

HOUSE BILL No. 1337

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-8-1; IC 4-3-26-7; IC 4-33; IC 4-35; IC 4-39; IC 31-25-4; IC 35-45-5-15.

Synopsis: Various gaming issues. Authorizes the following persons to conduct interactive gaming: (1) A licensed owner of a riverboat. (2) An operating agent operating a riverboat in a historic hotel district. (3) A permit holder conducting gambling games at the permit holder's racetrack. Provides for the licensure of persons providing services and equipment for managing and conducting interactive gaming. Specifies requirements for the conduct of interactive gaming. Imposes an adjusted gross receipts tax of 18% on interactive gaming. Provides for revenue sharing to cities and counties in which casinos are operated. Provides that the speaker of the house of representatives and the president pro tempore of the senate shall each appoint a member of the gaming commission. Provides that a hold harmless agreement or an agreement to offset a financial loss between a casino, riverboat, or unit of government and another unit of government concerning potential losses of revenue by the other unit of government is prohibited and unenforceable. Repeals the requirement that the licensed owner of a riverboat operating in Vigo County pay certain payments to the city of Evansville. Repeals language concerning a supplemental payment to East Chicago, Hammond, and Michigan City under certain circumstances. Repeals the historic hotel district community support fee. Makes an appropriation. Makes conforming and technical changes.

Effective: July 1, 2022.

Morrison

January 11, 2022, read first time and referred to Committee on Public Policy.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1337

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.58-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 1. (a) No individual may be compelled by any
4 state agency, board, commission, department, bureau, or other entity of
5 state government (referred to as "state agency" in this chapter) to
6 provide the individual's Social Security number to the state agency
7 against the individual's will, absent federal requirements to the
8 contrary. However, the provisions of this chapter do not apply to the
9 following:
10 (1) Department of state revenue.
11 (2) Department of workforce development.
12 (3) The programs administered by:
13 (A) the division of family resources;
14 (B) the division of mental health and addiction;
15 (C) the division of disability and rehabilitative services;
16 (D) the division of aging; and
17 (E) the office of Medicaid policy and planning;



- 1 of the office of the secretary of family and social services.
 2 (4) Auditor of state.
 3 (5) State personnel department.
 4 (6) Secretary of state, with respect to the registration of
 5 broker-dealers, agents, and investment advisors.
 6 (7) The lobby registration commission, with respect to the
 7 registration of lobbyists.
 8 (8) Indiana department of administration, with respect to bidders
 9 on contracts.
 10 (9) Indiana department of transportation, with respect to bidders
 11 on contracts.
 12 (10) Indiana professional licensing agency.
 13 (11) Department of insurance, with respect to licensing of
 14 insurance producers.
 15 (12) The department of child services.
 16 (13) A pension fund administered by the board of trustees of the
 17 Indiana public retirement system.
 18 (14) The state police benefit system.
 19 (15) The alcohol and tobacco commission.
 20 (16) The state department of health, for purposes of licensing
 21 radiologic technologists under IC 16-41-35-29(c).
 22 (b) The bureau of motor vehicles may, notwithstanding this chapter,
 23 require the following:
 24 (1) That an individual include the individual's Social Security
 25 number in an application for an official certificate of title for any
 26 vehicle required to be titled under IC 9-17.
 27 (2) That an individual include the individual's Social Security
 28 number on an application for registration.
 29 (3) That a corporation, limited liability company, firm,
 30 partnership, or other business entity include its federal tax
 31 identification number on an application for registration.
 32 (4) That an individual include the individual's Social Security
 33 number on an application for a license, a permit, or an
 34 identification card.
 35 (c) The Indiana department of administration, the Indiana
 36 department of transportation, and the Indiana professional licensing
 37 agency may require an employer to provide its federal employer
 38 identification number.
 39 (d) The department of correction may require a committed offender
 40 to provide the offender's Social Security number for purposes of
 41 matching data with the Social Security Administration to determine
 42 benefit eligibility.



1 (e) The Indiana gaming commission may, notwithstanding this
2 chapter, require the following:

3 (1) That an individual include the individual's Social Security
4 number:

5 (A) in any application for a riverboat owner's license,
6 supplier's license, or occupational license; or

7 (B) in any document submitted to the commission in the
8 course of an investigation necessary to ensure that gaming
9 under IC 4-32.3, IC 4-33, ~~and~~ IC 4-35, **IC 4-38, and IC 4-39**
10 is conducted with credibility and integrity.

11 (2) That a sole proprietorship, a partnership, an association, a
12 fiduciary, a corporation, a limited liability company, or any other
13 business entity include its federal tax identification number on an
14 application for a riverboat owner's license or supplier's license.

15 (f) Notwithstanding this chapter, the department of education
16 established by IC 20-19-3-1 may require an individual who applies to
17 the department for a license or an endorsement to provide the
18 individual's Social Security number. The Social Security number may
19 be used by the department only for conducting a background
20 investigation, if the department is authorized by statute to conduct a
21 background investigation of an individual for issuance of the license or
22 endorsement.

23 SECTION 2. IC 4-3-26-7, AS ADDED BY P.L.269-2017,
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2022]: Sec. 7. As used in this chapter, "government
26 information" refers to any information created, received, maintained,
27 or stored by or otherwise in the control of a governmental entity,
28 regardless of the form or the media on which the information is
29 recorded. The term does not include any of the following:

30 (1) The investigative records of law enforcement agencies that
31 employ the law enforcement officers listed in IC 35-31.5-2-185.

32 (2) The confidential advisory opinions requested or given by the
33 office of the inspector general.

34 (3) Other information made confidential by IC 4-2-6, IC 4-2-7,
35 IC 5-2-4, IC 31-33-18, IC 9-32-16-1, IC 10-13-3, 26 CFR 20, or
36 28 CFR 23.

37 (4) Confidential investigative records related to an investigation
38 under IC 4-31, IC 4-33, ~~or~~ IC 4-35, **IC 4-38, or IC 4-39** and any
39 other information classified as confidential under IC 4-31,
40 IC 4-33, ~~or~~ IC 4-35, **IC 4-38, or IC 4-39**.

41 SECTION 3. IC 4-33-1-6 IS ADDED TO THE INDIANA CODE
42 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2022]: **Sec. 6. A hold harmless agreement or an agreement to offset a financial loss between a casino, riverboat, or unit of government and another unit of government concerning potential losses of revenue by the other unit of government is prohibited and unenforceable.**

SECTION 4. IC 4-33-2-2, AS AMENDED BY P.L.293-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) "Adjusted gross receipts" means:

(1) the total of all cash and property (including checks received by a licensee or an operating agent) whether collected or not, received by a licensee or an operating agent from gaming operations; minus

(2) the total of:

(A) all cash paid out as winnings to patrons; and

(B) uncollectible gaming receivables, not to exceed the lesser of:

(i) a reasonable provision for uncollectible patron checks received from gaming operations; or

(ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out as winnings to patrons.

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the licensee or operating agent from gaming operations.

(b) The term does not include amounts received from:

(1) sports wagering conducted by a licensee or **an** operating agent under IC 4-38; **or**

(2) **interactive gaming conducted by a licensee or an operating agent under IC 4-39.**

SECTION 5. IC 4-33-2-11.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 11.7. "Interactive gaming" has the meaning set forth in IC 4-39-2-4.**

SECTION 6. IC 4-33-3-2, AS AMENDED BY P.L.293-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The commission consists of ~~seven (7)~~ **nine (9) members. appointed by the governor.**

(b) Each member of the commission must:

(1) be a resident of Indiana; and

(2) have a reasonable knowledge of the practice, procedures, and principles of gambling operations.

(c) **The governor shall appoint seven (7) members and the**



1 **governor's appointments must include:**

2 (1) at least one (1) member ~~of the commission must be who is~~
3 experienced in law enforcement and criminal investigation;

4 ~~(2)~~ (2) at least one (1) member ~~of the commission must be who is~~
5 a certified public accountant experienced in accounting and
6 auditing;

7 ~~(3)~~ (3) at least one (1) member ~~of the commission must be who is~~
8 an attorney admitted to the practice of law in Indiana;

9 ~~(4)~~ (4) one (1) member ~~of the commission must be who is~~ a
10 resident of a county that is contiguous to Lake Michigan; **and**

11 ~~(5)~~ (5) one (1) member ~~of the commission must be who is~~ a
12 resident of a county that is contiguous to the Ohio River.

