

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0250.01 Richard Sweetman x4333

**HOUSE BILL 23-1041**

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**HOUSE SPONSORSHIP**

**Duran and Lynch,**

**SENATE SPONSORSHIP**

**Ginal and Simpson,**

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**House Committees**

Business Affairs & Labor  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A PROHIBITION AGAINST WAGERING ON RACES OF**  
102                    **GREYHOUNDS THAT ARE SIMULCAST FROM OUT-OF-STATE**  
103                    **TRACKS AT WHICH THE RACES ARE CONDUCTED.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law prohibits racing of greyhounds in Colorado; however, it is legal to wager on greyhound races that are conducted at out-of-state race tracks and simulcast for viewing in off-track betting venues in Colorado. The bill makes it unlawful in Colorado to wager on any race of greyhounds that is conducted at, and simulcast from, a track that is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

outside of Colorado.

The bill also makes conforming amendments.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 44-32-102, **amend**  
3 (15), (18), and (22); and **repeal** (5) as follows:

4 **44-32-102. Definitions - rules.** As used in this article 32, unless  
5 the context otherwise requires:

6 (5) "~~Cross simulcasting~~" means the receipt of a simulcast race of  
7 ~~greyhounds at an out-of-state host track by a simulcast facility that is~~  
8 ~~located on the premises of a track that is licensed to race horses.~~

9 (15) "Out-of-state host track" means a track, located within a state  
10 other than Colorado, that is licensed or otherwise properly authorized  
11 under the laws of the state to conduct live races of horses ~~or greyhounds~~  
12 and to broadcast the races as simulcast races and that broadcasts the  
13 simulcast races to an in-state simulcast facility.

14 (18) "Pari-mutuel wagering" means a form of wagering on the  
15 outcome of horse ~~and greyhound~~ races in which those who wager  
16 purchase tickets of various denominations on one or more horses ~~or~~  
17 ~~greyhounds~~ from one or more pools and all like wagers from each race  
18 are pooled and the winning ticket holders are paid prizes from the pool in  
19 amounts proportional to the total receipts in the pool minus deductions  
20 authorized by statute.

21 (22) "Simulcast race" means a live, audio-visual broadcast THAT  
22 IS:

23 (a) Transmitted simultaneously with either:

24 (I) The performance of a live race of horses ~~or greyhounds~~ by an  
25 out-of-state host track; or

1 (II) The performance of a live race of horses by an in-state host  
2 track; AND

3 (b) ~~that is~~ Received by a simulcast facility.

4 **SECTION 2.** In Colorado Revised Statutes, 44-32-202, **amend**  
5 (4)(a)(I) as follows:

6 **44-32-202. Director - qualifications - powers and duties - rules.**

7 (4) If so directed by the commission, the director may, on behalf of this  
8 state:

9 (a) Negotiate, enter into, and participate in one or more interstate  
10 compacts that enable party states to act jointly and cooperatively to create  
11 more uniform, effective, and efficient practices, programs, and rules  
12 relating to:

13 (I) Live horse ~~and greyhound~~ racing; and

14 **SECTION 3.** In Colorado Revised Statutes, **amend** 44-32-514 as  
15 follows:

16 **44-32-514. Payments of winnings - intercept.** Before making a  
17 payment of cash winnings from pari-mutuel wagering on horse ~~or~~  
18 ~~greyhound~~ racing for which the licensee is required to file form W-2G,  
19 or a substantially equivalent form, with the United States internal revenue  
20 service, the licensee shall comply with the requirements of article 33 of  
21 this title 44.

22 **SECTION 4.** In Colorado Revised Statutes, 44-32-602, **amend**  
23 (1) and (5); and **repeal** (2) and (4)(a) as follows:

24 **44-32-602. Simulcast facilities and simulcast races - unlawful**  
25 **act - repeal.** (1) It is unlawful for any person to accept or place wagers  
26 on any simulcast race within the state of Colorado except under the  
27 provisions of this article 32. It is lawful to conduct pari-mutuel wagering

1 on simulcast races of horses or greyhounds that are received by an in-state  
2 simulcast facility authorized and operated pursuant to this article 32.

