track for the purses in accordance with the rules  
1116 and established customs of conducting running horse racing meetings.

1117           The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic  
1118 wagering pool shall be paid to the racing meeting licensee at the host track; and 8.75 per cent of  
1119 the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the  
1120 racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall  
1121 be paid to the horse owners, of the most recent live racing performance at the host track, for  
1122 purses, said percentages to be paid from the 19 per cent and 26 per cent withheld as provided in  
1123 this section.

1124           All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of  
1125 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all  
1126 simulcasts from states which have racing associations that do not require approval in compliance  
1127 with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts  
1128 during the month of August, shall require the approval of the New England Horsemen's  
1129 Benevolent and Protective Association, or other entity deemed appropriate by the board, prior to  
1130 being simulcast to any racing meeting licensee within the commonwealth; provided further, that  
1131 if the association agrees to approve such simulcast for 1 racing meeting licensee, it shall approve  
1132 the simulcast for all otherwise eligible racing meeting licensees.

1133           Section 8. (a) Each gaming licensee within the commonwealth acting as a guest track and  
1134 simulcasting a live running or harness horse race from a host track within the commonwealth  
1135 shall pay daily from such simulcast wagers a sum equal to 0.125 per cent and the total sum of the  
1136 breaks into the trust fund of the most recent live performance at the guest track under the  
1137 direction and supervision of the state racing board members.

1138           Each such gaming licensee acting as a guest track shall return to the winning patrons  
1139           wagering on such simulcast race all sums so deposited as an award or dividend, according to the  
1140           acknowledged and recognized rules and methods under which such pari-mutuel or certificate  
1141           system has been operated, less such breaks and less an amount not to exceed 19 per cent of the  
1142           total amount so deposited by patrons wagering on the speed or ability of any one running horse,  
1143           also known as a straight wager, and, each such licensee shall return to the winning patrons  
1144           wagering on the speed or ability of a combination of more than one horse in a single pool, also  
1145           known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and  
1146           less an amount not to exceed 26 per cent of the total amount so deposited.

1147           The licensee shall pay to the board on behalf of the commonwealth on the day following  
1148           each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the  
1149           breeders association of the most recent live racing performance at the guest track for the  
1150           purposes of promoting the respective breeding in the commonwealth under law; a sum equal to 5  
1151           per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26  
1152           per cent withheld to the horse owners at the host track for purses in accordance with the rules and  
1153           established customs of conducting running horse racing meetings or, with the approval of the  
1154           appropriate horsemen's association representing the horse owners racing at that meeting, for  
1155           payment of administrative and horseracing operations; said percentage to be paid from the 19 per  
1156           cent and the 26 per cent withheld, as provided in this section.

1157           The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic  
1158           wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the  
1159           straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the  
1160           gaming licensee at the guest track; provided, however, that not less than 3.5 per cent shall be

1161 paid to the horse owners, of the most recent live racing performance at the guest track, for purses  
1162 or, with the approval of the appropriate horsemen's association representing the horse owners  
1163 racing at that meeting, for payment of administrative and horseracing operations, said  
1164 percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

1165 (b) Each gaming licensee within the commonwealth acting as a guest track and  
1166 simulcasting a live running or harness horse race from a host track from outside the  
1167 commonwealth shall pay daily from such simulcast wagers the sum of 0.125 per cent and the  
1168 total sum of the such breaks into the trust fund of the most recent live performance at the guest  
1169 track under the direction and supervision of the state racing board members.

1170 Each licensee shall return to the winning patrons all sums so deposited less the breaks  
1171 and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent  
1172 of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction  
1173 exercising regulatory authority over the host track; provided, however, that, from the total of the  
1174 percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the  
1175 commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the  
1176 most recent live racing performance at the guest track for the purposes of promoting the  
1177 respective breeding of the animals in the commonwealth under law; and the remaining  
1178 percentages shall be retained by the gaming licensee as their commission; provided further, that  
1179 the gaming licensee and the appropriate horseman's association representing the horse owners  
1180 racing at the host race track shall contract between themselves a percentage of not less than 4 per  
1181 cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse owners.