13 ~~(d)~~ (d) Not more than four (4) members **appointed by the governor**
14 may be affiliated with the same political party.

15 (e) **The speaker of the house of representatives shall appoint one**
16 **(1) member.**

17 (f) **The president pro tempore of the senate shall appoint one (1)**
18 **member.**

19 SECTION 7. IC 4-33-3-6 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) Each member of the
21 commission **appointed under section 2(c) of this chapter** is eligible
22 for reappointment at the discretion of the governor.

23 (b) **The member of the commission appointed under section 2(e)**
24 **of this chapter is eligible for reappointment at the discretion of the**
25 **speaker of the house of representatives.**

26 (c) **The member of the commission appointed under section 2(f)**
27 **of this chapter is eligible for reappointment at the discretion of the**
28 **president pro tempore of the senate.**

29 SECTION 8. IC 4-33-3-11 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. A member of the
31 commission may be removed by the ~~governor~~ **individual who**
32 **appointed the member** for any of the following reasons:

33 (1) Neglect of duty.

34 (2) Mifeasance.

35 (3) Malfeasance.

36 (4) Nonfeasance.

37 SECTION 9. IC 4-33-3-12 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. Each member of the
39 commission must, before beginning the discharge of the duties of the
40 member's office, do the following:

41 (1) Take an oath that the member will faithfully execute the duties
42 of the member's office according to Indiana law and rules adopted



1 under Indiana law.

2 (2) Provide a bond to the state that:

3 (A) is approved by the ~~governor~~; **individual who appointed**
4 **the member;**

5 (B) is for twenty-five thousand dollars (\$25,000); and

6 (C) is, after being executed and approved, recorded in the
7 office of the secretary of state.

8 SECTION 10. IC 4-33-3-13 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. If the ~~governor~~
10 **individual who appointed the commission member** determines that
11 the bond of a commission member has become or is likely to become
12 invalid or insufficient, the ~~governor~~ **individual who appointed the**
13 **commission member** shall immediately require the member to renew
14 the member's bond. The ~~governor~~ **individual who appointed the**
15 **commission member** must approve a bond renewed under this section.

16 SECTION 11. IC 4-33-3-20 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) The commission
18 shall hold at least one (1) meeting each quarter of the fiscal year.

19 (b) The chair or any two (2) commission members may call a special
20 meeting. A special meeting may be held not earlier than seventy-two
21 (72) hours after written notice has been sent to each member.

22 (c) Except as provided in this article, commission meetings are
23 subject to IC 5-14-1.5.

24 (d) ~~Four (4)~~ **Five (5)** members of the commission constitute a
25 quorum of the commission.

26 (e) ~~Four (4)~~ **Five (5)** affirmative votes are required for the
27 commission to take official action.

28 SECTION 12. IC 4-33-3-22, AS AMENDED BY P.L.293-2019,
29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2022]: Sec. 22. (a) The commission shall file a written annual
31 report with the governor before September 1 of each year. The
32 commission shall file any additional reports that the governor requests.

33 (b) The annual report filed under this section must include a
34 statement describing the following:

35 (1) The receipts and disbursements of the commission.

36 (2) Actions taken by the commission.

37 (3) The development and fiscal impact of:

38 (A) sports wagering conducted under IC 4-38; and

39 (B) **interactive gaming conducted under IC 4-39.**

40 (4) Any additional information and recommendations that:

41 (A) the commission considers useful; or

42 (B) the governor requests.



1 SECTION 13. IC 4-33-6.7-7 IS REPEALED [EFFECTIVE JULY
2 1, 2022]. Sec. 7. The licensed owner of a riverboat operating in Vigo
3 County shall pay:

4 (1) a one (1) time payment of one million two hundred thousand
5 dollars (\$1,200,000) within the first year that the licensed owner
6 conducts gaming operations in Vigo County;

7 (2) a one (1) time payment of nine hundred thousand dollars
8 (\$900,000) within the second year that the licensed owner
9 conducts gaming operations in Vigo County; and

10 (3) a one (1) time payment of six hundred thousand dollars
11 (\$600,000) within the third year that the licensed owner conducts
12 gaming operations in Vigo County;

13 to the city of Evansville.

14 SECTION 14. IC 4-33-9-0.5 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2022]: Sec. 0.5. This chapter may not be construed to restrict the
17 authorized use of the Internet to conduct sports wagering under
18 IC 4-38 or interactive gaming under IC 4-39 by:

19 (1) a licensed owner;

20 (2) an operating agent;

21 (3) a trustee in accordance with IC 4-33-21;

22 (4) a vendor contracted with a licensed owner, an operating
23 agent, or a trustee for the conduct of sports wagering under
24 IC 4-38; or

25 (5) an interactive gaming management service provider
26 contracted with a licensed owner, an operating agent, or a
27 trustee for the conduct of interactive gaming under IC 4-39.

28 SECTION 15. IC 4-33-12-0.5, AS AMENDED BY P.L.293-2019,
29 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2022]: Sec. 0.5. This chapter does not apply to the following:

31 (1) A riverboat in a historic hotel district.

32 (2) Sports wagering conducted under IC 4-38 at a riverboat.

33 (3) Interactive gaming conducted under IC 4-39 by a licensed
34 owner.

35 SECTION 16. IC 4-33-13-0.5, AS ADDED BY P.L.293-2019,
36 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2022]: Sec. 0.5. This chapter does not apply to the following:

38 (1) Sports wagering conducted under IC 4-38 at a riverboat.

39 (2) Interactive gaming conducted under IC 4-39 by a licensed
40 owner.

41 SECTION 17. IC 4-33-13-5.3 IS REPEALED [EFFECTIVE JULY
42 1, 2022]. Sec. 5-3: (a) This section applies to each of the first four (4)



1 full state fiscal years beginning after a licensed owner begins gaming
2 operations under IC 4-33-6-4.5:

3 (b) As used in this section, "qualified city" refers to East Chicago,
4 Hammond, or Michigan City.

5 (c) The auditor of state shall determine the total amount of money
6 paid by the auditor of state under section 5(a)(2) of this chapter to
7 Gary, East Chicago, Hammond, and Michigan City during the state
8 fiscal year ending on June 30, 2019. The amount determined under this
9 subsection for each city is the city's base year revenue. The auditor of
10 state shall certify the base year revenue determined under this
11 subsection to each city.

12 (d) Subject to subsection (g), a qualified city is entitled to a
13 supplemental payment under this section if both of the following occur
14 in a particular state fiscal year:

15 (1) The total amount payable to Gary under section 5(a)(2) of this
16 chapter in the state fiscal year is greater than the base year
17 revenue determined for Gary under subsection (c).

18 (2) The amount payable to the qualified city under section 5(a)(2)
19 of this chapter in the state fiscal year is less than the base year
20 revenue determined for the qualified city under subsection (c).

21 (e) Subject to subsection (g), the auditor of state shall deduct the
22 lesser of the following from the amount otherwise payable to Gary to
23 make a supplemental payment to a qualified city entitled to a payment
24 under subsection (d):

25 (1) The difference between the base year revenue determined for
26 the qualified city under subsection (c) and the amount payable to
27 the qualified city under section 5(a)(2) of this chapter.

28 (2) The difference between the amount payable to Gary under
29 section 5(a)(2) of this chapter and the base year revenue
30 determined for Gary under subsection (c).

31 (f) Subject to subsection (g), the auditor of state shall supplement
32 the amount payable to the qualified city under section 5(a)(2) of this
33 chapter with a payment equal to the amount deducted under subsection
34 (e) for the qualified city.