3 ~~(2) Cross simulcasting between an in-state host track or an~~  
4 ~~out-of-state host track and an in-state simulcast facility, or between an~~  
5 ~~in-state host track and an out-of-state simulcast facility, is permissible.~~

6 ~~(4) (a) (f) An in-state simulcast facility may, subject to the~~  
7 ~~commission's approval, receive the broadcast signal of greyhounds from~~  
8 ~~an out-of-state host track and conduct pari-mutuel wagering on the signal~~  
9 ~~through an in-state simulcast facility located on the premises of a class B~~  
10 ~~track that has conducted, or is scheduled to conduct during the next~~  
11 ~~twelve months, a live race meet of horses of at least the duration required~~  
12 ~~for a class B track.~~

13 ~~(H) The specified portions of the gross receipts from pari-mutuel~~  
14 ~~wagers placed at an in-state simulcast facility on simulcast greyhound~~  
15 ~~races being held on out-of-state host tracks from signals received through~~  
16 ~~a class B track shall be distributed in accordance with section 44-32-701~~  
17 ~~(2).~~

18 (5) An in-state simulcast facility having a written simulcast racing  
19 agreement with an in-state or out-of-state host track pursuant to section  
20 44-32-503 (2) may receive simulcast races, as specified in subsections (2)  
21 to (4) SUBSECTION (4)(b) of this section, on any day, including a day not  
22 within the race meet of the in-state simulcast facility that is also a track  
23 and a day on which no live race is conducted within the race meet of the  
24 in-state simulcast facility that is also a track.

25 **SECTION 5.** In Colorado Revised Statutes, **amend** 44-32-604 as  
26 follows:

27 **44-32-604. Greyhound racing prohibited.** (1) No live

1 greyhound racing involving the betting or wagering on the speed or  
2 ability of the greyhounds racing shall be conducted in Colorado. The  
3 commission shall not accept or approve an application or request for race  
4 dates for live greyhound racing in Colorado.

5 (2) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE 32 OR  
6 ANY OTHER GENERAL OR SPECIFIC LAW TO THE CONTRARY, IT IS UNLAWFUL  
7 IN COLORADO TO WAGER ON ANY RACE OF GREYHOUNDS THAT IS  
8 CONDUCTED AT, AND SIMULCAST FROM, A TRACK THAT IS OUTSIDE OF  
9 COLORADO.

10 **SECTION 6.** In Colorado Revised Statutes, 44-32-701, **amend**  
11 (2)(a), (2)(b), and (2)(c)(I); and **repeal** (1) as follows:

12 **44-32-701. License fees and Colorado-bred horse race**  
13 **requirement - rules - repeal.** (1) ~~Subject to section 44-32-702 (1), for~~  
14 ~~the privilege of conducting racing under a license issued under and of~~  
15 ~~operating an in-state simulcast facility pursuant to this article 32, a~~  
16 ~~licensee for the racing of greyhounds and an operator of an in-state~~  
17 ~~simulcast facility that receives simulcast races of greyhounds shall pay to~~  
18 ~~the department through the division four and one-half percent of the gross~~  
19 ~~receipts derived from pari-mutuel wagering during any such race meet or~~  
20 ~~placed on the simulcast races that are received through a live greyhound~~  
21 ~~track.~~

22 (2) (a) (I) For the privilege of conducting racing under a license  
23 issued under, and of operating an in-state simulcast facility pursuant to,  
24 this article 32, a licensee for the racing of horses and an operator of an  
25 in-state simulcast facility that receives simulcast races of horses ~~or~~  
26 ~~greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall  
27 pay to the department through the division three-fourths of one percent

1 of the gross receipts of the pari-mutuel wagering at any race meet or  
2 placed on the simulcast races; except that a licensee for the racing of  
3 horses at a class B track race meet shall pay to the department through the  
4 division three-fourths of one percent of the gross receipts of the  
5 pari-mutuel wagering at any such race meet.

6 (I.5) (A) OF THE MONEY THAT IS PAID TO THE DEPARTMENT BY  
7 LICENSEES PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION, ON  
8 JANUARY 1, 2024, THE DEPARTMENT SHALL DEPOSIT TWENTY-FIVE  
9 THOUSAND DOLLARS INTO A TRUST ACCOUNT FOR DISTRIBUTION TO  
10 GREYHOUND WELFARE AND ADOPTION ORGANIZATIONS IN ACCORDANCE  
11 WITH RULES PROMULGATED BY THE COMMISSION. ON EACH JANUARY 1  
12 THEREAFTER, THE DEPARTMENT SHALL DEPOSIT FIFTY THOUSAND DOLLARS  
13 INTO THE TRUST ACCOUNT. THE DEPARTMENT MAY NOT CONDITION  
14 DISTRIBUTIONS FROM THE TRUST ACCOUNT ON WHETHER A GREYHOUND  
15 WELFARE AND ADOPTION ORGANIZATION SUPPORTS OR OPPOSES  
16 GREYHOUND RACING.