1182           Section 9. (a) Each racing meeting licensee within the commonwealth acting as a guest  
1183 track and simulcasting a live greyhound race from a host track from outside the commonwealth  
1184 shall return to the winning patrons all sums so deposited less such breaks and less either an  
1185 amount not to exceed 19 per cent of the total amount so deposited or an amount which would be  
1186 paid under the laws of the jurisdiction exercising regulatory authority over such host track;  
1187 provided, however, that a sum equal to 0.375 per cent of the total amount wagered shall be paid  
1188 daily to the board on behalf of the commonwealth; a sum equal to 0.5 per cent of the total  
1189 amount wagered shall be paid to the Capital Improvement Trust Fund of the racing meeting  
1190 licensee acting as a guest track under the direction and supervision of the state racing board  
1191 members; and the remaining percentages shall be retained by the racing meeting licensee as their  
1192 commission; provided, however, that not less than 3.5 per cent shall be paid to the purses of the  
1193 racing meeting licensee acting as a guest track, and the remaining portion shall be applied to the  
1194 expenses as the racing meeting licensee is required to pay under contracts negotiated with the  
1195 host track.

1196           (b) Each gaming licensee within the commonwealth acting as a guest track and  
1197 simulcasting a live greyhound race from a host track from outside the commonwealth shall return  
1198 to the winning patrons all sums so deposited less such breaks and less either an amount not to  
1199 exceed 19 per cent of the total amount so deposited or an amount which would be paid under the  
1200 laws of the jurisdiction exercising regulatory authority over such host track; provided, however,  
1201 that a sum equal to 0.375 per cent of the total amount wagered shall be paid daily to the board on  
1202 behalf of the commonwealth; a sum equal to 0.5 per cent of the total amount wagered shall be  
1203 paid to the Race Horse Development Fund under the direction and supervision of the board  
1204 members; and the remaining percentages shall be retained by the gaming licensee as their

1205 commission; provided, however, that not less than 3.5 per cent shall be paid to for school aid to  
1206 cities, towns, regional school districts, counties maintaining agricultural schools, independent  
1207 vocational schools and independent agricultural and technical schools to be distributed under  
1208 chapters 70 and 76 of the General Laws and section 3, and the remaining portion shall be applied  
1209 to the expenses as the gaming licensee is required to pay under contracts negotiated with the host  
1210 track.

1211           Section 10. (a) The board may license an advance deposit wagering hub operator to  
1212 conduct advance deposit wagering. The board shall impose an initial non-refundable application  
1213 fee which of \$2,500 which shall be paid by each applicant for such license or renewal thereof.  
1214 Advance deposit wagering is prohibited and illegal unless it is conducted through an advance  
1215 deposit wagering hub operator licensed by the board.

1216           (b) A licensed advance deposit wagering hub operator:

1217           (1) may only accept advance deposit wagering money for races conducted in compliance  
1218 with the interstate horse racing act or by a licensed race meet;

1219           (2) may not accept a wager in an amount in excess of the money on deposit in the account  
1220 of a person who wishes to make the wager;

1221           (3) may not rebate any money to a bettor based on a wager made under this chapter or  
1222 chapter 23K  $\frac{1}{4}$ ;

1223           (4) may not allow a person under 18 years of age to open an account with the advance  
1224 deposit wagering hub operator, make a wager from an account, or otherwise have access to an  
1225 account;

1226 (5) shall include a statement in any of its advertising for advance deposit wagering that a  
1227 person under 18 years of age is not allowed to participate;

1228 (6) shall verify the identification, residence, and age of each person seeking to open an  
1229 advance deposit wagering account which shall not be assignable or otherwise transferable;

1230 (7) shall utilize personal identification numbers and such other technologies as the board  
1231 may specify to assure that only the account holder has access to the advance deposit wagering  
1232 account;

1233 (8) may require a minimum balance in an account, which the board shall prescribe by  
1234 regulation;

1235 (9) shall utilize appropriate totalizator and accounting controls to safeguard the  
1236 transmission of wagering data, and keep a system of accounts to maintain a separate record of  
1237 revenues and an accounting of costs relative to the operation of the hub operator;

1238 (10) shall agree to pay to the board a source market fee in an amount equal to a  
1239 percentage of the total amount wagered by Massachusetts residents from their accounts with the  
1240 advance deposit wagering hub operator; and

1241 (11) shall agree to a payment schedule of source market fees on or before the fifth  
1242 business day of each month covering payments due for the period of the preceding calendar  
1243 month.