35 (g) The auditor of state may not deduct from the amounts payable
36 under section 5(a)(2) of this chapter to Gary in a particular state fiscal
37 year an amount greater than the difference between the amount payable
38 to Gary under section 5(a)(2) of this chapter and the base year revenue
39 determined for Gary under subsection (c). If the total amount of the
40 supplemental payments determined for qualified cities exceeds the
41 amount that may be deducted under this section, the amount paid to
42 each qualified city entitled to a supplemental payment must be



1 determined under STEP FOUR the following formula:

2 STEP ONE: Determine the difference between the qualified city's
3 base year revenue and the amount payable to the qualified city
4 under section 5(a)(2) of this chapter for the particular state fiscal
5 year:

6 STEP TWO: Determine the sum of the STEP ONE results for all
7 qualified cities entitled to a supplemental payment in the
8 particular state fiscal year:

9 STEP THREE: Determine for each qualified city entitled to a
10 supplemental payment in the particular state fiscal year the
11 quotient of:

12 (A) the STEP ONE result for the qualified city; divided by

13 (B) the STEP TWO result:

14 STEP FOUR: Determine for each qualified city entitled to a
15 supplemental payment in the particular state fiscal year the
16 product of:

17 (A) the STEP THREE quotient; multiplied by

18 (B) the maximum amount that may be deducted from the
19 amounts payable under section 5(a)(2) of this chapter for Gary:

20 SECTION 18. IC 4-33-14-11, AS ADDED BY P.L.293-2019,
21 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 11. This chapter applies to:

23 (1) sports wagering conducted under IC 4-38; **and**

24 (2) **interactive gaming conducted under IC 4-39;**

25 by a licensed owner or an operating agent.

26 SECTION 19. IC 4-35-2-2, AS AMENDED BY P.L.293-2019,
27 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2022]: Sec. 2. (a) "Adjusted gross receipts" means:

29 (1) the total of all cash and property (including checks received
30 by a licensee, whether collected or not) received by a licensee
31 from gambling games, including amounts that are distributed by
32 a licensee under IC 4-35-7-12; minus

33 (2) the total of:

34 (A) all cash paid out to patrons as winnings for gambling
35 games; and

36 (B) uncollectible gambling game receivables, not to exceed the
37 lesser of:

38 (i) a reasonable provision for uncollectible patron checks
39 received from gambling games; or

40 (ii) two percent (2%) of the total of all sums, including
41 checks, whether collected or not, less the amount paid out to
42 patrons as winnings for gambling games.



1 For purposes of this section, a counter or personal check that is invalid
 2 or unenforceable under this article is considered cash received by the
 3 licensee from gambling games.

4 (b) The term does not include amounts received from:

5 (1) sports wagering conducted by a licensee under IC 4-38; or

6 (2) **interactive gaming conducted by a licensee under IC 4-39.**

7 SECTION 20. IC 4-35-2-5, AS AMENDED BY P.L.293-2019,
 8 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 5. (a) "Gambling game" means any of the
 10 following:

11 (1) A game played on a slot machine approved for wagering under
 12 this article by the commission.

13 (2) A game played on a slot machine through the use of a mobile
 14 gaming device approved under this article.

15 (3) A table game approved by the commission under
 16 IC 4-35-7-19.

17 (b) The term does not include:

18 (1) sports wagering conducted under IC 4-38; or

19 (2) **interactive gaming conducted under IC 4-39.**

20 SECTION 21. IC 4-35-8-0.5 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2022]: **Sec. 0.5. This chapter does not apply to the following:**

23 (1) **Sports wagering conducted under IC 4-38.**

24 (2) **Interactive gaming conducted under IC 4-39.**

25 SECTION 22. IC 4-35-8.3 IS REPEALED [EFFECTIVE JULY 1,
 26 2022]. (Historic Hotel District Community Support Fee).

27 SECTION 23. IC 4-35-8.5-0.5, AS ADDED BY P.L.293-2019,
 28 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]: Sec. 0.5. This chapter does not apply to sports
 30 wagering conducted under IC 4-38 **or interactive gaming conducted**
 31 **under IC 4-39.**

32 SECTION 24. IC 4-39 IS ADDED TO THE INDIANA CODE AS
 33 A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 34 2022]:

35 **ARTICLE 39. INTERACTIVE GAMING**

36 **Chapter 1. General Provisions**

37 **Sec. 1. Pursuant to 15 U.S.C. 1172, approved January 2, 1951,**
 38 **the state of Indiana, acting by and through duly elected and**
 39 **qualified members of the legislature, does declare and proclaim**
 40 **that the state is exempt from the provisions of 15 U.S.C. 1172.**

41 **Sec. 2. All shipments of gambling devices used to conduct**
 42 **interactive gaming under this article to an operating agent, a**



1 licensed owner, or a permit holder in Indiana, the registering,
 2 recording, and labeling of which have been completed by the
 3 manufacturer or dealer thereof in accordance with 15 U.S.C. 1171
 4 through 1178, are legal shipments of gambling devices into
 5 Indiana.

6 **Sec. 3.** The commission shall regulate and administer interactive
 7 gaming conducted by an interactive gaming licensee or an
 8 interactive gaming management service provider under this article.

9 **Sec. 4.** The commission has the following powers and duties for
 10 the purpose of administering, regulating, and enforcing the system
 11 of interactive gaming authorized under this article:

- 12 (1) All powers and duties specified in this article.
 13 (2) All powers necessary and proper to fully and effectively
 14 execute this article.
 15 (3) Jurisdiction and supervision over the following:
 16 (A) All interactive gaming operations in Indiana.
 17 (B) All persons engaged in offering, conducting, or
 18 participating in interactive gaming under this article.
 19 (4) Any power specified in IC 4-33 or IC 4-35 concerning the
 20 supervision of persons conducting gambling games, patrons
 21 wagering on gambling games, and the facilities in which
 22 gambling games are conducted.
 23 (5) To investigate and reinvestigate applicants, interactive
 24 gaming licensees, interactive gaming management service
 25 providers, and other licensees involved with interactive
 26 gaming conducted under this article.
 27 (6) To investigate alleged violations of this article.
 28 (7) To revoke, suspend, or renew licenses under this article.
 29 (8) To take any reasonable or appropriate action to enforce
 30 this article.

31 **Sec. 5.** The commission may do the following:

- 32 (1) Take appropriate administrative enforcement or
 33 disciplinary action against a person who violates this article.
 34 (2) Conduct hearings.
 35 (3) Issue subpoenas for the attendance of witnesses and
 36 subpoenas duces tecum for the production of books, records,
 37 and other relevant documents.
 38 (4) Administer oaths and affirmations to witnesses.

39 **Chapter 2. Definitions**

40 **Sec. 1.** Except as otherwise provided, the definitions set forth in
 41 IC 4-33 and IC 4-35 apply to this article.

42 **Sec. 2. (a)** "Adjusted gross receipts" means:



1 (1) the total of all cash and property (including checks
2 received by an interactive gaming licensee, whether collected
3 or not) received by an interactive gaming licensee from
4 interactive gaming; minus

5 (2) the total of:

6 (A) all cash paid out as winnings to interactive gaming
7 patrons, including the cash equivalent of any merchandise
8 or thing of value awarded as a prize; and

9 (B) uncollectible gaming receivables, not to exceed the
10 lesser of:

11 (i) a reasonable provision for uncollectible patron checks
12 received from interactive games; or

13 (ii) two percent (2%) of the total of all sums (including
14 checks, whether collected or not) less the amount paid
15 out as winnings to interactive gaming patrons.

16 (b) The term does not include any receipts received under
17 IC 4-33, IC 4-35, or IC 4-38.

18 Sec. 3. (a) "Interactive game" means an Internet based version
19 or substantial equivalent of a gambling game, in which an
20 individual wagers money or something of monetary value for the
21 opportunity to win money or something of monetary value, and
22 which is accessed by an Internet connected computer or mobile
23 device. The term includes gaming tournaments conducted via the
24 Internet in which players compete against one another or in one (1)
25 or more of the games authorized in this article.

26 (b) The term does not include sports wagering conducted under
27 IC 4-38 or paid fantasy sports games conducted under IC 4-33-24.

28 (c) The term does not include games played on mobile gaming
29 devices under IC 4-33-9-17 or IC 4-35-7-1.5 by patrons who are
30 present in the gaming area of a riverboat or gambling game
31 facility.

32 Sec. 4. "Interactive gaming" means offering or conducting
33 interactive games.

34 Sec. 5. "Interactive gaming licensee" means any of the following
35 persons holding an interactive gaming license issued under this
36 article:

37 (1) A person holding an owner's license under IC 4-33-6.

38 (2) A person operating a riverboat in accordance with an
39 operating agent contract entered into under IC 4-33-6.5.

40 (3) A person holding a gambling game license under IC 4-35.

41 Sec. 6. "Interactive gaming management service provider"
42 means a licensed business entity that operates an interactive



1 gaming platform pursuant to an agreement with an interactive
2 gaming licensee.

