

TITLE 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 20—Sports Wagering

PROPOSED RULE

11 CSR 45-20.540 Wagering Tax

PURPOSE: This rule establishes standards for the wagering tax.

(1) For the purposes of this rule, “wagering tax” means the tax assessment due pursuant to Article III, Section 39(g) of the *Missouri Constitution*. Each Retail and Mobile licensee is subject to a tax liability assessment. Wagering tax shall be calculated on a cash basis, meaning wagers shall be reported when received by the licensee and deductions for winning wagers shall only be reported when the patron has been paid or when funds have been remitted to the Gaming Commission Fund in accordance with the rules.

(2) Wagering taxes shall be paid via an electronic funds transfer system employing an Automated Clearinghouse Debit method (ACH-Debit). Each Retail and Mobile licensee shall maintain an account with sufficient funds to pay, in a timely fashion, all tax liabilities due. The account shall be maintained at a financial institution capable of making payments to the state under the electronic funds transfer requirements imposed by the state.

(3) The commission will provide a computer program for the input of tax calculation information for the monthly sports wagering tax remittance. Each Retail and Mobile licensee shall enter the required data for the calculation of the tax liability for each monthly reporting period by the due date.

(4) The monthly sports wagering tax remittance shall be submitted to the commission no later than 12:00 noon Central time on the due date. Wagering tax payments shall be transferred electronically to the commission’s designated financial institution no later than 12:00 noon Central time on the due date. For purposes of tax schedules and tax payments, the due date shall be the fifteenth day of the month following the calendar month in which the adjusted gross revenue was received and the wagering tax obligation was accrued. The tax payment shall be remitted by the due date regardless of whether or not the fifteenth day falls on a banking day.

(5) The wagering tax imposed on the Retail or Mobile licensee shall be based on adjusted gross revenue from sports wagering. Adjusted gross revenue for a given month equals the total value of all cash and cash equivalents received by the licensee for sports wagers minus the total of—

- (A) All cash and cash equivalents paid out as winnings to sports wagering customers;
- (B) The actual cost paid by a licensee for anything of value provided to and redeemed by customers, including merchandise or services distributed to sports wagering customers to incentivize sports wagering;
- (C) Voided wagers;
- (D) Cancelled wagers;
- (E) The cost of free play or promotional credits provided to and redeemed by the applicable

licensee's customers, provided that the aggregate amount of such cost of free play or promotional credits that may be deducted under this paragraph in any calendar month shall not exceed twenty-five percent (25%) of the total of all cash and cash equivalents received by the applicable licensee for such calendar month;

(F) Any sums paid as a result of any federal tax, including federal excise tax; and

(G) Uncollectible sports wagering receivables, not to exceed two percent (2%) of the total of all sums, less the amount paid out as winnings to sports wagering customers.

(6) Payouts resulting from a customer complaint or employee error regarding non-winning tickets shall not be deductible from adjusted gross revenue.

(7) If the amount of adjusted gross revenue in a calendar month is a negative number, the licensee shall remit no sports wagering tax for that calendar month. Any negative adjusted gross revenue shall be carried over and calculated as a deduction in the subsequent calendar months until the negative balance has been brought to zero.

(8) The sports wagering tax remittal shall include all information necessary for adjustments and reconciliation of tax liability and shall be subject to audit by the commission. Adjustments to previously reported tax information shall be made by the licensee, except that no adjustment of \$25,000 or more shall be made to previously reported adjusted gross revenue without the prior written approval of the commission.

AUTHORITY: section 39(g) of Article III, Mo. Const., sections 313.004 and 313.800–313.850, RSMo 2016 and Supp. 2024. Original rule filed May 14, 2025.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for July 17, 2025, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.*