17 (B) THIS SUBSECTION (2)(a)(I.5) IS REPEALED, EFFECTIVE AUGUST  
18 1, 2026.

19 (II) (A) ~~Except as otherwise provided in subsection (2)(a)(II)(B)~~  
20 ~~of this section,~~ In addition to the amount paid to the department through  
21 the division in subsection (2)(a)(I) of this section, a licensee for the racing  
22 of horses and an operator of an in-state simulcast facility that receives  
23 simulcast races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602~~  
24 ~~(4)(a)(I)~~ 44-32-602 (4)(b) shall pay to Colorado state university for  
25 allocation to its school of veterinary medicine one-fourth of one percent  
26 of the gross receipts of all pari-mutuel wagering, except on win, place, or  
27 show, at the horse race meet or placed on the simulcast races, to be used

1 for racing-related equine research. To receive research funding under this  
2 subsection (2)(a)(II), an institution or individual must describe and report  
3 to the commission on all projects upon completion.

4 (B) ~~In the case of pari-mutuel wagers on greyhound simulcast~~  
5 ~~signals received by a class B track, in lieu of the amounts otherwise~~  
6 ~~payable to Colorado state university pursuant to subsection (2)(a)(II)(A)~~  
7 ~~of this section, the licensee shall instead pay an equivalent amount into a~~  
8 ~~trust account for distribution in accordance with rules of the commission~~  
9 ~~under section 44-32-702 (1)(e)(I).~~

10 (b) In addition to any money to be paid pursuant to subsection  
11 (2)(a) of this section, a licensee for the racing of horses and an operator  
12 of an in-state simulcast facility that receives simulcast races of horses ~~or~~  
13 ~~greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall  
14 pay to a trust account one-half of one percent of the gross receipts of  
15 pari-mutuel wagering on win, place, and show and one and one-half  
16 percent of the gross receipts from all other pari-mutuel wagering at any  
17 such race meet or placed on the simulcast races for the horse breeders'  
18 and owners' awards and supplemental purse fund established in section  
19 44-32-705.

20 (c) (I) The operator of a simulcast facility that receives simulcast  
21 races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~  
22 44-32-602 (4)(b) shall retain five percent of the gross receipts of  
23 pari-mutuel wagering placed on the simulcast races at that facility, to be  
24 used to cover the particular expenses incurred in operating a simulcast  
25 facility.

26 **SECTION 7.** In Colorado Revised Statutes, 44-32-702, **amend**  
27 (1)(b)(I), (1)(e)(I), (1)(h)(III), and (4) introductory portion; and **repeal**

1 (1)(h)(II) and (1)(i) as follows:

2 **44-32-702. Unlawful to wager - exception - excess - taxes -**  
3 **special provisions for simulcast races - rules.** (1) (b) (I) Except as  
4 otherwise provided in subsection (4) of this section, it is unlawful for a  
5 racing or simulcast facility licensee for the racing of ~~greyhounds or~~ horses  
6 to take more than the percentage of the gross receipts authorized by the  
7 commission pursuant to subsection (1)(b)(II) of this section of any  
8 pari-mutuel wagering on the races or simulcast races.

9 (e) (I) Each operator of an in-state simulcast facility that receives  
10 simulcast races of horses from either an in-state host track or an  
11 out-of-state host track ~~or of greyhounds from an out-of-state host track,~~  
12 shall pay to purse funds for the racing of horses and to the in-state or  
13 out-of-state tracks and simulcast facilities described in the simulcast  
14 agreement filed with the commission, the percentages of the gross  
15 pari-mutuel wagering on the simulcast races, after deduction of a signal  
16 fee required by an out-of-state host track or an in-state host track, paid  
17 during the current year or a previous year, and the applicable amounts  
18 specified in subsection (2)(b) of this section and in sections ~~44-32-701 (1)~~  
19 ~~and (2)~~ 44-32-701 (2) and 44-32-705 (2), as specified in the simulcast  
20 agreement. ~~In the case of pari-mutuel wagers on greyhound simulcast~~  
21 ~~signals received by a class B track from an out-of-state host track, the~~  
22 ~~operator shall deposit the amounts payable pursuant to section 44-32-701~~  
23 ~~(2)(a)(II)(B) into a trust account for distribution, in accordance with rules~~  
24 ~~of the commission, to greyhound welfare and adoption organizations.~~