1244 (c) A licensed advance deposit wagering hub operator shall pay a source market fee equal  
1245 to 5 per cent on each wager accepted from Massachusetts residents. Of the amounts collected  
1246 under this subsection:

1247 (1) 4 per cent shall be payable to for school aid to cities, towns, regional school districts,  
1248 counties maintaining agricultural schools, independent vocational schools and independent  
1249 agricultural and technical schools to be distributed under chapters 70 and 76 of the General Laws  
1250 and section 3;

1251 (2) 6 per cent shall be payable to the Race Horse Development Fund;

1252 (3) 10 per cent shall be payable to the General Fund; and

1253 (4) 80 per cent shall be payable to live race meet licensees based on each live race meet  
1254 licensee's percentage of the total annual on-track pari-mutuel handle during the previous live race  
1255 season. Prior to the beginning of each year's live race season, the correct percentage must be  
1256 distributed by the board to each live race meet licensee to be used for race purses or other  
1257 purposes that the board considers appropriate for the good of the horseracing industry; provided,  
1258 however, that a minimum of 20 per cent shall be dedicated to race purses.

1259 (d) Wagers placed with the operators shall result in the combination of all wagers placed  
1260 with such operators with the wagering pools at the host track so as to produce common pari-  
1261 mutuel betting pools for the calculation of odds and the determination of payouts from such  
1262 pools, which payout shall be the same for all winning tickets, irrespective of whether a wager is  
1263 placed at a host track or at an advance deposit wagering hub operator in compliance with this  
1264 chapter and chapter 23K ¼.

1265 (e) Each licensee shall, with respect to each betting account established with such  
1266 licensee, make tax withholdings and provide tax and revenue reporting, all as otherwise required  
1267 for wagers placed at a racing meeting licensee.

1268 (f) The balance in any betting account maintained by a person licensed under this section,  
1269 which account has been inactive for a period of 3 years, shall be presumed to be abandoned and  
1270 paid to the state treasurer under the provisions of chapter 200A.

1271 (g) The licensee may refuse to establish or maintain a betting account and may refuse  
1272 deposits to any such account if the licensee deems such refusal appropriate; provided, however,  
1273 that such licensee shall not establish or maintain a betting account for any person who has been  
1274 banned or prohibited from entering the premises of a racing meeting licensee or gaming  
1275 establishment in the commonwealth. The licensee may suspend or close any account at any time;  
1276 provided, however, that the licensee shall return to the account holder any funds that are on  
1277 deposit in the account at the time it is closed.

1278 (h) No race shall be telecast live to a public location outside of a guest track if used in  
1279 conjunction with the operation of the account wagering system in a manner that creates an off-  
1280 track betting center. This section prohibits any contract or other agreement of a person licensed  
1281 to conduct a running horse or harness horse racing meeting that facilitates or encourages off-  
1282 track betting as well as any arrangement involving dedicated or direct telephone lines or other  
1283 electronic connections between the licensee's facility and a public location outside the area of the  
1284 licensee's facility at which live telecasts of races are presented. This section shall not prohibit  
1285 television display of races at public locations when account wagering is incidental to the  
1286 presentation of such races and the telecasting does not occur in conjunction with the operation of  
1287 an off-track betting center within the commonwealth.

1288 (i) Betting accounts authorized by this section shall be established, maintained and  
1289 operated in accordance with rules and regulations promulgated by the board. The board shall

1290 conduct annual audits of each advance deposit wagering hub operator within 90 days of the end  
1291 of each calendar year with respect to all monies attributable to account wagers. The board shall  
1292 report the findings of each such audit within 30 days of the completion of the audit to the house  
1293 and senate chairs of the joint committee on consumer protection and professional licensure.

1294 (j) A licensee failing to comply with this section shall be punished by a fine of not more  
1295 than \$10,000 or by imprisonment in the house of correction for not more than two years, or both.  
1296 A licensee failing to comply with the requirements of the section shall also be subject to  
1297 revocation of their license and civil penalties imposed by the board of not more than \$10,000 if,  
1298 after notice and a hearing, the board finds that a violation has occurred.