3 **Sec. 7. "Interactive gaming operator"** means an interactive
4 gaming licensee that operates an interactive gaming platform or,
5 if an interactive management services provider operates the
6 interactive gaming platform, the interactive management services
7 provider.

8 **Sec. 8. "Interactive gaming platform"** means the combination
9 of hardware and software or other technology designed and used
10 to manage, conduct, and record interactive gaming and the wagers
11 associated with interactive gaming.

12 **Sec. 9. "Interactive gaming skin"** means a distinctly branded
13 interactive gaming platform operated by an interactive gaming
14 operator, which may encompass an Internet web site, mobile
15 application, or other portal to the interactive gaming platform. The
16 brand may be that of the interactive gaming licensee or its affiliate,
17 the interactive management service provider, or another brand as
18 agreed upon by the interactive gaming licensee and its interactive
19 management service provider.

20 **Sec. 10. "Interactive wagering"** means the placing of wagers
21 with an interactive gaming operator by persons who are either
22 physically present in Indiana when placing a wager or otherwise
23 permitted to place a wager by law.

24 **Sec. 11. "Interactive wagering account"** means a financial
25 record established and accessible through an interactive gaming
26 platform for an individual participant in which the participant
27 may deposit and withdraw funds for interactive gaming and other
28 authorized purchases and to which the interactive gaming operator
29 may credit winnings or other amounts due to that participant or
30 authorized by that participant.

31 **Sec. 12. "Permissible jurisdiction"** means another jurisdiction
32 from which wagers may be accepted under IC 4-39-10-1.

33 **Sec. 13. "Person"** means an individual, a sole proprietorship, a
34 partnership, an association, a fiduciary, a corporation, a limited
35 liability company, or any other business entity.

36 **Chapter 3. Powers and Duties of the Commission**

37 **Sec. 1. The commission has the same powers and duties with**
38 **respect to the offering of interactive gaming as it has with respect**
39 **to noninteractive gaming conducted under IC 4-33 and IC 4-35. If**
40 **the exercise of a power or duty described in IC 4-33 or IC 4-35 is**
41 **incompatible with the offering of gambling games over the Internet**
42 **or the provisions of this article, this article prevails.**



1 **Sec. 2.** The commission shall adopt emergency rules in the
 2 manner provided under IC 4-22-2-37.1 not more than sixty (60)
 3 days after the effective date of this article to enable the expedient
 4 offering of interactive gaming by interactive gaming licensees.

5 **Sec. 3.** In adopting rules and regulating the conduct of
 6 interactive gaming, the commission shall to the greatest extent
 7 possible use existing rules applicable to the offering of gambling
 8 games in Indiana and amend existing rules and adopt new rules or
 9 standards only as reasonably necessary to implement interactive
 10 gaming under this article. The commission shall look to the
 11 interactive gaming rules of other regulated jurisdictions in the
 12 United States and shall implement consistent rules to the greatest
 13 extent possible.

14 **Chapter 4. Interactive Gaming Authorized**

15 **Sec. 1.** A person holding an interactive gaming license issued
 16 under this chapter is authorized to conduct interactive gaming
 17 under this article beginning September 1, 2022.

18 **Sec. 2.** Beginning July 1, 2022, the commission may accept
 19 applications for interactive gaming licenses from any licensed
 20 owner, operating agent, or permit holder that wishes to conduct
 21 sports wagering under this article. The commission shall prescribe
 22 the form of the application.

23 **Sec. 3.** A licensed owner, operating agent, or permit holder that
 24 wishes to offer interactive gaming under this article must:

- 25 (1) submit an application to the commission in the manner
 26 prescribed by the commission; and
- 27 (2) pay an initial fee of five hundred thousand dollars
 28 (\$500,000).

29 **Sec. 4. (a)** Upon:

- 30 (1) receipt of the application and fee required by section 3 of
 31 this chapter; and
- 32 (2) approving the submitted application;

33 the commission shall issue an interactive gaming license to a
 34 licensed owner, an operating agent, or a permit holder authorizing
 35 the licensed owner, operating agent, or permit holder to conduct
 36 interactive gaming under this article.

37 **(b)** An interactive gaming license must be renewed annually
 38 upon the payment of an annual administrative fee of fifty thousand
 39 dollars (\$50,000). The fee imposed by this section is due one (1)
 40 year after the date that the interactive gaming licensee commences
 41 interactive gaming operations under this article and on each
 42 annual anniversary date thereafter. The commission shall deposit



1 the administrative fees received under this section in the
2 interactive gaming fund established by section 7 of this chapter.

3 **Sec. 5. The commission shall deposit fees received under section**
4 **3 of this chapter in the interactive gaming fund established by**
5 **section 7 of this chapter.**

6 **Sec. 6. When considering a person's application for an**
7 **interactive gaming license, the commission may issue the person a**
8 **temporary license to conduct business under this article if:**

9 (1) the person has filed with the commission:

10 (A) a completed application; or

11 (B) a substantially complete application as determined by
12 the commission; and

13 (2) the person agrees in writing to the following conditions of
14 the temporary license issued under this section:

15 (A) The temporary license does not create a right or
16 privilege to continue conducting business under this article
17 if the person's application for an interactive gaming license
18 to conduct interactive gaming is rejected by the
19 commission.

20 (B) The commission may rescind the person's temporary
21 license to do business under this article at any time, with or
22 without notice to the person, if:

23 (i) the commission is informed that the suitability of the
24 person may be at issue; and

25 (ii) the person fails to cooperate with the commission in
26 the commission's investigation into the qualifications and
27 suitability of the person for an interactive gaming
28 license.

29 **Sec. 7. (a) The interactive gaming fund is established.**

30 **(b) The commission shall administer the fund.**

31 **(c) The fund consists of the following:**

32 (1) Initial fees deposited in the fund under section 5 of this
33 chapter.

34 (2) Annual administrative fees deposited in the fund under
35 section 4 of this chapter.

36 (3) Fees deposited in the fund under IC 4-39-7-2, IC 4-39-7-3,
37 or IC 4-39-7-4.

38 **(d) The expenses of administering the fund shall be paid from**
39 **the fund.**

40 **(e) The treasurer of state shall invest the money in the fund not**
41 **currently needed to meet the obligations of the fund in the same**
42 **manner that other public money may be invested. Interest that**



1 accrues from these investments shall be deposited in the fund.

2 (f) Money in the fund at the end of a state fiscal year does not
3 revert to the state general fund.

4 (g) Money in the fund is continuously appropriated to the
5 commission for the purpose of administering this article.

6 Sec. 8. An interactive gaming licensee may offer no more than
7 three (3) individually branded interactive gaming skins. The
8 interactive gaming licensee may operate the platforms or contract
9 with up to three (3) interactive management service providers to
10 conduct interactive gaming in accordance with the rules of the
11 commission and this article.

12 Sec. 9. The primary server or servers for an interactive gaming
13 platform must be located within a facility that is secure and
14 inaccessible to the public. The primary server or servers may be
15 located anywhere in the United States that is in compliance with
16 federal law. The intermediate routing of electronic data in
17 connection with interactive gaming, including across state lines,
18 does not determine the location or locations in which a wager is
19 initiated, received, or otherwise made.

20 Sec. 10. An interactive gaming licensee, and any interactive
21 management service providers conducting interactive gaming
22 under an agreement with the interactive gaming licensee, may only
23 offer an interactive game that is an interactive based version or
24 substantial equivalent of a gambling game that the interactive
25 gaming licensee is authorized to offer at its riverboat under IC 4-33
26 or its racetrack under IC 4-35.

27 **Chapter 5. Interactive Gaming Platform Requirements**

28 Sec. 1. An interactive gaming operator may accept wagers on an
29 interactive gaming platform only if:

30 (1) the wager is placed directly with the interactive gaming
31 operator through an interactive wagering account; and

32 (2) the interactive gaming operator has verified that the
33 person placing the wager is:

34 (A) at least twenty-one (21) years of age;

35 (B) the holder of the interactive wagering account; and

36 (C) physically located within Indiana or a permissible
37 jurisdiction using technology meeting the requirements of
38 this chapter.