25 (h) (II) ~~The breakage at any greyhound race meet shall be retained~~  
26 ~~by the licensee under whose license the greyhound race meet was held.~~

27 (III) Except as otherwise provided in subsection (1)(h)(IV) or (4)



1 of this section, the breakage on any simulcast race of horses ~~or~~  
2 ~~greyhounds~~ received by an in-state simulcast facility shall be retained by  
3 the operator of the in-state simulcast facility.

4 (i) ~~An operator of an in-state simulcast facility shall retain the~~  
5 ~~proceeds derived from all unclaimed pari-mutuel tickets for each~~  
6 ~~simulcast race of greyhounds received for a race held at an out-of-state~~  
7 ~~host track and, after a period of one year following the simulcast race, the~~  
8 ~~proceeds revert and belong to the operator.~~

9 (4) Pursuant to a valid simulcasting agreement, an operator of an  
10 in-state simulcast facility that receives simulcast signals of horse ~~or~~  
11 ~~greyhound~~ races held in another state may:

12 **SECTION 8.** In Colorado Revised Statutes, 44-32-704, **amend**  
13 (1) and (2)(a) as follows:

14 **44-32-704. Limitations on pari-mutuel wagering.** (1) Wagers  
15 on pari-mutuel horse ~~or greyhound~~ races conducted in or out of this state  
16 may ~~only~~ be placed ONLY upon the premises of a racetrack or an in-state  
17 simulcast facility licensed by the commission or the out-of-state racetrack  
18 or simulcast facility as authorized by the commission. No wagering or  
19 betting on the results of any of the races licensed under this article 32  
20 shall be conducted outside a licensed or approved racetrack or simulcast  
21 facility.

22 (2) (a) No person or agent or employee of any person shall place,  
23 receive, offer, or agree to place or receive a wager on a pari-mutuel horse  
24 ~~or greyhound~~ race, conducted in or broadcast in this state, by messenger,  
25 telephone, telegraph, facsimile machine, or other electronic device;  
26 except that this subsection (2) shall not apply to associations or simulcast  
27 facilities licensed by the commission. Nothing in this section shall be

1 construed to prohibit gambling as provided in section 18-10-102 (2)(d).

2 **SECTION 9.** In Colorado Revised Statutes, 26-13-118.7, **amend**  
3 **as it will become effective July 1, 2023,** (2) as follows:

4 **26-13-118.7. Gambling winnings - interception - rules.**

5 (2) Upon receipt from the registry operator of a payment and  
6 accompanying information pursuant to section 44-33-105 (2)(b), the state  
7 department, through the casino, sports betting operator, internet sports  
8 betting operator, racetrack, or off-track betting facility, shall notify the  
9 obligated parent in writing that the state intends to offset the parent's child  
10 support debt, child support arrearages, or child support costs against the  
11 parent's winnings from limited gaming, from sports betting, or from  
12 pari-mutuel wagering on horse ~~or greyhound~~ racing. The notice must  
13 include information concerning the parent's right to object to the offset  
14 and to request an administrative review pursuant to the rules of the state  
15 board.

16 **SECTION 10.** In Colorado Revised Statutes, 44-33-103, **amend**  
17 **as it will become effective July 1, 2023,** (3) as follows:

18 **44-33-103. Definitions.** As used in this article 33, unless the  
19 context otherwise requires:

20 (3) "Payment" means cash winnings from limited gaming, from  
21 sports betting, or from pari-mutuel wagering on horse ~~or greyhound~~  
22 racing payable by a licensee for which the licensee is required to file form  
23 W-2G, or a substantially equivalent form, with the United States internal  
24 revenue service.

25 **SECTION 11. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect **January 1, 2024;** **■ ■** except  
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this  
2 act within the ninety-day period after final adjournment of the general  
3 assembly, then the act, item, section, or part will not take effect unless  
4 approved by the people at the general election to be held in November  
5 2024 and, in such case, will take effect on the date of the official  
6 declaration of the vote thereon by the governor.

7 (2) This act applies to conduct occurring on or after the applicable  
8 effective date of this act.