

230.210 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Advance deposit account wagering" means a form of pari-mutuel wagering in which an individual may establish an account with a person or entity licensed by the corporation, and may place a pari-mutuel wager through that account that is permitted by law;
- (2) "Advance deposit account wagering licensee" means a person or entity licensed by the corporation to conduct advance deposit account wagering and accept deposits and wagers, issue a receipt or other confirmation to the account holder evidencing such deposits and wagers, and transfer credits and debits to and from accounts;
- (3) "Amateur youth sporting event" means any sporting event in which an individual:
 - (a) Shall be less than eighteen (18) years of age to participate; and
 - (b) Is prohibited, as a condition of participating in the sporting event, from receiving direct or indirect compensation for the use of the individual's athletic skill in any manner with respect to the sport in which the particular sporting event is conducted;
- (4) "Appaloosa race" or "Appaloosa racing" means that form of horse racing in which each horse participating in the race is registered with the Appaloosa Horse Club of Moscow, Idaho, and is mounted by a jockey;
- (5) "Arabian" means a horse that is registered with the Arabian Horse Registry of Denver, Colorado;
- (6) "Association" means any person licensed by the Kentucky Horse Racing and Gaming Corporation under KRS 230.300 and engaged in the conduct of a recognized horse race meeting;
- (7) "Athlete":
 - (a) Means a professional or amateur competitor in a real-world lawful sporting event or an organized video game competition that is:
 1. Regulated by a sports governing body; and
 2. Held between participants who compete individually or as a team; and
 - (b) Includes equine competitors;
- (8) "Charitable gaming" means gaming licensed by the corporation on and after July 1, 2025, as authorized under this chapter and KRS Chapter 238;
- (9) "Corporation" means the Kentucky Horse Racing and Gaming Corporation;
- (10) "Event contract":
 - (a) Means an agreement, contract, transaction, or swap in an excluded commodity based on the occurrence, extent of an occurrence, or contingency, other than a change in the price, rate, value, or levels of a commodity described in 7 U.S.C. sec. 1a(19)(i), as amended; and
 - (b) Does not include:
 1. Any contract of sale of a commodity for future delivery, i.e., futures, or any option on such a contract, i.e., options on futures, executed on or subject to the rules of a designated contract market; or

2. Any swap or derivative based on:
 - a. An agricultural commodity;
 - b. An exempt commodity; or
 - c. Any excluded commodity not subject to paragraph (a) of this subsection;as such terms are used and defined in the Commodity Exchange Act, 7 U.S.C. sec. 1a;
- (11) "Fantasy contest entry fee" means the cash or cash equivalent that is required to be paid by a fantasy contest participant in advance to a fantasy contest service provider in order to participate in a fantasy contest;
- (12) "Fantasy contest":
 - (a) Means any online fantasy or simulated game or contest that meets the following conditions:
 1.
 - a. There are no fewer than two (2) fantasy contest participants.
 - b.
 - i. All fantasy contest participants are natural persons; and
 - ii. A fantasy contest service provider shall not be construed to be a participant;
 2.
 - a. The values of all prizes offered to winning fantasy contest participants are established and made known to fantasy contest participants in advance of the contest.
 - b. Multiple winning participants may share a prize.
 - c. Prizes may consist of fixed amounts, tiered payouts, or other conditional bonus payouts, provided that all prize structures are disclosed in advance by the fantasy contest service provider;
 3. All winning outcomes reflect the relative knowledge and skill of the fantasy contest participant and are determined predominantly by the accumulated statistical performance or finishing position of multiple athletes across one (1) or more real-world sporting events;
 4. Fantasy contest participants assemble a fictional entry or roster of actual athletes and exercise management or selection control over the roster;
 5. Fantasy contest participants compete for prizes awarded by a fantasy contest service provider based on terms and conditions published by the fantasy contest service provider and made known to the fantasy contest participant in advance of the contest;
 6. Winning outcomes are determined by clearly established scoring criteria based on one (1) or more statistical results of the performance of an individual athlete, including but not limited to a fantasy score;
 7. A winning outcome is not based:
 - a. On the score, point spread, or outcome of a single real-world team or combination of teams; or
 - b. Solely on any single performance of an individual athlete or participant in any single actual event; and