39 Sec. 2. (a) An interactive gaming platform must include age and
40 location verification mechanisms and requirements that are
41 designed to prevent an individual who is:

42 (1) less than twenty-one (21) years of age;



1 (2) not physically located within Indiana or a permissible
2 jurisdiction; or

3 (3) otherwise excluded from interactive gaming;
4 from establishing an interactive wagering account or from
5 engaging in interactive gaming under this article.

6 (b) The internal controls of an interactive gaming platform must
7 include mechanisms to do the following:

8 (1) Verify that an interactive gaming patron is at least
9 twenty-one (21) years of age.

10 (2) Ensure that wagering on interactive games is limited to
11 transactions that are initiated and received within Indiana or
12 a permissible jurisdiction.

13 (3) Verify that an interactive gaming patron is physically
14 located within Indiana or a permissible jurisdiction.

15 (c) The interactive gaming platform's age, location, and
16 eligibility detection mechanisms must monitor attempts to access
17 the system and must use commercially reasonable attempts to
18 block unauthorized attempts to access the system.

19 Sec. 3. An interactive gaming operator shall implement
20 appropriate data security standards to prevent unauthorized
21 access by any person whose identity has not been verified or cannot
22 be verified, in accordance with rules adopted by the commission.
23 The interactive gaming platform's identity verification mechanisms
24 must monitor attempts to access the system and must use
25 commercially reasonable attempts to block unauthorized attempts
26 to access the system by any person seeking access to a wagering
27 account held by another person.

28 Sec. 4. An interactive gaming operator shall implement
29 appropriate standards to protect the privacy and security of
30 participants to a reasonable degree of certainty. Interactive gaming
31 operators shall establish and offer participants the option to
32 protect their accounts with multifactor authentication or
33 authentication features such as personal identification numbers or
34 biometric data.

35 Sec. 5. An interactive gaming licensee shall establish internal
36 and accounting controls applicable to interactive gaming, and shall
37 ensure that the security and integrity of all financial transactions
38 in connection with interactive gaming shall comply with this article
39 and any rules promulgated by the commission.

40 Sec. 6. An interactive gaming licensee shall:

41 (1) collect, report, and pay all applicable taxes and fees; and

42 (2) maintain all books, records, and documents pertaining to



1 the licensee's interactive gaming operations in a manner and
2 at a location within Indiana approved by the commission.

3 **Sec. 7. All books, records, and documents concerning interactive**
4 **gaming must be available for inspection upon commercially**
5 **reasonable notice by the commission during ordinary business**
6 **hours in accordance with the commission's regulations, and must**
7 **be maintained in a manner and during periods of time as the**
8 **commission requires.**

9 **Chapter 6. Interactive Wagering Account Requirements**

10 **Sec. 1. A person who is less than twenty-one (21) years of age**
11 **may not wager under this article.**

12 **Sec. 2. (a) An eligible person may establish an interactive**
13 **wagering account:**

- 14 (1) in person at a riverboat or racetrack; or
15 (2) over the Internet without appearing in person.

16 **(b) An interactive gaming operator shall adopt reasonable**
17 **procedures to ensure that an eligible person establishes not more**
18 **than one (1) interactive wagering account with the interactive**
19 **gaming operator.**

20 **Sec. 3. An interactive gaming patron may deposit and withdraw**
21 **funds from the patron's interactive wagering account:**

- 22 (1) in person at a riverboat or racetrack;
23 (2) over the Internet through electronic means, including
24 through the use of:
25 (A) debit and credit cards;
26 (B) automated clearing house transfers; or
27 (C) wire transfers;
28 (3) through the use of deposits and withdrawals of cash or
29 gaming chips at cashiering locations approved by the
30 commission;
31 (4) through the use of reliable prepaid cards, cash
32 complimentary, promotional credits, or bonus credits; or
33 (5) through any other means approved by the commission.

34 **Sec. 4. An interactive gaming operator shall maintain within its**
35 **internal controls mechanisms and procedures for detecting**
36 **unauthorized access to interactive wagering accounts,**
37 **unauthorized attempts to access interactive wagering accounts, and**
38 **suspicious interactive wagering activity constituting cheating, theft,**
39 **embezzlement, collusion, money laundering, and other illegal**
40 **activity.**

41 **Chapter 7. Other License and Integrity Requirements**

42 **Sec. 1. A person may not obtain any of the following required**



1 for conducting business under this article unless the person meets
2 the suitability requirements determined by the commission:

- 3 (1) An interactive gaming license.
- 4 (2) An interactive management service provider license.
- 5 (3) A supplier's license.
- 6 (4) An occupational license.

7 Sec. 2. (a) A person may apply for an interactive gaming
8 management service provider license in the form required by the
9 commission. The commission may provide an abbreviated
10 application for a person that holds or has a pending application for
11 a management service provider license for sports wagering or
12 other types of gaming under Indiana law. To obtain an interactive
13 gaming management service provider license under this article, an
14 applicant must pay to the commission a license fee of one hundred
15 thousand dollars (\$100,000).

16 (b) An interactive management service provider license issued
17 under this section is valid for one (1) year and may be renewed
18 upon payment of a renewal fee of twenty-five thousand dollars
19 (\$25,000).

20 (c) The commission shall deposit fees received under this section
21 in the interactive gaming fund established by IC 4-39-4-7.

22 Sec. 3. (a) An interactive gaming platform and all technology
23 used to conduct interactive gaming must be:

- 24 (1) approved by the commission; and
- 25 (2) acquired by an interactive gaming operator from a person
26 holding a supplier's license or an interactive gaming
27 management service provider license.

28 (b) The commission shall determine whether other supplies and
29 equipment used to conduct sports wagering require an interactive
30 gaming licensee to acquire the supplies and equipment from a
31 person holding a supplier's license or an interactive gaming
32 management service provider license. The commission shall deposit
33 any license fees collected under this section in the interactive
34 gaming fund established by IC 4-39-4-7.

35 (c) IC 4-33-7 applies to the conduct of interactive gaming under
36 this article and the acquisition of the technology, equipment, and
37 supplies necessary to conduct interactive gaming.

38 Sec. 4. The commission shall determine the occupations related
39 to interactive gaming that require an occupational license.
40 IC 4-33-8 applies to the conduct of interactive gaming under this
41 article. The commission shall deposit any license fees collected
42 under this section in the interactive gaming fund established by



1 **IC 4-39-4-7.**

2 **Sec. 5. An interactive gaming operator shall conduct:**

- 3 (1) background checks on newly hired employees engaged in
4 activities related to the conducting of interactive gaming; and
5 (2) annual background checks on all existing employees
6 engaged in activities related to the conducting of interactive
7 gaming.

8 A background check conducted under this section must include a
9 search for criminal history and any charges or convictions
10 involving corruption, identity theft, the manipulation of sporting
11 events, and any association with organized crime.

12 **Sec. 6. The commission may require a background investigation**
13 **of any officer, director, or shareholder holding at least five percent**
14 **(5%) of the equity interests of an applicant for a license described**
15 **in this chapter. The commission may recover the actual costs of an**
16 **investigation conducted under this section from the applicant. The**
17 **commission may accept a background investigation conducted by**
18 **another state with licensing standards similar to those established**
19 **under this article and the rules of the commission.**

20 **Chapter 8. Responsible Interactive Gaming**

21 **Sec. 1. (a) The commission shall develop responsible interactive**
22 **gaming measures, including a statewide responsible gaming data**
23 **base identifying individuals who are prohibited from establishing**
24 **an interactive wagering account or participating in interactive**
25 **gaming offered by an interactive gaming operator. The commission**
26 **shall adopt rules for the establishment and maintenance of the**
27 **responsible gaming data base.**

28 **(b) The commission shall maintain the responsible gaming data**
29 **base in a confidential manner. Notwithstanding any law to the**
30 **contrary, an individual's self-exclusion election and the**
31 **information contained in the responsible gaming data base are**
32 **confidential for purposes of IC 5-14-3.**

33 **Sec. 2. (a) The commission shall adopt rules to establish and**
34 **implement a voluntary exclusion program for interactive gaming**
35 **under this article that meets the requirements of subsection (b).**

36 **(b) Rules adopted under subsection (a) must provide the**
37 **following:**

- 38 **(1) That, except as provided by rule of the commission, a**
39 **person who participates in the voluntary exclusion program**
40 **agrees to refrain from participating in interactive gaming**
41 **offered by any person authorized to conduct interactive**
42 **gaming by this article.**



