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# SECTION 2A

## GENERAL LAWS

Chapter

Section

GO 

### Section 2A: Simulcasts of pari-mutuel races in connection with state or county fairs; restrictions

*[Text of section effective until July 31, 2017. Repealed by 2011, 194, Sec. 41. See 2011, 194, Sec. 112 as amended by 2014, 165, Sec. 192 and 2016, 176, Sec. 12B. See also, 2001, 139, Sec. 45 as amended by 2005, 176, Sec. 13; 2006, 54, Sec. 12; 2006, 449, Secs. 19 and 21; 2008, 290, Sec. 12; 2009, 167, Sec. 12; 2010, 203, Sec. 12; 2011, 77, Sec. 12; 2011, 194, Sec. 84; 2014, 264, Sec. 11; and 2016, 176, Sec. 11. Expiration of section does not take effect. See 1992, 101, Sec. 13 as amended by 2001, 139, Sec. 39; 2005, 176, Sec. 12; 2006, 54, Sec. 11; 2006, 449, Secs. 18 and 21; 2008, 290, Sec. 11; 2009, 167, Sec. 11; 2010, 203, Sec. 11 and 2011, 77, Sec. 11 and as repealed by 2011, 194, Sec. 83.]*

Section 2A. Notwithstanding section 2, the running horse racing meeting licensee in Plymouth county, which is conducting running horse racing meetings in connection with a state or county fair, may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen and town meeting of the city or town where the fair is located, and following a demonstration by the licensee of its ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for the bridge signal and the intrastate live races of the racing meeting licensees in the commonwealth on (i) each Sunday, Tuesday, Thursday, and Saturday during the live racing performances only, but any simulcast signal commenced during a live racing performance shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card, and, in addition, on (ii) July 3 and 4 in any calendar year when they fall on a day of the week other than said specified days and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; but, if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for said reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county, and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of section 2.

Notwithstanding section 2, a running horse racing meeting licensee, excluding the licensees in Plymouth county and Berkshire county, which is conducting running horse racing meetings in connection with a state or county fair, may, with the

permission of the commission and subject to the approval of the city council and mayor or board of selectmen and town meeting of a city or town where the fair is located, and following a demonstration by said licensee of its ability to complete no less than 50 per cent of the live races performances approved by the commission, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if such simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth except in Berkshire county; but, if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for said reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county, and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; provided, however, that said simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of section 2.

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

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

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse, also known as a straight wager, and, each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also called an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited on said exotic wagering pool shall be payable to the division of fairs of the commonwealth; provided, further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under the provisions of paragraph (f) of section 2 of chapter 128; and provided, further, that such expenditures by the division of fairs shall not exceed \$50,000 in any fiscal year.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to  $\frac{1}{8}$  of 1 per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the breeders' association of the most recent live racing performance at the host track for the purposes of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs of conducting running horse racing meetings.

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

Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live harness horse race from a host track within the commonwealth shall pay daily from such simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the host trust fund known as the Harness Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners.

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

19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amounts so deposited.

The licensee shall pay to the commission on behalf of the commonwealth the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to 0.25 per cent to the breeders' association of the most recent live performance at the guest track for the purpose of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs of conducting harness horse racing meetings; a sum equal to  $\frac{57}{8}$  per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 75 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 35 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track, for purses; said percentages shall be paid from the 19 per cent withheld from the straight wagers as provided in this section.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the breeders' association of the most recent live racing performance at the guest track for the purpose of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs of conducting harness horse racing meetings; a sum equal to  $\frac{67}{8}$  per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 35 per cent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses, said percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks, and less an amount not to exceed 19 per cent of the total amount so deposited; provided, however, that a sum equal to 2.5 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 35 per cent shall be paid to the dog owners for purses, said percentages shall be paid from the 19 per cent withheld from the straight wagers as provided in this section.

The greyhound racing meeting licensees shall retain the total sum of the breaks.

The licensees shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 2.5 per cent of the total amount wagered; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 8.5 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 8.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 35 per cent shall be paid to the dog owners for purses; said percentages shall be paid from the 26 per cent withheld as provided in this section.

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

association agrees to approve such simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

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