

House File 2497

S-5160

1 Amend House File 2497, as passed by the House, as follows:

2 1. Page 1, by striking lines 10 and 11 and inserting <to
3 cashless wagering systems where a person accesses a cash
4 account through a mobile application used by the licensee
5 to conduct cashless wagering. The mobile application shall
6 include the statewide telephone number authorized by the
7 Iowa department of public health to provide problem gambling
8 information and extensive responsible gaming features in
9 addition to those described in section 99D,7, subsection 23.>

10 2. Page 1, by striking lines 19 and 20 and inserting <apply
11 to cashless wagering systems where a person accesses a cash
12 account through a mobile application used by the licensee
13 to conduct cashless wagering. The mobile application shall
14 include the statewide telephone number authorized by the
15 Iowa department of public health to provide problem gambling
16 information and extensive responsible gaming features in
17 addition to those described in section 99F.4, subsection 22.>

18 3. By striking page 1, line 23, through page 6, line 2, and
19 inserting:

20 <Sec. ____ . Section 99D.7, subsection 23, Code 2022, is
21 amended to read as follows:

22 23. To establish a process to allow a person to be
23 voluntarily excluded from advance deposit wagering as defined
24 in [section 99D.11](#), from an internet fantasy sports contest as
25 defined in [section 99E.1](#), from advance deposit sports wagering
26 as defined in [section 99F.9](#), and from the wagering area of
27 a racetrack enclosure, from the gaming floor, and from the
28 sports wagering area, as defined in [section 99F.1](#), of all
29 other licensed facilities under [this chapter](#) and [chapter 99F](#)
30 as provided in [this subsection](#). The process shall provide
31 that an initial request by a person to be voluntarily excluded
32 shall be for a period of five years or life and any subsequent
33 request following any five-year period shall be for a period of
34 five years or life. The process established shall require that
35 licensees be provided electronic access to names and social

1 security numbers of persons voluntarily excluded through a
2 secured interactive internet site maintained by the commission
3 and information regarding persons voluntarily excluded shall
4 be disseminated to all licensees under [this chapter](#), chapter
5 99E, and [chapter 99F](#). The names, social security numbers, and
6 information regarding persons voluntarily excluded shall be
7 kept confidential unless otherwise ordered by a court or by
8 another person duly authorized to release such information.
9 The process established shall also require a person requesting
10 to be voluntarily excluded be provided information compiled
11 by the Iowa department of public health on gambling treatment
12 options. The state and any licensee under [this chapter](#),
13 chapter 99E, or [chapter 99F](#) shall not be liable to any person
14 for any claim which may arise from this process. In addition
15 to any other penalty provided by law, any money or thing of
16 value that has been obtained by, or is owed to, a voluntarily
17 excluded person as a result of wagers made by the person after
18 the person has been voluntarily excluded shall be forfeited by
19 the person and shall be credited to the general fund of the
20 state. The commission shall not initiate any administrative
21 action or impose penalties on a licensee who voluntarily
22 reports to the commission activity described in section 99D.24,
23 subsection 4, paragraph "c".

24 Sec. _____. Section 99D.24, subsection 4, Code 2022, is
25 amended by adding the following new paragraphs:

26 NEW PARAGRAPH. c. Knowingly or intentionally passes a
27 winning wager or share to another person or provides fraudulent
28 identification in order to avoid the forfeiture of any money or
29 thing of value as a voluntarily excluded person pursuant to the
30 processes established under section 99D.7, subsection 23.

31 NEW PARAGRAPH. d. Knowingly or intentionally passes a
32 winning wager or share to another person or provides fraudulent
33 identification in order to avoid the application of a setoff
34 as provided in section 99D.28.

35 Sec. _____. Section 99D.28, subsection 7, Code 2022, is

1 amended to read as follows:

2 7. A claimant agency or licensee, acting in good faith,
3 shall not be liable to any person for actions taken pursuant to
4 this section. In addition, the commission shall not initiate
5 any administrative action or impose penalties on a licensee who
6 voluntarily reports to the commission activity described in
7 section 99D.24, subsection 4, paragraph "d".