- 1 (2) That the name of a person participating in the program
 2 will be included on a list of persons excluded from all
 3 interactive gaming platforms under the jurisdiction of the
 4 commission.
- 5 (3) That, except as provided by rule of the commission, a
 6 person who participates in the voluntary exclusion program
 7 may not petition the commission for permission to participate
 8 in interactive gaming on any interactive gaming platform
 9 under the jurisdiction of the commission.
- 10 (4) That the list of patrons entering the voluntary exclusion
 11 program and the personal information of the participants are
 12 confidential and may only be disseminated by the commission
 13 to an interactive gaming operator under the jurisdiction of the
 14 commission for purposes of enforcement and to other entities,
 15 upon request by the participant and agreement by the
 16 commission.
- 17 (5) That an interactive gaming operator under the jurisdiction
 18 of the commission shall make all reasonable attempts as
 19 determined by the commission to cease all direct marketing
 20 efforts to a person participating in the program.
- 21 (6) That an interactive gaming operator under the jurisdiction
 22 of the commission may not cash the check of a person
 23 participating in the program, deposit money in an interactive
 24 wagering account belonging to the person, or extend credit to
 25 the person in any manner. However, the voluntary exclusion
 26 program does not preclude an owner from seeking the
 27 payment of a debt accrued by a person before entering the
 28 program.
- 29 **Sec. 3. (a) The commission may authorize the ejection or**
 30 **exclusion of a person from an interactive gaming platform if:**
- 31 (1) the person's name is on the list of persons voluntarily
 32 excluding themselves from interactive gaming in a program
 33 established under the rules of the commission;
- 34 (2) the person violates this article; or
- 35 (3) the commission determines that the person's conduct or
 36 reputation is such that the person's presence on an interactive
 37 gaming platform may:
- 38 (A) call into question the honesty and integrity of the
 39 gambling operations; or
- 40 (B) interfere with the orderly conduct of the gambling
 41 operations.
- 42 (b) A person, other than a person participating in a voluntary



1 exclusion program, may petition the commission for a hearing on
2 the person's ejection or exclusion under this section.

3 **Sec. 4. Each interactive gaming platform must conspicuously**
4 **display the number of the toll free telephone line described in**
5 **IC 4-33-12-9 so that it is accessible to any person visiting or**
6 **initially logging into the interactive gaming platform and to**
7 **account holders who log onto the interactive gaming platform.**

8 **Sec. 5. (a) Each interactive gaming platform must include**
9 **mechanisms for temporary and permanent self-exclusion from**
10 **interactive gaming, including the following:**

11 (1) Termination of the interactive wagering account of an
12 interactive gaming patron.

13 (2) A deposit limit offered on a daily, weekly, and monthly
14 basis that allows an interactive gaming patron to specify the
15 maximum amount of money the patron can deposit into the
16 patron's interactive wagering account during the particular
17 time period.

18 (3) A spend limit offered on a daily, weekly, and monthly basis
19 that allows an interactive gaming patron to specify the
20 maximum amount of the deposits that the patron may put at
21 risk during the particular time period.

22 (b) Self-imposed wagering or deposit limits take effect
23 immediately. However, if an interactive gaming patron makes an
24 increase to a previously imposed limit, the increase does not take
25 effect until the expiration of the previously imposed limit per the
26 terms of the participant's original election.

27 (c) An interactive gaming licensee may not knowingly mail or
28 otherwise forward any gaming related promotional materials or
29 electronic mail to an interactive wagering account holder during
30 any period in which the account holder has elected to temporarily
31 or permanently suspend or terminate interactive gaming through
32 the account.

33 **Sec. 6. An individual holding an interactive wagering account**
34 **must continue to have access to the interactive wagering account**
35 **and the ability to withdraw funds, notwithstanding any temporary**
36 **or permanent suspension or limits placed upon the account under**
37 **this chapter.**

38 **Chapter 9. Interactive Gaming Tax**

39 **Sec. 1. An interactive gaming tax is imposed on the adjusted**
40 **gross receipts received from authorized interactive gaming offered**
41 **by an interactive gaming licensee under this article at a rate of**
42 **eighteen percent (18%).**



1 **Sec. 2. An interactive gaming licensee shall do the following:**

2 **(1) Remit the daily amount of interactive gaming taxes**
 3 **imposed under section 1 of this chapter to the department on**
 4 **the twenty-fourth calendar day of each month. Any taxes**
 5 **collected during the month but after the day on which the**
 6 **taxes are required to be paid must be paid to the department**
 7 **at the same time the following month's taxes are due.**

8 **(2) Report gaming activity information to the commission**
 9 **daily on forms prescribed by the commission.**

10 **Sec. 3. (a) As used in this section, "qualified wagering" refers to**
 11 **wagers made by patrons using noncashable vouchers, coupons,**
 12 **electronic credits, or electronic promotions provided by the**
 13 **interactive gaming licensee.**

14 **(b) Subject to subsection (c), an interactive gaming licensee may**
 15 **at any time during a state fiscal year deduct from the adjusted**
 16 **gross receipts reported by the interactive gaming licensee adjusted**
 17 **gross receipts attributable to qualified wagering. An interactive**
 18 **gaming licensee must take a deduction under this section on a form**
 19 **and in the manner prescribed by the department.**

20 **(c) For each state fiscal year, an interactive gaming licensee may**
 21 **not deduct more than ten million dollars (\$10,000,000) for the**
 22 **qualified wagering conducted with respect to each interactive**
 23 **gaming skin operated by the interactive gaming licensee under an**
 24 **agreement with an interactive gaming management service**
 25 **provider.**

26 **Sec. 4. (a) The department shall deposit the tax revenue**
 27 **collected under section 2 of this chapter as follows:**

28 **(1) Five-sixths (5/6) of the amount collected from each**
 29 **interactive gaming licensee in the state general fund.**

30 **(2) One-sixth (1/6) of the amount collected from each**
 31 **interactive gaming licensee in the revenue sharing account**
 32 **established under section 7 of this chapter.**

33 **(b) On July 15 of each year, the department shall transfer an**
 34 **amount equal to three and thirty-three hundredths percent**
 35 **(3.33%) of the tax revenue deposited into the state general fund**
 36 **under subsection (a)(1) in the previous state fiscal year to the**
 37 **addiction services fund established by IC 12-23-2-2.**

38 **(c) Twenty-five percent (25%) of the tax revenue transferred**
 39 **under subsection (b) must be allocated to:**

40 **(1) the prevention of;**

41 **(2) education regarding;**

42 **(3) provider credentialing of professionals engaged in the**



1 treatment and prevention of; and
 2 (4) the treatment of;
 3 compulsive gambling.

4 Sec. 5. The commission may suspend or revoke the interactive
 5 gaming license of an interactive gaming licensee that does not
 6 submit the payment or the tax return form within the required
 7 time.

8 Sec. 6. The payment of the tax under this chapter must be on a
 9 form and in a manner prescribed by the department.

10 Sec. 7. (a) As used in this section, "casino" refers to a riverboat
 11 operated under IC 4-33 or a gambling game facility operated
 12 under IC 4-35.

13 (b) The revenue sharing account is established within the state
 14 general fund. The auditor of state shall administer the fund.

15 (c) If an interactive gaming licensee operates more than one (1)
 16 casino in Indiana, the taxes paid under this chapter by the
 17 interactive gaming licensee must be attributed in equal amounts to
 18 each of the casinos operated by the interactive gaming licensee for
 19 purposes of making revenue sharing distributions under subsection
 20 (d).

21 (d) On July 15 of each year, the auditor of state shall distribute
 22 money deposited into the revenue sharing account in the previous
 23 state fiscal year as follows:

24 (1) For each interactive gaming licensee operating a casino
 25 located in a city, the auditor of state shall distribute the
 26 money deposited in the account attributable to taxes paid
 27 under this chapter by the interactive gaming licensee's casino
 28 as follows:

29 (A) Fifty percent (50%) to the city in which the interactive
 30 gaming licensee's casino is located.

31 (B) Fifty percent (50%) to the county in which the
 32 interactive gaming licensee's casino is located.

33 (2) For each interactive gaming licensee operating a casino
 34 that is not located in a city, the auditor of state shall distribute
 35 one hundred percent (100%) of the money deposited in the
 36 account attributable to taxes paid under this chapter by the
 37 interactive gaming licensee's casino to the county in which the
 38 casino is located.