8. The game or contest does not violate any provision of federal law;
- (b) Includes contests in which fantasy contest participants compete against each other; and
- (c) Does not include any fantasy contest:
 1. Without a fantasy contest entry fee; or
 2. Betting against the fantasy contest service provider;
- (13) "Fantasy contest service provider":
 - (a) Means a person or entity that offers fantasy contests to the general public; and
 - (b) Does not include an internet service provider or a provider of mobile data services merely as a result of that provider's transporting of general traffic that may include a fantasy contest;
- (14) "Fantasy contest participant" means any individual physically present in the Commonwealth who participates in a fantasy contest offered by a fantasy contest service provider;
- (15) "Fixed-odds wagering" means a form of betting in which the payout odds are set and agreed upon at the time the wager is placed and those odds do not change, regardless of subsequent market movement or betting activity, except that the bookmaker may apply Tattersalls rules to ensure fair settlement;
- (16) "Geofence" means a virtual geographic boundary defined by Global Positioning System (GPS) or Radio Frequency Identification (RFID) technology;
- (17) "Harness race" or "harness racing" means trotting and pacing races of the standardbred horses;
- (18) "Horse race meeting" means horse racing run at an association licensed and regulated by the Kentucky Horse Racing and Gaming Corporation, and may include Thoroughbred, harness, Appaloosa, Arabian, paint, and quarter horse racing;
- (19) "Host track" means the track conducting racing and offering its racing for intertrack wagering, or, in the case of interstate wagering, means the Kentucky track conducting racing and offering simulcasts of races conducted in other states or foreign countries;
- (20) "Interstate wagering" means pari-mutuel wagering on simulcast horse races from a track located in another state or foreign country by patrons at a receiving track or simulcast facility;
- (21) "Intertrack wagering" means pari-mutuel wagering on simulcast horse races from a host track by patrons at a receiving track;
- (22) "Kentucky paint horse, Appaloosa, and Arabian purse fund" means a purse fund established to receive funds as specified in KRS 230.3771 for purse programs established in KRS 230.446 to supplement purses for paint horse, Appaloosa, and Arabian horse races. The purse program shall be administered by the Kentucky Horse Racing and Gaming Corporation;
- (23) "Kentucky quarter horse purse fund" means a purse fund established to receive funds as specified in KRS 230.3771 for purse programs established in KRS 230.407 to supplement purses for quarter horse races. The purse program shall be administered by the Kentucky Horse Racing and Gaming Corporation;

- (24) "Kentucky resident" means:
- (a) An individual domiciled within this state;
 - (b) An individual who maintains a place of abode in this state and spends, in the aggregate, more than one hundred eighty-three (183) days of the calendar year in this state; or
 - (c) An individual who lists a Kentucky address as his or her principal place of residence when applying for an account to participate in advance deposit account wagering;
- (25) "Licensed facility for sports wagering" means the designated areas to conduct sports wagering for a track licensed to conduct sports wagering pursuant to KRS 230.811;
- (26) "Licensed premises" means a track or simulcast facility licensed by the corporation under this chapter;
- (27) "Paint horse" means a horse registered with the American Paint Horse Association of Fort Worth, Texas;
- (28) "Pari-mutuel wagering," "pari-mutuel system of wagering," or "mutuel wagering" each means any method of wagering previously or hereafter approved by the corporation in which one (1) or more patrons wager on a horse race or races, whether live, simulcast, or previously run. Wagers shall be placed in one (1) or more wagering pools, and wagers on different races or sets of races may be pooled together. Patrons may establish odds or payouts, and winning patrons share in amounts wagered including any carryover amounts, plus any amounts provided by an association less any deductions required, as approved by the corporation and permitted by law. Pools may be paid out incrementally over time as approved by the corporation;
- (29) "Person" means an individual, sole proprietorship, partnership, association, fiduciary, corporation, limited liability company, or any other business entity;
- (30) "Prediction market":
- (a) Means:
 - 1. Any physical or electronic platform through which a consumer may buy, sell, or exchange event contracts, whether the market is located in or out of the state; or
 - 2. Any platform or system that provides consumers with the ability to open speculative positions on the outcomes of future events; and
 - (b) May be a board of trade designated as a contract market by the Commodity Futures Trading Commission;
- (31) "President" means the president of the Kentucky Horse Racing and Gaming Corporation, who shall serve as chief executive officer of the corporation;
- (32) "Principal" means any of the following individuals associated with a partnership, trust, association, limited liability company, or corporation that is licensed to conduct a horse race meeting or an applicant for a license to conduct a horse race meeting:
- (a) The chairman and all members of the board of directors of a corporation;