1299 Section 11. (a) The board shall have full power to promulgate rules, regulations, and  
1300 conditions under which all running horse, harness horse, or greyhound racing simulcasts and  
1301 simulcast and advance deposit wagers shall be conducted in the commonwealth.

1302 (b) Notwithstanding the provisions of this section, the board may adopt emergency rules  
1303 or regulations to protect the health or safety of the public, participants, or animals, or to insure  
1304 the integrity of racing and pari-mutuel and advance deposit wagering; provided, however, that no  
1305 emergency rule or regulation shall attempt to regulate the dates, manner of wagering, or  
1306 economic terms or conditions of racing within the commonwealth; provided, further, that such  
1307 emergency rules and regulations shall expire within 90 days of their promulgation.

1308 SECTION 14. Section 2 of chapter 128 of the General Laws, as so appearing, is hereby  
1309 amended by striking out subsection (g) and inserting in place thereof the following subsection:-

1310 (g) Promote, develop and encourage through the Massachusetts Thoroughbred Breeding  
1311 Program, the breeding of thoroughbred horses by offering cash prizes to breeders of such horses

1312 in the following manner: The Massachusetts Thoroughbred Breeders Association, Inc. shall from  
1313 time to time, after discussion with the chair of the state racing board, set the percentages for: (i)  
1314 bonuses to be awarded to the breeder of a Massachusetts-bred thoroughbred horse of the purse  
1315 monies won by such thoroughbred horse in a pari-mutuel running horse race if such horse  
1316 finishes first, second, third, fourth or fifth; (ii) incentives to the owner of the stallion, at the time  
1317 of service to the dam of such purse winner; provided, however, that (A) the stallion shall have  
1318 been registered by February 1 and stood the entire breeding season for that year; (B) the horse  
1319 shall have finished first, second, third, fourth or fifth; and (C) the stallion shall be registered with  
1320 the Massachusetts Thoroughbred Breeders Association, Inc. and shall not be registered to stand  
1321 in any other state that year; and (iii) incentives for the purse monies won by such thoroughbred  
1322 horse in any unrestricted or restricted pari-mutuel running horse race held within or outside the  
1323 commonwealth to the owner of a Massachusetts-bred and accredited horse if such horse finishes  
1324 first, second, third, fourth or fifth.

1325         The Massachusetts Thoroughbred Breeders Association, Inc. may pay incentives for  
1326 races to be limited to Massachusetts-bred and accredited thoroughbred race horses from the  
1327 Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized  
1328 by the state racing board and after discussion with the chair of said board, and to pay cash  
1329 incentives to encourage breeding in Massachusetts. Such races may be betting or non-betting  
1330 races and may be scheduled races by the licensee conducting the racing meeting. Purse monies  
1331 paid by the association under this section shall be in such amounts as the association shall  
1332 determine and may be the sole cash purse for such races or may be supplemental to the cash  
1333 purses established by the licensee; provided, however, that such discretion shall include the  
1334 discretion to set an overall cap on awards earned.

1335 No person shall be eligible for the prizes provided herein unless:

1336 (i) the foal of a thoroughbred mare that drops such foal in the commonwealth and is bred  
1337 back to a Massachusetts-registered stallion shall be deemed Massachusetts bred;

1338 (ii) the foal of a thoroughbred mare who resides in the commonwealth continuously for at  
1339 least 90 days, including foaling and foals in the commonwealth, is Massachusetts-bred;

1340 (iii) the foal that is raised in the commonwealth for six months continuously prior to  
1341 December 31 of its two-year old year is a Massachusetts-accredited horse; or

1342 (iv) in the case of clause (i),(ii) or (iii), each thoroughbred foal dropped or raised in the  
1343 commonwealth is registered with the Jockey Club and the Massachusetts Thoroughbred Breeders  
1344 Association, Inc.; and

1345 (v) prior to the first day of September of each year, each person standing a thoroughbred  
1346 stallion in the commonwealth at either private or public service shall file with the Massachusetts  
1347 Thoroughbred Breeders Association, Inc.: (A) a list of all thoroughbred mares bred to such  
1348 stallion in that year; and (B) a verified statement representing that said stallion stood the entire  
1349 breeding season in the commonwealth.