39 Sec. 8. Money paid to a city or county under section 7 of this
 40 chapter:

41 (1) must be paid to the fiscal officer of the city or county and
 42 must be deposited in the city or county's general fund;



1 (2) may not be used to reduce the city or county's maximum
 2 levy under IC 6-1.1 but may be used at the discretion of the
 3 city or county to reduce the property tax levy of the city or
 4 county for a particular year;

5 (3) may be used for any purpose specified in this chapter or
 6 for any other legal or corporate purpose of the city or county,
 7 including the pledge of money to bonds, leases, or other
 8 obligations under IC 5-1-14-4; and

9 (4) is considered miscellaneous revenue.

10 **Chapter 10. Acceptance of Out-of-State Wagers**

11 **Sec. 1.** Notwithstanding any other provision of law to the
 12 contrary, wagers may be accepted under this article from persons
 13 who are not physically present in Indiana if the commission has
 14 determined that:

15 (1) accepting the wagers is not inconsistent with federal law or
 16 the law of the jurisdiction in which the person placing the
 17 wagers is located; or

18 (2) the wagering is conducted pursuant to a reciprocal
 19 agreement to which Indiana is a party that is not inconsistent
 20 with federal law.

21 **Chapter 11. Child Support**

22 **Sec. 1.** The bureau shall provide information to an interactive
 23 gaming licensee concerning persons who are delinquent in child
 24 support.

25 **Sec. 2.** Before disbursing a payout of six hundred dollars (\$600)
 26 or more, in winnings, from interactive gaming to a person who is
 27 delinquent in child support and who is claiming the winning
 28 interactive gaming wager, the interactive gaming licensee:

29 (1) may deduct and retain an administrative fee in the amount
 30 of the lesser of:

31 (A) three percent (3%) of the amount of delinquent child
 32 support withheld under subdivision (2)(A); or

33 (B) one hundred dollars (\$100); and

34 (2) shall:

35 (A) withhold the amount of delinquent child support owed
 36 from winnings;

37 (B) transmit to the bureau:

38 (i) the amount withheld for delinquent child support;
 39 and

40 (ii) identifying information, including the full name,
 41 address, and Social Security number of the obligor and
 42 the child support case identifier, the date and amount of



1 the payment, and the name of the interactive gaming
 2 licensee; and
 3 **(C) issue the obligor a receipt in a form prescribed by the**
 4 **bureau with the total amount withheld for delinquent child**
 5 **support and the administrative fee.**

6 **Sec. 3. (a) The bureau shall notify the obligor at the address**
 7 **provided by the interactive gaming licensee that the bureau intends**
 8 **to offset the obligor's delinquent child support with the winnings.**

9 **(b) The bureau shall hold the amount withheld from the**
 10 **winnings of an obligor for ten (10) business days before applying**
 11 **the amount as payment to the obligor's delinquent child support.**

12 **Sec. 4. The delinquent child support required to be withheld**
 13 **under this section and an administrative fee described under**
 14 **section 2(1) of this chapter have priority over any secured or**
 15 **unsecured claim on winnings except claims for federal or state**
 16 **taxes that are required to be withheld under federal or state law.**

17 **Sec. 5. IC 4-31-6-11, IC 4-33-8.5, and IC 4-35-6.7 apply, as**
 18 **appropriate, to persons licensed under this article for the conduct**
 19 **of interactive gaming.**

20 SECTION 25. IC 31-25-4-32, AS AMENDED BY P.L.150-2018,
 21 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 32. (a) When the Title IV-D agency finds that an
 23 obligor is delinquent, the Title IV-D agency shall send, to a verified
 24 address, a notice to the obligor that does the following:

- 25 (1) Specifies that the obligor is delinquent.
 26 (2) Describes the amount of child support that the obligor is in
 27 arrears.
 28 (3) States that unless the obligor:
 29 (A) pays the obligor's child support arrearage in full;
 30 (B) establishes a payment plan with the Title IV-D agency to
 31 pay the arrearage, which includes an income withholding
 32 order; or
 33 (C) requests a hearing under section 33 of this chapter;
 34 within twenty (20) days after the date the notice is mailed, the
 35 Title IV-D agency shall issue an order to the bureau of motor
 36 vehicles stating that the obligor is delinquent and that the
 37 obligor's driving privileges shall be suspended.
 38 (4) Explains that the obligor has twenty (20) days after the notice
 39 is mailed to do one (1) of the following:
 40 (A) Pay the obligor's child support arrearage in full.
 41 (B) Establish a payment plan with the Title IV-D agency to
 42 pay the arrearage, which includes an income withholding order



- 1 under IC 31-16-15-2 or IC 31-16-15-2.5.
 2 (C) Request a hearing under section 33 of this chapter.
 3 (5) Explains that if the obligor has not satisfied any of the
 4 requirements of subdivision (4) not later than twenty (20) days
 5 after the notice is mailed, that the Title IV-D agency shall issue a
 6 notice to:
 7 (A) the board or department that regulates the obligor's
 8 profession or occupation, if any, that the obligor is delinquent
 9 and that the obligor may be subject to sanctions under
 10 IC 25-1-1.2, including suspension or revocation of the
 11 obligor's professional or occupational license;
 12 (B) the supreme court disciplinary commission if the obligor
 13 is licensed to practice law;
 14 (C) the department of education established by IC 20-19-3-1
 15 if the obligor is a licensed teacher;
 16 (D) the Indiana horse racing commission if the obligor holds
 17 or applies for a license issued under IC 4-31-6;
 18 (E) the Indiana gaming commission if the obligor holds or
 19 applies for a license issued under IC 4-33, ~~and~~ IC 4-35,
 20 **IC 4-38, or IC 4-39;**
 21 (F) the commissioner of the department of insurance if the
 22 obligor holds or is an applicant for a license issued under
 23 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
 24 (G) the director of the department of natural resources if the
 25 obligor holds or is an applicant for a license issued by the
 26 department of natural resources under:
 27 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
 28 (ii) IC 14-22-14 (Lake Michigan commercial fishing
 29 license);
 30 (iii) IC 14-22-16 (bait dealer's license);
 31 (iv) IC 14-22-17 (mussel license);
 32 (v) IC 14-22-19 (fur buyer's license);
 33 (vi) IC 14-24-7 (nursery dealer's license); or
 34 (vii) IC 14-31-3 (ginseng dealer's license); or
 35 (H) the alcohol and tobacco commission if the obligor holds or
 36 applies for an employee's permit under IC 7.1-3-18-9(a)(3).
 37 (6) Explains that the only basis for contesting the issuance of an
 38 order under subdivision (3) or (5) is a mistake of fact.
 39 (7) Explains that an obligor may contest the Title IV-D agency's
 40 determination to issue an order under subdivision (3) or (5) by
 41 making written application to the Title IV-D agency not later than
 42 twenty (20) days after the date the notice is mailed.



- 1 (8) Explains the procedures to:
- 2 (A) pay the obligor's child support arrearage in full; and
- 3 (B) establish a payment plan with the Title IV-D agency to pay
- 4 the arrearage, which must include an income withholding
- 5 order under IC 31-16-15-2 or IC 31-16-15-2.5.
- 6 (b) Whenever the Title IV-D agency finds that an obligor is
- 7 delinquent and has failed to:
- 8 (1) pay the obligor's child support arrearage in full;
- 9 (2) establish a payment plan with the Title IV-D agency to pay the
- 10 arrearage, which includes an income withholding order under
- 11 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 12 (3) request a hearing under section 33 of this chapter not later
- 13 than twenty (20) days after the date the notice described in
- 14 subsection (a) is mailed;
- 15 the Title IV-D agency shall issue an order to the bureau of motor
- 16 vehicles stating that the obligor is delinquent.
- 17 (c) An order issued under subsection (b) must require the following:
- 18 (1) If the obligor who is the subject of the order holds a driving
- 19 license or permit on the date the order is issued, that the driving
- 20 privileges of the obligor be suspended until further order of the
- 21 Title IV-D agency.
- 22 (2) If the obligor who is the subject of the order does not hold a
- 23 driving license or permit on the date the order is issued, that the
- 24 bureau of motor vehicles may not issue a driving license or permit
- 25 to the obligor until the bureau of motor vehicles receives a further
- 26 order from the Title IV-D agency.
- 27 (d) The Title IV-D agency shall provide the:
- 28 (1) full name;
- 29 (2) date of birth;
- 30 (3) verified address; and
- 31 (4) Social Security number or driving license number;
- 32 of the obligor to the bureau of motor vehicles.
- 33 (e) Whenever the Title IV-D agency finds that an obligor who is an
- 34 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
- 35 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
- 36 to:
- 37 (1) pay the obligor's child support arrearage in full;
- 38 (2) establish a payment plan with the Title IV-D agency to pay the
- 39 arrearage, which includes an income withholding order under
- 40 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 41 (3) request a hearing under section 33 of this chapter;
- 42 the Title IV-D agency shall issue an order to the board regulating the



1 practice of the obligor's profession or occupation stating that the
2 obligor is delinquent.