- (b) All partners of a partnership and all participating members of a limited liability company;
 - (c) All trustees and trust beneficiaries of an association;
 - (d) The president or chief executive officer and all other officers, managers, and employees who have policymaking or fiduciary responsibility within the organization;
 - (e) All stockholders or other individuals who own, hold, or control, either directly or indirectly, five percent (5%) or more of stock or financial interest in the collective organization; and
 - (f) Any other employee, agent, guardian, personal representative, or lender or holder of indebtedness who has the power to exercise a significant influence over the applicant's or licensee's operation;
- (33) "Prohibited participant" means:
- (a) A person who has self-excluded under KRS 230.848;
 - (b) An athlete, coach, referee or other officiant, trainer, team staff, or other active participant in the sporting event or competition when the fantasy contest entry includes athlete selections from a sporting event overseen by the same governing body which oversees the athlete, coach, referee or other officiant, trainer, or team staff in question;
 - (c) Any individual participating in a fantasy contest on behalf of another;
 - (d) Any restricted participant participating in violation of their restrictions; or
 - (e) Any voluntarily or involuntarily excluded person;
- (34) "Proof of wagers" includes any paper, card, certificate, token, or ticket, which indicates the details of one (1) or more pari-mutuel wagers that were placed and, if such wagers are successful, that winnings are due to the ticket holder from the track;
- (35) "Quarter horse" means a horse that is registered with the American Quarter Horse Association of Amarillo, Texas;
- (36) "Receiving track" means a track where simulcasts are displayed for wagering purposes. A track that submits an application for intertrack wagering shall meet all the regulatory criteria for granting an association license of the same breed as the host track, and shall have a heated and air-conditioned facility that meets all state and local life safety code requirements and seats a number of patrons at least equal to the average daily attendance for intertrack wagering on the requested breed in the county in which the track is located during the immediately preceding calendar year;
- (37) "Restricted participant":
- (a) Means an individual that is restricted from participating in fantasy contests:
 - 1. Where the individual's profession or relationship gives the individual access to nonpublic information that could affect the outcome of a fantasy contest; or
 - 2. For any reason the individual may have access to nonpublic information that could affect the outcome of a fantasy contest;

- (b) Includes the following professions or relationships:
 - 1. Players;
 - 2. Coaches;
 - 3. Referees, umpires, judges, or other officiants involved in enforcing the rules of the game;
 - 4. Spouses and close family members of persons included in subparagraphs 1. to 3. of this paragraph; and
 - 5. Owners or shareholders of more than five percent (5%) interest in professional sports teams who might have influence over players and coaches through the ability to hire or fire; and
 - (c) Also includes any other persons identified by the corporation as restricted participants;
- (38) "Simulcast facility" means any facility approved pursuant to KRS 230.380 to simulcast live racing and conduct pari-mutuel wagering on live racing;
 - (39) "Simulcasting" means the telecast of live audio and visual signals of horse races for the purpose of pari-mutuel wagering;
 - (40) "Sporting event" means an event at which two (2) or more persons participate in athletic contests, or an event that takes place in relation to athletic contests as approved by the corporation, but shall not include amateur youth sports or athletic events in which the majority of participants are under the age of eighteen (18) years or the outcome of any local, state, or federal election;
 - (41) "Sports governing body" means the organization, league, or association that oversees a sport, prescribes final rules, and enforces codes of conduct with respect to such sport and participants therein;
 - (42) "Sports wagering" means the wagering conducted under this chapter on sporting events or portions of sporting events, or on the individual performance statistics of athletes in a sporting event or combination of sporting events, in conformance with federal law and as authorized by the corporation pursuant to this chapter;
 - (43) "Sports wagering device":
 - (a) Means a mechanical, electrical, or computerized contrivance, terminal, device, apparatus, software, piece of equipment, or supply approved by the corporation for conducting sports wagering under this chapter; and
 - (b) Includes a personal computer, mobile device, or other device used in connection with sports wagering not conducted at a licensed facility for sports wagering;
 - (44) "Sports wagering service provider" or "service provider" means a person authorized to conduct or manage sports wagering through an agreement with a track and provide these services at a licensed facility for sports wagering, simulcast facility, or through a website or mobile interface approved by the corporation;
 - (45) "Telephone account wagering" means a form of pari-mutuel wagering where an individual may deposit money in an account at a track and may place a wager by direct telephone call or by communication through other electronic media owned by the holder of the account to the track;

