

1 H.127

2 An act relating to sports wagering

3 The Senate proposes to the House to amend the bill as follows:

4 First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302  
5 (Department of Liquor and Lottery; authority and duties), in subdivision (c)(5),  
6 by striking out the last sentence.

7 Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302  
8 (Department of Liquor and Lottery; authority and duties), in subsection (g), by  
9 striking out subdivisions (1) through (3) in their entireties and inserting in lieu  
10 thereof new subdivisions (1) and (2) to read as follows:

11 (1) a provision that prohibits the use of sports wagering advertisements,  
12 logos, trademarks, or brands on products that are sold in Vermont and intended  
13 primarily for persons under 21 years of age; and

14 (2) an advertising plan, which shall include strategies to limit unwanted  
15 advertising and advertising aimed at persons under 21 years of age.

16 Third: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1304,  
17 in the section heading, following the words “SPORTS WAGERING”, by  
18 inserting the word ENTERPRISE before “FUND”, and in the text of the  
19 section, following the words “Sports Wagering”, by inserting the word  
20 Enterprise before “Fund”.

1        Fourth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320  
2 (sports wagering operators; competitive bidding process), by striking out  
3 subsection (c) in its entirety and inserting in lieu thereof a new subsection (c)  
4 to read as follows:

5        (c) Each operator selected through the competitive bidding process shall  
6 pay an operator fee of \$550,000.00. The Commissioner and an operator may  
7 negotiate the renewal term upon which the fee will be reassessed. However,  
8 the Department shall not require an operator to pay the fee more than once in  
9 any three-year period.

10       Fifth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320  
11 (sports wagering operators; competitive bidding process), by adding new  
12 subsections (e) and (f) to read as follows:

13       (e) The Board shall adopt procedures governing the review and  
14 consideration of criminal background checks as a component of the  
15 competitive bidding process. The procedures shall establish standards for  
16 determining whether an applicant should not be selected as an operator due to  
17 the criminal history of the applicant's principals or other individuals who  
18 control the operator applicant. The Department shall obtain a copy of  
19 fingerprint-based Vermont criminal history records, out-of-state criminal  
20 history records, and criminal history records from the Federal Bureau of

1 Investigation for each operator applicant, principal of an operator applicant,  
2 and any individual who controls an operator applicant.

3 (f) Notwithstanding subsection (e) of this section, the Department may  
4 accept third-party criminal background checks submitted by an operator  
5 applicant, principal of an operator applicant, or any individual who controls an  
6 operator applicant in lieu of obtaining those records from the Vermont Crime  
7 Information Center. The third-party background check shall:

8 (1) be conducted by a third-party consumer reporting agency or  
9 background screening company that is in compliance with the federal Fair  
10 Credit Reporting Act; and

11 (2) include a multistate and multijurisdiction criminal record locator.

12 Sixth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1325  
13 (crimes and penalties), by striking out subsection (a) in its entirety and  
14 inserting in lieu thereof a new subsection (a) to read as follows:

15 (a) A corporation, association, or partnership that is not permitted to  
16 conduct sports wagering pursuant to this chapter that operates, conducts, or  
17 exposes sports wagering for play or accepts a bet or wager associated with  
18 sports wagering shall:

19 (1) for a first violation of this subsection, be fined not more than  
20 \$50,000.00 or imprisoned not more than six months, or both;

1           (2) for a second violation of this subsection, be fined not more than  
2           \$150,000.00 or imprisoned not more than one year, or both; and

3           (3) for a third or subsequent violation of this subsection, be fined not  
4           more than \$300,000.00 or imprisoned not more than two years, or both.

5           Seventh: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section  
6           1341, in the section heading, following the words “SPORTS WAGERING”,  
7           by inserting the word ENTERPRISE before “FUND”, and in subsection (a),  
8           following the words “Sports Wagering” by inserting the word Enterprise  
9           before “Fund”.

10          Eighth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1341a  
11          (Problem Gambling Program), in subsection (a), by striking out subdivisions  
12          (2) through (5) in their entirety and inserting in lieu thereof new subdivisions  
13          (2) and (3) to read as follows:

14                (2) promote public awareness of and provide education concerning  
15                gambling addiction using online capabilities and other best practices; and

16                (3) promote public awareness of assistance programs for gambling  
17                addiction using online capabilities and other best practices.

18          Ninth: In Sec. 2a, appropriations, by striking out subsections (a) and (b) in  
19          their entirety and inserting in lieu thereof the following:

20                (a) In fiscal year 2024, the following sums are appropriated from the Sports  
21                Wagering Enterprise Fund:

1           (1) \$250,000.00 to the Department of Mental Health for purposes of  
2 establishing and administering the Problem Gambling Program;

3           (2) \$550,000.00 to the Department of Liquor and Lottery in anticipation  
4 of receipts from sports wagering operator fees; and

5           (3) \$100,000.00 to the Agency of Digital Services for purposes of  
6 establishing the self-exclusion program required by this act.

7           (b) The appropriation to the Problem Gambling Program in subsection (a)  
8 of this section shall be combined with the fiscal year 2024 funding from the  
9 State Lottery Fund for the same purpose. Any contract scope of work,  
10 memorandum of understanding parameters, or program design shall be  
11 executed in consultation with the Chief Prevention Officer.

12           (1) On or before January 15, 2024, the Department of Mental Health,  
13 Department of Liquor and Lottery, and Chief Prevention Officer shall report to  
14 the General Assembly on the status of the Problem Gambling Program,  
15 Program funding, and the projected use of the Program. The report shall detail  
16 how the Program funding aligns with other similar programs.

17           (2) The report required by this subsection shall include  
18 recommendations for allocations for problem gambling programs:

19           (A) for fiscal year 2025, in the form of a specific appropriation from  
20 each enterprise fund; and



1 (b) For any taxable year, the Vermont income of a nonresident individual,  
2 estate, or trust is the sum of the following items of income to the extent they  
3 are required to be included in the adjusted gross income of the individual or the  
4 gross income of an estate or trust for that taxable year:

5 \* \* \*

6 (6) proceeds from wagering transactions made within the State; or any  
7 Vermont State Lottery, tri-state lottery, or multijurisdictional lottery ticket paid  
8 to a person who purchased the ticket in Vermont, including payments received  
9 from a third party for the transfer of the rights to future proceeds related to the  
10 ticket; and the Commissioner may require withholding of any taxes due to the  
11 State under this subdivision from payments of wagering or lottery proceeds.

12 \* \* \*

13 Twelfth: And by renumbering the remaining sections to be numerically  
14 correct.