1350 A Massachusetts-accredited thoroughbred shall be eligible for any Massachusetts bred  
1351 race, except for Massachusetts restricted stakes races. For Massachusetts bred stake races,  
1352 Massachusetts-accredited horses may enter to fill the race after all Massachusetts-bred horses  
1353 have already been entered in the race. Full race shall be determined by Massachusetts  
1354 Thoroughbred Breeders Association, Inc. and the hosting track for the race.



1355 Prior to the first day of September annually, each person raising a weanling or yearling in  
1356 the commonwealth for six months prior to December 31 of the horse's two-year old year shall  
1357 file with the Massachusetts Thoroughbred Breeders Association, Inc. a verified statement that it  
1358 is raising the horse in the commonwealth and the location of the horse.

1359 The Massachusetts Thoroughbred Breeders Association, Inc. may pay foaling bonuses to  
1360 the owner of any mare that foals within the commonwealth. To be eligible for such bonus, prior  
1361 to foaling, the owner of such mare shall file with the Massachusetts Thoroughbred Breeders  
1362 Association, Inc. a verified statement that the mare is in foal, the expected due date and the  
1363 location of the mare.

1364 The Massachusetts Thoroughbred Breeders Association, Inc. may expend up to 12 per  
1365 cent of the amount received each fiscal year for the program for advertising, marketing,  
1366 promotion, and administration of the thoroughbred breeding program.

1367 The state auditor shall annually audit the books of the Massachusetts Thoroughbred  
1368 Breeders Association Inc., to ensure compliance with this section.

1369 SECTION 15. Said section 2 of said chapter 128 of the General Laws, as so appearing, is  
1370 hereby further amended by striking out subsection (j) and inserting in place thereof the following  
1371 subsection:-

1372 (j) Promote, develop and encourage, through the Massachusetts Standardbred Breeding  
1373 Program, the breeding of standardbred horses in the commonwealth by offering cash prizes to  
1374 breeders of such horses. The representative organization of standardbred breeders and owners  
1375 approved by the state racing board shall, from time to time in consultation with the chair of the

1376 racing board and the commissioner of the department of food and agriculture, set the percentages  
1377 for purses to be awarded to the breeder of a Massachusetts standardbred horse.

1378           The representative organization of standardbred breeders and owners approved by the  
1379 state racing commission may pay cash purses and stallion awards for stakes races limited to  
1380 Massachusetts bred standardbred race horses and qualified Massachusetts stallions from the  
1381 Massachusetts standardbred breeding program at licensed pari-mutuel racing meetings  
1382 authorized by the state racing board. Such races may be betting or non-betting races and may or  
1383 may not be scheduled races by the licensee conducting the racing meeting. All races for the  
1384 standardbred breeding program shall be held at a licensed pari-mutuel facility. Purse monies and  
1385 stallion awards paid by the representative organization of standardbred breeders and owners  
1386 approved by the state racing commission may be paid in such amounts as the representative  
1387 organization shall determine and may be either the sole cash purse for such races or may be  
1388 supplemental to the cash purses established by the licensee of the pari-mutuel facility.

1389           The standardbred horses eligible to participate in the purses provided herein shall be  
1390 limited to those of racing ages 2 and 3 and shall have met the following requirements:

1391           (1) the qualifying standardbred horses shall have been sired by a Massachusetts registered  
1392 stallion on file with the department of food and agriculture; provided, however, that the stallion  
1393 shall have stood the entire breeding season of February 1 to July 15, inclusive, in the  
1394 commonwealth in the year any such eligible foal was conceived; or

1395           (2) the foal of a standardbred mare that drops the foal in the commonwealth and is bred  
1396 back to a Massachusetts registered stallion; or the foal of a standardbred mare that resides in the

1397 commonwealth from December 1 of the year prior to foaling and continues such residence until  
1398 foaling and foals in the commonwealth;

1399 (3) in either the case of subparagraph (1) or (2), each standardbred foal dropped in the  
1400 commonwealth shall be registered with the United States Trotting Association and the  
1401 department of food and agriculture.