3 (f) An order issued under subsection (e) must direct the board or
4 department regulating the obligor's profession or occupation to impose
5 the appropriate sanctions described under IC 25-1-1.2.

6 (g) Whenever the Title IV-D agency finds that an obligor who is an
7 attorney or a licensed teacher is delinquent and the attorney or licensed
8 teacher has failed to:

9 (1) pay the obligor's child support arrearage in full;

10 (2) establish a payment plan with the Title IV-D agency to pay the
11 arrearage, which includes an income withholding order under
12 IC 31-16-15-2 or IC 31-16-15-2.5; or

13 (3) request a hearing under section 33 of this chapter;

14 the Title IV-D agency shall notify the supreme court disciplinary
15 commission if the obligor is an attorney, or the department of education
16 if the obligor is a licensed teacher, that the obligor is delinquent.

17 (h) Whenever the Title IV-D agency finds that an obligor who holds
18 a license issued under IC 4-31-6, IC 4-33, ~~or~~ IC 4-35, **IC 4-38, or**
19 **IC 4-39** has failed to:

20 (1) pay the obligor's child support arrearage in full;

21 (2) establish a payment plan with the Title IV-D agency to pay the
22 arrearage, which includes an income withholding order under
23 IC 31-16-15-2 or IC 31-16-15-2.5; or

24 (3) request a hearing under section 33 of this chapter;

25 the Title IV-D agency shall issue an order to the Indiana horse racing
26 commission if the obligor holds a license issued under IC 4-31-6, or to
27 the Indiana gaming commission if the obligor holds a license issued
28 under IC 4-33, ~~or~~ IC 4-35, **IC 4-38, or IC 4-39** stating that the obligor
29 is delinquent and directing the commission to impose the appropriate
30 sanctions described in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

31 (i) Whenever the Title IV-D agency finds that an obligor who holds
32 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
33 failed to:

34 (1) pay the obligor's child support arrearage in full;

35 (2) establish a payment plan with the Title IV-D agency to pay the
36 arrearage, which includes an income withholding order under
37 IC 31-16-15-2 or IC 31-16-15-2.5; or

38 (3) request a hearing under section 33 of this chapter;

39 the Title IV-D agency shall issue an order to the commissioner of the
40 department of insurance stating that the obligor is delinquent and
41 directing the commissioner to impose the appropriate sanctions
42 described in IC 27-1-15.6-29 or IC 27-10-3-20.



1 (j) Whenever the Title IV-D agency finds that an obligor who holds
 2 a license issued by the department of natural resources under
 3 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
 4 IC 14-24-7, or IC 14-31-3 has failed to:

- 5 (1) pay the obligor's child support arrearage in full;
- 6 (2) establish a payment plan with the Title IV-D agency to pay the
 7 arrearage, which includes an income withholding order under
 8 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 9 (3) request a hearing under section 33 of this chapter;

10 the Title IV-D agency shall issue an order to the director of the
 11 department of natural resources stating that the obligor is delinquent
 12 and directing the director to suspend or revoke a license issued to the
 13 obligor by the department of natural resources as provided in
 14 IC 14-11-3.

15 (k) If the Title IV-D agency finds that an obligor who holds an
 16 employee's permit issued under IC 7.1-3-18-9(a)(3) has failed to:

- 17 (1) pay the obligor's child support arrearage in full;
- 18 (2) establish a payment plan with the Title IV-D agency to pay the
 19 arrearage, which includes an income withholding order under
 20 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 21 (3) request a hearing under section 33 of this chapter;

22 the Title IV-D agency shall issue an order to the alcohol and tobacco
 23 commission stating that the obligor is delinquent and directing the
 24 alcohol and tobacco commission to impose the appropriate sanctions
 25 under IC 7.1-3-23-44.

26 (l) A person's most recent address on file with the bureau constitutes
 27 a verified address for purposes of this section.

28 (m) When an obligor who was the subject of an order issued by the
 29 Title IV-D agency under subsection (b), (e), (g), (h), (i), (j), or (k) has:

- 30 (1) paid the obligor's child support arrearage in full; or
- 31 (2) established a payment plan with the Title IV-D agency to pay
 32 the arrearage, which includes an income withholding order under
 33 IC 31-16-15-2 or IC 31-16-15-2.5;

34 the Title IV-D agency shall provide notice to the appropriate entity
 35 under subsection (b), (e), (g), (h), (i), (j), or (k) that the obligor has
 36 addressed the delinquency.

37 SECTION 26. IC 31-25-4-34, AS AMENDED BY P.L.150-2018,
 38 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2022]: Sec. 34. (a) As used in this section, "board" has the
 40 meaning set forth in IC 25-1-1.2-2.

41 (b) If an obligor holds a license issued by a board and requests a
 42 hearing under section 33 of this chapter but fails to appear or appears



1 and is found to be delinquent, the Title IV-D agency shall issue an
2 order to the board that issued the obligor's license:

- 3 (1) stating that the obligor is delinquent; and
4 (2) requiring the board to comply with the actions required under
5 IC 25-1-1.2-8.

6 (c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, ~~or~~
7 IC 4-35, **IC 4-38, or IC 4-39** and requests a hearing under section 33
8 of this chapter but fails to appear or appears and is found to be
9 delinquent, the Title IV-D agency shall issue an order to the:

- 10 (1) Indiana horse racing commission, if the obligor holds a license
11 issued under IC 4-31-6; or
12 (2) Indiana gaming commission, if the obligor holds a license
13 issued under IC 4-33, ~~or~~ IC 4-35, **IC 4-38, or IC 4-39**;

14 stating that the obligor is delinquent and requiring the commission to
15 comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or
16 IC 4-35-6.7-2.

17 (d) If an obligor holds a license issued under IC 27-1-15.6,
18 IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of
19 this chapter but fails to appear or appears and is found to be delinquent,
20 the Title IV-D agency shall issue an order to the commissioner of the
21 department of insurance:

- 22 (1) stating that the obligor is delinquent; and
23 (2) requiring the commissioner to comply with the actions
24 required under IC 27-1-15.6-29 or IC 27-10-3-20.

25 (e) If an obligor holds a license issued by the department of natural
26 resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17,
27 IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under
28 section 33 of this chapter but fails to appear, or appears and is found to
29 be delinquent, the Title IV-D agency shall issue an order to the director
30 of the department of natural resources:

- 31 (1) stating that the obligor is delinquent; and
32 (2) requiring the director to suspend or revoke a license issued by
33 the department as provided in IC 14-11-3.

34 (f) If an obligor:

- 35 (1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3);
36 and
37 (2) requests a hearing under section 33 of this chapter but fails to
38 appear or appears and is found to be delinquent;

39 the Title IV-D agency shall issue an order to the alcohol and tobacco
40 commission stating that the obligor is delinquent and requiring the
41 commission to impose the appropriate sanctions under IC 7.1-3-23-44.

42 (g) When an obligor who was the subject of an order issued by the



1 Title IV-D agency under subsection (b), (c), (d), (e), or (f) has:
2 (1) paid the obligor's child support arrearage in full; or
3 (2) established a payment plan with the Title IV-D agency to pay
4 the arrearage, which includes an income withholding order under
5 IC 31-16-15-2 or IC 31-16-15-2.5;
6 the Title IV-D agency shall provide notice to the appropriate entity
7 under subsection (b), (c), (d), (e), or (f) that the obligor has addressed
8 the delinquency.
9 SECTION 27. IC 35-45-5-15 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2022]: **Sec. 15. This chapter does not apply**
12 **to interactive gaming conducted under IC 4-39.**