8 Sec. _____. Section 99F.4, subsection 22, Code 2022, is
9 amended to read as follows:

10 22. To establish a process to allow a person to be
11 voluntarily excluded from advance deposit wagering as defined
12 in [section 99D.11](#), from an internet fantasy sports contest
13 as defined in [section 99E.1](#), from advance deposit sports
14 wagering as defined in [section 99F.9](#), from the gaming floor
15 and sports wagering area of an excursion gambling boat, from
16 the wagering area, as defined in [section 99D.2](#), and from the
17 gaming floor and sports wagering area of all other licensed
18 facilities under [this chapter](#) and [chapter 99D](#) as provided in
19 this subsection. The process shall provide that an initial
20 request by a person to be voluntarily excluded shall be for
21 a period of five years or life and any subsequent request
22 following any five-year period shall be for a period of five
23 years or life. The process established shall require that
24 licensees be provided electronic access to names and social
25 security numbers of persons voluntarily excluded through a
26 secured interactive internet site maintained by the commission
27 and information regarding persons voluntarily excluded shall
28 be disseminated to all licensees under [this chapter](#), [chapter](#)
29 [99D](#), and [chapter 99E](#). The names, social security numbers, and
30 information regarding persons voluntarily excluded shall be
31 kept confidential unless otherwise ordered by a court or by
32 another person duly authorized to release such information.
33 The process established shall also require a person requesting
34 to be voluntarily excluded be provided information compiled
35 by the Iowa department of public health on gambling treatment

1 options. The state and any licensee under this chapter,
2 chapter 99D, or chapter 99E shall not be liable to any person
3 for any claim which may arise from this process. In addition
4 to any other penalty provided by law, any money or thing of
5 value that has been obtained by, or is owed to, a voluntarily
6 excluded person as a result of wagers made by the person after
7 the person has been voluntarily excluded shall be forfeited by
8 the person and shall be credited to the general fund of the
9 state. The commission shall not initiate any administrative
10 action or impose penalties on a licensee who voluntarily
11 reports to the commission activity described in section 99F.15,
12 subsection 4, paragraph "n".

13 Sec. _____. Section 99F.15, subsection 4, Code 2022, is
14 amended by adding the following new paragraphs:

15 NEW PARAGRAPH. n. Knowingly or intentionally passes a
16 winning wager or share to another person or provides fraudulent
17 identification in order to avoid the forfeiture of any money or
18 thing of value as a voluntarily excluded person pursuant to the
19 processes established under section 99F.4, subsection 22.

20 NEW PARAGRAPH. o. Knowingly or intentionally passes a
21 winning wager or share to another person or provides fraudulent
22 identification in order to avoid the application of a setoff
23 as provided in section 99F.19.

24 Sec. _____. Section 99F.19, subsection 7, Code 2022, is
25 amended to read as follows:

26 7. A claimant agency or licensee, acting in good faith,
27 shall not be liable to any person for actions taken pursuant to
28 this section. In addition, the commission shall not initiate
29 any administrative action or impose penalties on a licensee who
30 voluntarily reports to the commission activity described in
31 section 99F.15, subsection 4, paragraph "o".>

32 4. Page 6, by striking lines 5 through 20.

33 5. Page 7, by striking lines 12 through 15 and inserting <a
34 collegiate team from this state is a participant, or placing a
35 wager on the performance of athletes>

1 6. Page 9, after line 25 by inserting:

2 <DIVISION ____

3 GAMBLING GAME LICENSE MORATORIUM

4 Sec. ____ . NEW SECTION. **99F.5A Limitations on issuance of**
5 **licenses to conduct gambling games.**

6 1. Commencing June 1, 2022, the total number of licenses
7 issued by the commission to conduct gambling games on an
8 excursion gambling boat, at a gambling structure, or at a
9 pari-mutuel racetrack shall not exceed nineteen subject to the
10 requirements of this section.

11 2. Licenses to conduct gambling games shall be restricted
12 to those counties where an excursion gambling boat, gambling
13 structure, or racetrack enclosure was operating and licensed to
14 conduct gambling games on June 1, 2022.

15 3. The commission shall be authorized to take any of the
16 following actions concerning the issuance of licenses to
17 conduct gambling games:

18 a. A gambling games licensee may move to a new location
19 within the same county and retain the gambling games license.

20 b. A licensed facility may be sold and a new gambling games
21 license issued for operation in the same county.

22 c. If a license to conduct gambling games is surrendered,
23 not renewed, or revoked, a new gambling games license may be
24 issued for operation in the same county.

25 4. This section is repealed June 30, 2024.