1402 Prior to October 1 of each year, each breeder standing a standardbred stallion in the  
1403 commonwealth at either private or public service shall file with the department of food and  
1404 agriculture a list of all standardbred mares bred to such stallion in that year and a verified  
1405 statement representing that the stallion stood the entire breeding season in the commonwealth.

1406 The representative organization may expend up to 8 per cent of the amount received each  
1407 fiscal year for the program for advertising, marketing, promotion and administration of the  
1408 standardbred breeding program in the commonwealth.

1409 The state auditor shall annually audit the books of the qualified organization to ensure  
1410 compliance with this subsection.

1411 SECTION 16. Section 17A of chapter 271 of the General Laws, as amended by section  
1412 18 of chapter 173 of the acts of 2022,, is hereby further amended by striking out the words  
1413 “section 5C of chapter 128A”, and inserting in place thereof the following words:- section 10 of  
1414 chapter 23K ½.

1415 SECTION 17. Section 12A of chapter 494 of the acts of 1978 is hereby repealed.

1416 SECTION 18. Section 13 of said chapter 494 of the acts of 1978 is hereby repealed.

1417 SECTION 19. Section 15 of said chapter 494 of the acts of 1978 is hereby repealed.

1418 SECTION 20. Section 9 of chapter 277 of the acts of 1986 is hereby repealed.

1419 SECTION 21. Sections 3 through 5, inclusive, of chapter 114 of the actions of 1991 are  
1420 hereby repealed.

1421 SECTION 22. Section 92 of chapter 194 of the acts of 2011 is hereby repealed.

1422 SECTION 23. Section 17 of chapter 128 of the acts of 2022 is hereby repealed.

1423 SECTION 24. (a) Notwithstanding the live racing takeout structure under subsection (c)  
1424 of section 9 of chapter 23K  $\frac{1}{4}$  of the General Laws or the simulcast racing takeout structures  
1425 under sections 5, 5A and 9 of chapter 23K  $\frac{1}{2}$ , for not more than 5 years, a new running race  
1426 horse meeting licensee conducting a running horse racing meeting shall return to the winning  
1427 patrons wagering on the speed or ability of any one running horse in a race or races all sums so  
1428 deposited as an award or dividend, according to the acknowledged and recognized rules and  
1429 methods under which such pari-mutuel or certificate system has been operated, less the breaks  
1430 and less an amount not to exceed 19 per cent of the total amount so deposited by patrons  
1431 wagering on the speed or ability of any one running horse; and each such licensee shall return to  
1432 the winning patrons wagering on the speed or ability of a combination of more than one horse in  
1433 a single pool, also known as an exotic wager, all sums so deposited as an award or dividend,  
1434 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
1435 or certificate system has been operated, less the breaks and less an amount not to exceed 26 per  
1436 cent of the total amount deposited. Such licensee shall:

1437 (1) pay to the board on the day following each day of such running horse racing meeting  
1438 a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so

1439 wagering at the meeting, the percentage to be paid from the 19 per cent or 26 per cent withheld,  
1440 as provided in this section, from the total amount wagered;

1441 (2) pay to the Massachusetts Thoroughbred Breeders Association, Inc. on the day  
1442 following each day of such running horse racing meeting a sum equal to 1 per cent of the total  
1443 amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld and  
1444 from the 26 per cent withheld from exotic wagers, the monies to be used for the purposes of  
1445 subsection (g) of section 2 of chapter 128;

1446 (3) allocate from the total amount deposited daily by the patrons wagering at the meeting  
1447 a sum equal to 8.5 per cent from the 19 per cent withheld and a sum equal to 9.5 per cent from  
1448 the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to  
1449 the horse owners in accordance with the rules and established customs of conducting running  
1450 horse racing meetings and, with the approval of the appropriate horsemen's association  
1451 representing the horse owners racing at that meeting, for payment of administrative and  
1452 horseracing operations, and the monies shall be in addition to monies deposited into a separate  
1453 purse account as simulcast premiums received pursuant to section 2 of chapter 23K ½;

1454 (4) pay to Tufts University School of Veterinary Medicine on the day following each day  
1455 of such running horse racing meeting a sum equal to 0.5 per cent of the total amount deposited  
1456 by the patrons, less the breaks, from the 26 per cent withheld from exotic wagers, to be used for  
1457 equine research scholarships and loans.

