**South Carolina General Assembly**

126th Session, 2025-2026

**S. 344**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Johnson, Ott, Graham, Adams, Peeler, Leber and Young

Document Path: SR-0030CEM25.docx

Introduced in the Senate on February 13, 2025

Currently residing in the Senate Committee on **Finance**

Summary: SC Equine Advancement Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/13/2025 Senate Introduced and read first time (Senate Journal‑page 6)

 2/13/2025 Senate Referred to Committee on **Finance** (Senate Journal‑page 6)

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**VERSIONS OF THIS BILL**

[02/13/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/344_20250213.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “SOUTH CAROLINA EQUINE ADVANCEMENT ACT”; BY ADDING CHAPTER 61 TO TITLE 11 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION AS A GRANT PROGRAM THAT ASSISTS THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA, TO PROVIDE APPLICATION GUIDELINES FOR PARI‑MUTUEL WAGERING, TO ESTABLSIH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION, TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND, AND TO PROVIDE DEFINITIONS RELATED TO HORSE RACING.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “South Carolina Equine Advancement Act”.

SECTION 2. Title 11 of the S.C. Code is amended by adding:

CHAPTER 61

South Carolina Equine Advancement Act

 Section 11‑61‑110. As used in this chapter:

 (1) “Advanced deposit account wagering” means a method of pari‑mutuel wagering conducted in this State in which an individual may establish an account with an entity licensed by the commission to place pari‑mutuel wagers electronically through an application. Advance deposit account wagering does not mean or include historical horse racing, nor any televised, video, or computer screen depicting a video game of chance, or slot machine.

 (2) “ADW licensee” means any person or entity licensed by the commission to offer advanced deposit account wagering to residents of this State.

 (3) “Application” means a program or piece of software designed and written to fulfill a particular purpose of the user through a computer or mobile electronic device.

 (4) “Commission” means the South Carolina Equine Commission.

 (5) “Mobile electronic device” means a cellular telephone, portable computer, electronic game, or any substantially similar stand‑alone electronic device used to communicate, display, or record digital content.

 (6) “Pari‑mutuel wagering” means any system whereby wagers with respect to the outcome of a horserace are placed with, or in, a wagering pool conducted by a licensed person and in which the participants are wagering with each other, not against the operator. Pari‑mutuel wagering shall not include betting on a race that has occurred in the past, is considered historical horse racing, where bettors are not wagering on the same live or simulcast horse race, or bettors do not share in the total amount of bets taken.

 (7) “Horse racing” means any form of live or simulcast of a live horse race in which horses carry a human rider or pull a sulky with a human rider. Horse racing does not mean any form that has happened in the past or is considered historical horse racing.

 (8) “Historical horse racing” means any horse race that was previously conducted at a licensed racetrack, concluded with results, and concluded without scratches, disqualifications, or dead‑heat finishes.

 Section 11‑61‑120. (A) There is established the “South Carolina Equine Commission,” which is comprised of:

 (1) the Director of the Department of Revenue, ex officio, or his designee, who shall serve as chairman;

 (2) two commissioners appointed by the President of the Senate;

 (3) two commissioners appointed by the Speaker of the House of Representatives; and

 (4) two commissioners appointed by the Governor.

 (B) Commissioners shall serve for terms of four years and until their successors are appointed and qualify with the term of office beginning on July first of the appropriate year. Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. Members shall serve without compensation, but are allowed mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

 (C) Commissioners and their family members are prohibited from having any ownership interest in an ADW licensee. For purposes of this section, family member has the same meaning as Section 8‑13‑100.

 (D) The commission’s rulemaking authority, and any other authority whether derived from this chapter or another provision of law, shall relate to only to horse racing as expressly authorized in this chapter and shall not include the authority to expanding gambling, nor the authority to approve or regulate historical horse racing, slot machines, video games of chance, and other gambling devices, by means of rulemaking, a contested case hearing, the review and approval of a plan of operation or proposed or amended plan of operation, the approval of any proposal or request, or any other commission or agency action.

 Section 11‑61‑130. The commission has the following powers and duties:

 (1) to have perpetual succession;

 (2) to sue and be sued;

 (3) to adopt, use, and alter a corporate seal;

 (4) to make bylaws for the management and regulation of its affairs;

 (5) to promulgate rules and regulations as may be necessary to carry out the provisions of this chapter, including regulations concerning advance deposit account wagering;

 (6) to establish advisory committees as the commission deems necessary;

 (7) to enter into contracts and agreements for the performance of its program and duties;

 (8) to receive and expend funds for the performance of its duties in the administration of its programs;

 (9) to collect fees and charges in connection with the use of a licensed horseracing related advance deposit application;

 (10) to administer the Equine Industry Development Fund, which includes:

 (1) making grants to qualified recipients to finance the eligible costs of qualified projects;

 (2) entering into contracts or agreements related to providing grants and other financial assistance;

 (3) receiving and expending funds in the performance of its duties in the administration of the Equine Industry Development Fund; and

 (11) to do such other things as may be necessary to perform the duties prescribed in this chapter.