26 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
27 deemed of immediate importance, takes effect upon enactment.

28 Sec. ____ . RETROACTIVE APPLICABILITY. This division of this
29 Act applies retroactively to June 1, 2022.

30 DIVISION ____

31 SIMULCASTING LICENSURE AND TAXATION

32 Sec. ____ . NEW SECTION. **99D.9D Alternative simulcasting**
33 **licensure — horse and dog races.**

34 1. An entity that has entered into an agreement with the
35 Iowa horsemen's benevolent and protective association for

1 source market fees related to simultaneously telecast horse
2 or dog races may submit an application to the commission for
3 a license under this chapter to conduct pari-mutuel wagering
4 on simultaneously telecast horse or dog races, subject to
5 the requirements of this section. Unless inconsistent with
6 the requirements of this section, an entity submitting an
7 application for a license under this section shall comply with
8 all requirements for submitting an application for a license
9 under this chapter.

10 2. If an application for a license under subsection 1 is
11 approved by the commission pursuant to the requirements of
12 this section and section 99D.9, the entity submitting the
13 application shall be granted a license under this section to
14 conduct pari-mutuel wagering on simultaneously telecast horse
15 or dog races conducted at a facility of a licensee authorized
16 to conduct gambling games under chapter 99D or chapter 99F
17 pursuant to an agreement with the licensee of that facility
18 as authorized by this section. A licensee issued a license
19 pursuant to this section shall comply with all requirements
20 of this chapter applicable to licensees unless otherwise
21 inconsistent with the provisions of this section.

22 3. A license issued pursuant to this section shall authorize
23 the licensee to enter into an agreement with any licensee
24 authorized to operate an excursion gambling boat or gambling
25 structure under chapter 99F to conduct, without the requirement
26 to conduct live horse or dog races at the facility, pari-mutuel
27 wagering on simultaneously telecast horse or dog races at the
28 facility of the licensee authorized to operate an excursion
29 gambling boat or gambling structure under chapter 99F.

30 4. The commission shall establish an annual license fee
31 and regulatory fee for any entity issued a license under this
32 section to conduct pari-mutuel wagering on simultaneously
33 telecast horse or dog races as authorized by this section. The
34 commission shall not impose any other fees for simultaneously
35 telecast horse or dog races conducted by any licensee under

1 this section.

2 5. The commission shall require that an annual audit
3 be conducted and submitted to the commission, in a manner
4 determined by the commission, concerning the operation of the
5 simultaneously telecast horse or dog races by any licensee
6 under this section.

7 Sec. _____. Section 99D.15, subsection 4, Code 2022, is
8 amended by striking the subsection and inserting in lieu
9 thereof the following:

10 4. A tax is imposed on the gross sum wagered by the
11 pari mutuel method on horse races and dog races which are
12 simultaneously telecast, in lieu of the taxes imposed pursuant
13 to subsection 1 or 3. The rate of tax is determined as follows:

14 a. If wagering on simultaneously telecast horse races and
15 dog races is not conducted by a licensee under section 99D.9D,
16 a tax of two percent is imposed on the gross sum wagered by
17 the pari-mutuel method on horse races and dog races which are
18 simultaneously telecast. The tax revenue from simulcast horse
19 races under this paragraph shall be distributed as provided in
20 subsection 1 and the tax revenue from simulcast dog races under
21 this paragraph shall be distributed as provided in subsection
22 3.

23 b. If wagering on simultaneously telecast horse races and
24 dog races is conducted by a licensee under section 99D.9D,
25 a tax of two percent is imposed on the gross sum wagered by
26 the pari-mutuel method on horse races and dog races which
27 are simultaneously telecast in excess of twenty-five million
28 dollars in a calendar year. Of the tax revenue collected
29 from simulcast horse races under this paragraph, one-half of
30 one percent of the gross sum wagered shall be remitted to the
31 treasurer of the county in which a horse racetrack is located
32 in this state and licensed under this chapter. The remaining
33 amount of tax revenue shall be deposited with the commission.>

34 7. Title page, line 3, by striking <and> and inserting
35 <limitations on gambling game licenses, and simulcasting

1 licensure and taxation,>

2 8. Title page, line 4, after <penalties> by inserting <and
3 making penalties applicable, and including effective date and
4 retroactive applicability provisions>

5 9. By renumbering, redesignating, and correcting internal
6 references as necessary.

ROBY SMITH