

2335

2009-2010 Regular Sessions

I N S E N A T E

February 18, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the general municipal law, the racing, pari-mutuel wagering and breeding law and the tax law, in relation to raising the minimum legal betting age from eighteen to twenty-one years

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 195-a of the general municipal law, as amended by
2 chapter 574 of the laws of 1978, is amended to read as follows:
3 S 195-a. Participation by persons under [eighteen] TWENTY-ONE. No
4 person under the age of [eighteen] TWENTY-ONE years shall be permitted
5 to play any game or games of chance conducted pursuant to any license
6 issued under this article. Persons under the age of [eighteen] TWENTY-
7 ONE years may be permitted to attend games of chance at the discretion
8 of the games of chance licensee. No person under the age of [eighteen]
9 TWENTY-ONE years shall be permitted to operate any game of chance
10 conducted pursuant to any license issued under this article or to assist
11 therein.
12 S 2. Section 104 of the racing, pari-mutuel wagering and breeding law,
13 as amended by chapter 919 of the laws of 1986, is amended to read as
14 follows:
15 S 104. Prohibition of wagering by certain officials, employees and
16 [minors] PERSONS UNDER TWENTY-ONE YEARS OF AGE. No member, secretary,
17 deputy, officer, representative, employee or counsel of the board shall
18 wager either upon the outcome of any horse race conducted at a track at
19 which pari-mutuel betting is conducted by any licensee or franchisee of
20 the board. No association or corporation which is licensed or franchised
21 by the board shall permit any person who is actually and apparently
22 under [eighteen] TWENTY-ONE years of age to bet on a horse race
23 conducted by it nor shall such person be permitted to bet at an estab-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 lishment of a regional corporation conducting off-track betting. No
2 individual employed by an off-track betting corporation as a pari-mutuel
3 clerk, cashier or seller shall be permitted to bet during those periods
4 of any day on which such person is actually employed in such capacity.

5 S 3. Paragraph 4 of subdivision d of section 1605 of the tax law, as
6 added by chapter 92 of the laws of 1976, is amended to read as follows:

7 4. Whether place of business or activity is predominantly frequented
8 by persons under the age of [eighteen] TWENTY-ONE years.

9 S 4. Subdivision a of section 1610 of the tax law, as added by chapter
10 92 of the laws of 1976, is amended to read as follows:

11 a. No ticket shall be sold to any person under the age of [eighteen]
12 TWENTY-ONE years, but this shall not be deemed to prohibit the purchase
13 of a ticket for the purpose of making a gift by a person [eighteen]
14 TWENTY-ONE years of age or older to a person less than that age. Any
15 licensee or the employee or agent of any licensee who sells or offers to
16 sell a lottery ticket to any person under the age of [eighteen] TWENTY-
17 ONE shall be guilty of a misdemeanor.

18 S 5. Subparagraph (C) of paragraph 1 of subdivision a of section 1612
19 of the tax law, as added by chapter 336 of the laws of 1999, is amended
20 to read as follows:

21 (C) the rules for the operation of such game shall be as prescribed by
22 regulations promulgated and adopted by the division, provided however,
23 that such rules shall provide that no person under the age of twenty-one
24 may participate in such games [on the premises of a licensee who holds a
25 license issued pursuant to the alcoholic beverage control law to sell
26 alcoholic beverages for consumption on the premises]; and, provided,
27 further, that such regulations may be revised on an emergency basis not
28 later than ninety days after the enactment of this paragraph in order to
29 conform such regulations to the requirements of this paragraph; or

30 S 6. This act shall take effect on the thirtieth day after it shall
31 have become a law provided that the amendments to subparagraph (C) of
32 paragraph 1 of subdivision a of section 1612 of the tax law made by
33 section five of this act shall not affect the expiration and repeal of
34 such subdivision as provided by section 1 of part J of chapter 405 of
35 the laws of 1999, as amended and shall be repealed therewith.