1458 Each such licensee may retain as its commission on the total of all sums so deposited, a  
1459 sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from

1460 the total amounts wagered less the amounts required to be paid under clauses (1) to (6),  
1461 inclusive.

1462 (b) Each such licensee acting as a guest track and simulcasting a live running or harness  
1463 horse race from a host track within the commonwealth shall pay daily from such simulcast  
1464 wagers a sum equal to 0.125 per cent and the total sum of the breaks into the trust fund of the  
1465 most recent live performance at the guest track under the direction and supervision of the state  
1466 racing board members.

1467 Each such licensee acting as a guest track shall return to the winning patrons wagering on  
1468 such simulcast race all sums so deposited as an award or dividend, according to the  
1469 acknowledged and recognized rules and methods under which such pari-mutuel or certificate  
1470 system has been operated, less such breaks and less an amount not to exceed 19 per cent of the  
1471 total amount so deposited by patrons wagering on the speed or ability of any one running horse,  
1472 also known as a straight wager, and, each such licensee shall return to the winning patrons  
1473 wagering on the speed or ability of a combination of more than one horse in a single pool, also  
1474 known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and  
1475 less an amount not to exceed 26 per cent of the total amount so deposited.

1476 The licensee shall pay to the board on behalf of the commonwealth on the day following  
1477 each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the  
1478 breeders association of the most recent live racing performance at the guest track for the  
1479 purposes of promoting the respective breeding in the commonwealth under law; a sum equal to 5  
1480 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26  
1481 per cent withheld to the horse owners at the host track for purses in accordance with the rules and

1482 established customs of conducting running horse racing meetings or, with the approval of the  
1483 appropriate horsemen's association representing the horse owners racing at that meeting, for  
1484 payment of administrative and horseracing operations; said percentage to be paid from the 19 per  
1485 cent and the 26 per cent withheld, as provided in this section.

1486           The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic  
1487 wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the  
1488 straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the  
1489 licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the  
1490 horse owners, of the most recent live racing performance at the guest track, for purses or, with  
1491 the approval of the appropriate horsemen's association representing the horse owners racing at  
1492 that meeting, for payment of administrative and horseracing operations, said percentages to be  
1493 paid from the 19 per cent and 26 per cent withheld as provided in this section.

1494           (c) Each such licensee acting as a guest track and simulcasting a live running or harness  
1495 horse race from a host track from outside the commonwealth shall pay daily from such simulcast  
1496 wagers the sum of 0.125 per cent and the total sum of the such breaks into the trust fund of the  
1497 most recent live performance at the guest track under the direction and supervision of the state  
1498 racing board members.

1499           Each licensee shall return to the winning patrons all sums so deposited less the breaks  
1500 and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent  
1501 of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction  
1502 exercising regulatory authority over the host track; provided, however, that, from the total of the  
1503 percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the

1504 commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the  
1505 most recent live racing performance at the guest track for the purposes of promoting the  
1506 respective breeding of the animals in the commonwealth under law; and the remaining  
1507 percentages shall be retained by the licensee as their commission.

1508 (d) Each such licensee acting as a guest track and simulcasting a live greyhound race  
1509 from a host track from outside the commonwealth shall return to the winning patrons all sums so  
1510 deposited less such breaks and less either an amount not to exceed 19 per cent of the total  
1511 amount so deposited or an amount which would be paid under the laws of the jurisdiction  
1512 exercising regulatory authority over such host track; provided, however, that a sum equal to  
1513 0.375 per cent of the total amount wagered shall be paid daily to the board on behalf of the  
1514 commonwealth; and the remaining percentages shall be retained by the racing meeting licensee  
1515 as their commission; provided, however, that not less than 3.5 per cent shall be paid to the purses  
1516 of the racing meeting licensee acting as a guest track, and the remaining portion shall be applied  
1517 to the expenses as the racing meeting licensee is required to pay under contracts negotiated with  
1518 the host track.