 Section 11‑61‑140. (A) A person applying for an ADW license pursuant to this chapter must be authorized to do business in this State and shall do so in a form and in a medium prescribed by the commission. The application must contain:

 (1) the name and address of the applicant. If the applicant is a corporation or limited liability company, the state of its incorporation or organization, the full name and address of each officer and director; if a foreign corporation or limited liability company, whether it is qualified to do business in this State; and if a partnership or joint venture, the name and address of each officer of the partnership or joint venture;

 (2) the name and address of each stockholder or member of the corporation or limited liability company constituting a majority of the share or membership or each partner of the partnership or joint venture and of each person who has contracted for a pecuniary interest in the applicant that individually or collectively constitutes majority ownership;

 (3) additional information that the commission deems appropriate regarding the character, background, and responsibility of the applicant and the members, partners, stockholders, officers, and directors of the applicant;

 (4) a description of the application through which wagers will be accepted and processed;

 (5) information relating to the financial responsibility of the applicant;

 (6) a plan of operations; and

 (7) any other information that the commission in its discretion deems appropriate.

 (B) An ADW license shall be for one year, subject to renewal for an additional year. An applicant’s initial application shall be accompanied by a five‑thousand‑dollar fee. Renewal applications shall be accompanied by a one‑thousand‑dollar fee.

 (C) The commission shall review each license annually to ensure that each licensee is acting in accordance with applicable laws and regulations and in a manner consistent with the original issuance of the license. A licensee who is not acting in accordance with applicable laws and regulations, or in a manner inconsistent with the original issuance of his license, is subject to suspension or revocation of his license.

 (D) On a monthly basis, a license fee of one percent of all wagers made within this State placed through an advance deposit wagering licensee shall be paid to the commission, and an additional annual fee of five percent of all wagers made within this State placed through an advance deposit wagering licensee shall be paid to the Equine Industry Development Fund.

 (E) The commission shall thoroughly examine each applicant’s background. The commission’s examination shall include a fingerprint‑based background check conducted by the State Law Enforcement Division to determine whether the applicant has a criminal history in this State and a fingerprint‑based background check conducted by the Federal Bureau of Investigation to determine whether the person has other criminal history. The commission shall bear the cost of the examination, including the fingerprint‑based background checks.

 (F) Upon obtaining the results of the fingerprint‑based background check, the commission has thirty days to approve or deny the ADW application.

 Section 11‑61‑150. The Department of Revenue shall provide administrative support to the commission as the commission may request in the performance of its duties including, but not limited to, financial management, human resources management, information technology, procurement services, and logistical support.

 Section 11‑61‑160. (A) It is unlawful to offer or provide an advance deposit account wagering application to residents of this State without a current ADW license issued by the commission pursuant to this chapter. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than one year, or both. Each wager accepted on an application in violation of this section constitutes a separate offense. Furthermore, following a conviction of a violation of this section, the person convicted is not eligible for a license pursuant to this chapter.

 (B) It is unlawful to engage in pari‑mutuel wagering on horse races unless the pari‑mutuel wagering occurs through an advance deposit account wagering application maintained by an ADW licensee. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars, imprisoned for not more than one year, or both.

 Section 11‑61‑170. (A) There is hereby established in the State Treasury the Equine Industry Development Fund. This fund is separate and distinct from the general fund of the State and all other funds. The fund shall consist of fees collected pursuant to Section 11‑61‑140(D) less those amounts retained by the commission pursuant to Section 11‑61‑130(8) and donations, contributions, bequests, or other gifts. The purpose of the fund is to provide grants to qualified recipients to finance the eligible costs of qualified projects, and to promote and improve the equine industry in the State through:

 (1) the state’s horse‑breeding and horse residency incentive programs;

 (2) the state’s horse‑training centers; and

 (3) equine‑related instruction including, but not limited to, veterinarians, equine business operations, youth development and mentoring conducted by academic institutions, and other organizations.

 (B) Earnings and interest on this fund must be credited to it and any balance at the end of a fiscal year will carry forward to the fund in the succeeding fiscal year.

 (C) The commission shall establish a grant program utilizing funds in the Equine Industry Development Fund to promote and improve the equine industry in this State. The grant program shall establish the criteria to qualify for grants and shall set forth the procedures for applying for grants. The commission may require any information about the grant applicant that is necessary to properly evaluate the grant proposal.

 Section 11‑61‑180. Annually, on or before October first, the commission shall submit an annual report of its activities for the preceding year to the Governor and to the General Assembly.

 Section 11‑61‑190. Residents of this State under the age of eighteen are prohibited from pari‑mutuel wagering. They may not place wagers or open an advanced deposit account for the purpose of placing wagers.

SECTION 3. Upon effective approval, the commission has sixty days to form.

SECTION 4. Not later than twelve months after the effective date of this chapter, the commission shall promulgate regulations establishing the grant program.

SECTION 5. The Commission shall authorize and license qualified ADW applicants for full use by April 1, 2026.

SECTION 6. This act takes effect upon approval by the Governor.

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