- (46) "Thoroughbred race" or "Thoroughbred racing" means a form of horse racing in which each horse participating in the race is a Thoroughbred, (e.g., meeting the requirements of and registered with The Jockey Club of New York) and is mounted by a jockey;
- (47) "Track" means any association duly licensed by the Kentucky Horse Racing and Gaming Corporation to conduct horse racing and includes:
- (a) For facilities in operation as of 2010, the location and physical plant described in the "Commonwealth of Kentucky Initial/Renewal Application for License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering," filed for racing to be conducted in 2010;
 - (b) Real property of an association, if the association received or receives approval from the corporation after 2010 for a location at which live racing is to be conducted; or
 - (c) One (1) facility or real property that is:
 - 1. Owned, leased, or purchased by an association within a sixty (60) mile radius of the association's racetrack but not contiguous to racetrack premises, upon corporation approval; and
 - 2. Not within a sixty (60) mile radius of another licensed track premise where live racing is conducted and not within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area;
- (48) "Unclaimed pari-mutuel winning ticket":
- (a) Means the proof of wager that would require payment of winnings upon submission to the track, but has been presumed abandoned under KRS 230.361; and
 - (b) Includes proof of wagers from live racing and simulcasting; and
- (49) "Unredeemed pari-mutuel voucher":
- (a) Means a voucher issued by a licensed track that evidences the value of funds or credits available that a patron may use for placing pari-mutuel wagers on live or previously run horse races, or which the patron may redeem for cash, but has been presumed abandoned under KRS 230.361; and
 - (b) Does not include:
 - 1. Any proof of wagers or any other information related to specific wagers placed on live or historical horse racing; or
 - 2. Any vouchers that were voluntarily surrendered for donation to charity or similar purposes.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 184, sec. 1, effective July 15, 2026. -- Amended 2025 Ky. Acts ch. 124, sec. 1, effective July 1, 2025. -- Repealed and reenacted 2024 Ky. Acts ch. 171, sec. 1, effective July 1, 2024. -- Amended 2023 Ky. Acts ch. 147, sec. 3, effective June 29, 2023. -- Amended 2021 Ky. Acts ch. 8, sec. 1, effective February 22, 2021. -- Amended 2015 Ky. Acts ch. 47, sec. 1, effective June 24, 2015. -- Amended 2012 Ky. Acts ch. 21, sec. 1, effective July 12, 2012. -- Repealed

and reenacted 2011 Ky. Acts ch. 70, sec. 1, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 24, sec. 443, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 80, sec. 1, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 191, sec. 2, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 104, sec. 1, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 237, sec. 3, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 109, sec. 11, effective March 30, 1992. -- Amended 1986 Ky. Acts ch. 214, sec. 2, effective July 15, 1986. -- Amended 1974 Ky. Acts ch. 403, sec. 1. -- Created 1960 Ky. Acts ch. 184, sec. 1, effective June 16, 1960.

Legislative Research Commission Note (7/15/2010). In subsection (2) of this statute (renumbered as subsection (15) in 2011 Ky. Acts ch. 70, sec. 1), "Kentucky Horse Racing Authority" has been changed in codification to "Kentucky Horse Racing Commission" to correct an oversight in 2010 Ky. Acts ch. 24, sec. 443, which confirmed Executive Order 2009-535, including the renaming of the authority. This action was taken pursuant to 2010 Ky. Acts ch. 24, sec. 1938.