1519 SECTION 25. (a) Notwithstanding any general or special law to the contrary, the harness  
1520 race horse meeting licensee located in Norfolk county licensed to conduct live racing under  
1521 chapter 128A and simulcast wagering under chapter 128C in calendar year 2020 shall not be  
1522 subject to the provisions of section 5 of chapter 23K  $\frac{1}{4}$  except for at any time that said licensee  
1523 ceases live racing operations at the licensee's location.

1524 (b) The state racing board shall convert said licensee's live racing license issued under  
1525 chapter 128A to a live racing license issued under chapter 23K  $\frac{1}{4}$ , and shall convert said



1526 licensee’s simulcast wagering license issued under chapter 128C to a simulcast wagering license  
1527 issued under chapter 23K ½ for the remaining duration of time as such chapter 128A and 128C  
1528 licenses, respectively.

1529           SECTION 26. (a) Notwithstanding any general or special law to the contrary, as of the  
1530 effective date of this section, no person shall be required to pay any money into the Running  
1531 Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, each  
1532 established pursuant to section 11 of chapter 494 of the acts of 1978, or into the Harness Horse  
1533 Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund, each  
1534 established pursuant to section 12 of said chapter 494, or into the Greyhound Capital  
1535 Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established pursuant  
1536 to section 12A of said chapter 494, all of which funds are referred to in this section as the  
1537 “Racing Trust Funds.” Any funds that were previously paid into the Racing Trust Funds and had  
1538 not been expended prior to the effective date of this section shall be paid by the state racing  
1539 board, without condition or restriction and within 30 days of the effectiveness of this section, to  
1540 the Race Horse Development Fund established under section 60 of chapter 23K.

1541           (b) Once all funds in a Racing Trust Fund shall have been so paid, the Racing Trust  
1542 Funds shall be dissolved.

1543           SECTION 27. Notwithstanding any general or special law to the contrary, any person  
1544 authorized at any point in 2021 prior to the effective date of this Act by any general or special  
1545 law to conduct horse racing, simulcasting, or pari-mutuel wagering including advance deposit  
1546 wagering under chapter 128A or chapter 128C shall remain authorized until July 31, 2024, to  
1547 conduct horse racing, simulcasting, or pari-mutuel wagering on the same terms and conditions in

1548 effect as of July 1, 2019 except for any term or condition that terminates such authorization prior  
1549 to July 31, 2024.

1550 SECTION 28. Notwithstanding section 2 of chapter 23K  $\frac{1}{4}$  of the General Laws and  
1551 sections 1, 2 and 7 of chapter 23K  $\frac{1}{2}$  of the General Laws or any other general or special law,  
1552 rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and  
1553 the greyhound meeting licensee located in Suffolk county licensed to conduct live racing under  
1554 chapter 128A and simulcast wagering under chapter 128C in calendar year 2009, may be  
1555 authorized by the state racing board to conduct simulcast wagering under said chapter 23K  $\frac{1}{2}$   
1556 until July 31, 2024; provided, however, that the days between January 1 and December 31 of  
1557 each year shall be dark days under said chapter 23K  $\frac{1}{2}$  and the licensees shall continue to be  
1558 precluded from conducting live racing during that period and as provided in chapter 388 of the  
1559 acts of 2008; provided further, that simulcasts shall be subject to section 7 of chapter 23K;  
1560 provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978,  
1561 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided further, that all simulcasts  
1562 from states which have racing associations that do not require approval in compliance with the  
1563 Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during  
1564 the month of August, shall require the approval of the New England Horsemen's Benevolent &  
1565 Protective Association, or other entity deemed appropriate by the board, prior to being simulcast  
1566 to a racing meeting licensee within the commonwealth; and provided further, that if the  
1567 association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the  
1568 simulcast for all otherwise eligible racing meeting licensees.

1569 SECTION 29. Section 14 is hereby repealed.

1570 SECTION 30. Section 29 shall take effect 6 years after the issuance of a new running  
1571 race horse license by the state racing board.

1572 SECTION 31. Notwithstanding any general or special law or rule or regulation to the  
1573 contrary, any general and special laws outside of this Act, licenses, authorizations or approvals  
1574 relative to horse or dog racing, simulcasting or wagering thereof in effect on or before July 31,  
1575 2023 are hereby repealed after affirmative review by the state racing board.

1576 SECTION 32. This act shall take effect on August 1, 2023.