STATE OF NEW YORK

5765--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 24, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to health insurance for New York trainers at franchised corporation race tracks

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 221-b to read as follows:

§ 221-b. Health insurance for trainers. 1. A franchised corporation shall, as a condition of racing, establish a program to administer the purchase of health insurance for eligible trainers. Such program shall be funded through the deposit of up to three percent of the gross purse enhancement amount from video lottery gaming at a thoroughbred track pursuant to paragraph two of subdivision b and paragraph one of subdivision f of section sixteen hundred twelve of the tax law. The franchised corporation shall establish a segregated account for the receipt of such monies and such monies shall remain separate from any other funds. The franchised corporation licensed pursuant to this article shall pay into such account any amount due within ten days of the receipt of revenue pursuant to section sixteen hundred twelve of the tax law. Any portion of such funding to the account unused during a calendar year, less an amount sufficient to cover anticipated premium liabilities over the next sixty days, shall be returned on a pro rata basis in accordance with the amounts originally contributed and shall be used for the purpose of enhancing purses at such tracks. Provided, however, if the franchised corporation licensed pursuant to this article provides an alternative source of funding for such program, an amount equal to this alternative funding, but not in excess of the amount originally contributed during the year from the gross purse enhancement amount from video lottery

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

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gaming attributable to the franchised corporation, shall be returned to the franchised corporation and used for the purpose of enhancing purses at such track. Provided, further, any such alternative source of funding shall be approved by the gaming commission.

2. The franchised corporation shall enter into a memorandum of understanding with the horsemen's organization representing at least fifty-one percent of the owners and trainers utilizing the facilities of such franchised corporation for a plan of operation of the program, provided that such memorandum of understanding shall be approved by the gaming commission upon a determination that such memorandum of understanding meets the statutory requirements of this section and is in the best interest of racing and shall include, but not be limited to, the following conditions:

a. health insurance policies shall be purchased on an American health benefit exchange established pursuant to 42 U.S.C. § 18031(b) by the insured;

b. health insurance policies eligible to be purchased under the program shall be any policy that is silver level of coverage or lower as defined by 42 U.S.C. § 18022(d). Provided, however, the insured may elect to purchase a gold level or platinum level of coverage as defined by 42 U.S.C. § 18022(d) if the insured pays the difference in premiums between such policy and the premium for the silver level policy offered by the same insurer. Such payments shall be paid into the account established in subdivision one of this section and shall be governed by the terms of the memorandum of understanding required by this section;

c. notwithstanding the conditions set forth in paragraphs a and b of this subdivision, a memorandum of understanding with the horsemen's organization representing at least fifty-one percent of the owners and trainers utilizing the facilities of such franchised corporation may be approved by the commission upon a determination that such memorandum of understanding is in the best interest of racing that creates a trainer health trust to be administered by the franchised corporation for the purpose of obtaining trainers health benefits from a health insurance provider that covers trainers and their dependents with a health insurance policy that is not purchased on an American health benefit exchange established pursuant to 42 U.S.C. § 18031(b) but does provide silver level coverage or lower as defined by 42 U.S.C. § 18022(d);

d. the payment of premiums pursuant to this section shall be made on behalf of eligible trainers pursuant to paragraph e of this subdivision by the franchised corporation from monies in the account established in subdivision one of this section directly to the health plan selected pursuant to paragraph b or c of this subdivision;

e. to be eligible to receive health insurance through this program, an individual shall have started at least forty-three races conducted by the franchised corporation during the prior calendar year and at least sixty percent of the trainers' total amount of starts occurred at the franchised corporation during the prior calendar year; and

f. the gaming commission shall have the following powers:

(i) to rule on eligibility in the event of a denial of coverage pursuant to paragraph e of this subdivision. In the event of a denial of coverage, such individual trainer that was denied eligibility may appeal to the gaming commission;

(ii) to make a determination if an individual would have qualified pursuant to paragraph e of this subdivision; and

(iii) to audit the books and records of the program.

§ 2. This act shall take effect immediately, provided, however, that payment of premiums pursuant to this act shall begin no later than 60 days following the approval by the gaming commission of a memorandum of understanding establishing a plan of operation as required by section 221-a of the racing, pari-mutuel wagering and breeding law.