

STATE OF NEW YORK

9806

IN SENATE

May 31, 2024

Introduced by Sen. ADDABBO -- (at request of the New York State Gaming Commission) -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to improvement of the self-exclusion provisions

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

1 Section 1. Paragraph (c) of subdivision 2 of section 111 of the
2 racing, pari-mutuel wagering and breeding law, as amended by chapter 564
3 of the laws of 2021, is amended and four new subdivisions 4, 5, 6 and 7
4 are added to read as follows:

5 (c) No voluntary order or request to exclude persons from entering the
6 premises of any such association, corporation, or facility may be
7 rescinded, canceled, or declared null and void until a minimum of seven
8 days after a request has been received by such association, corporation,
9 or facility to cancel such order or request. A person may waive or forgo
10 the ability to rescind, cancel or declare null and void such voluntary
11 order or request. The commission may set the length of the period of
12 voluntary exclusion and require any person desiring exclusion to waive
13 or forgo the ability to rescind, cancel or declare null and void such
14 voluntary order or request.

15 4. No person on a self-exclusion list pursuant to the rules and regu-
16 lations of the commission shall collect, in any manner or proceeding,
17 any winnings or recover any losses arising as a result of any gaming
18 activity prohibited by such self-exclusion.

19 5. For the purposes of this section, any gaming activity that results
20 in a self-excluded person obtaining any money or thing of value from, or
21 being owed any money or thing of value by, the party conducting such
22 gaming activity shall be considered, solely for purposes of this
23 section, to be a fully executed gambling transaction.

24 6. In addition to any other penalty provided by law, any money or
25 thing of value that has been obtained by, or is owed to, any self-ex-
26 cluded person by a party conducting gaming activity as a result of
27 wagers made or play by a self-excluded person shall be subject to a

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

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1 forfeiture following notice to the self-excluded person and the party
2 conducting the gaming activity and opportunity to be heard. A party
3 conducting gaming activity shall, when ejecting the self-excluded person
4 from the premises at which gaming activity is conducted, when seizing
5 any chips, vouchers or other representative of money otherwise owed to
6 the self-excluded person or when denying payment to the self-excluded
7 person, inform a self-excluded person of the availability of such
8 notice, which may be by reference to a notice on the commission's
9 website. All forfeited amounts from self-excluded persons shall be
10 deposited as follows:

11 (a) Forfeited amounts in connection with the lottery shall be deposit-
12 ed into the state lottery fund.

13 (b) Forfeited amounts in connection with charitable gaming shall be
14 deposited into gaming commission accounts for the regulation of charita-
15 ble gaming.

16 (c) Forfeited amounts in connection with casino gambling regulated
17 pursuant to article thirteen of this chapter shall be deposited into the
18 commercial gaming revenue fund.

19 (d) Forfeited amounts in connection with pari-mutuel wagering on horse
20 racing shall be deposited into the racing regulation account.

21 (e) Forfeited amounts in connection with any other activity shall be
22 deposited into such account as the commission may direct.

23 7. In any proceeding brought by the commission against a licensee or
24 registrant for a willful violation of the commission's self-exclusion
25 regulations, the commission may order, in addition to any other sanction
26 authorized, an additional fine of double the amount of any money or
27 thing of value obtained by the licensee or registrant from any self-ex-
28 cluded person. Any money or thing of value so forfeited shall be
29 disposed of in the same manner as any money or thing of value forfeited
30 pursuant to subdivision six of this section.

31 § 2. Subdivisions 1, 3 and 4 of section 1345 of the racing, pari-mutu-
32 el wagering and breeding law, as added by chapter 174 of the laws of
33 2013, are amended to read as follows:

34 1. A person who is prohibited from gaming in a licensed gaming facili-
35 ty by any order of the executive director, commission or court of compe-
36 tent jurisdiction~~[, including any person on the self-exclusion list~~
37 ~~pursuant to subdivision one of section one thousand three hundred~~
38 ~~forty four of this title,~~] shall not collect, in any manner or proceed-
39 ing, any winnings or recover any losses arising as a result of any
40 prohibited gaming activity.

41 3. In addition to any other penalty provided by law, any money or
42 thing of value ~~[which]~~ that has been obtained by, or is owed to, any
43 prohibited person by a licensed gaming facility as a result of wagers
44 made by a prohibited person shall be subject to forfeiture following
45 notice to the prohibited person and the gaming facility and opportunity
46 to be heard. A licensed gaming facility shall ~~[inform a prohibited~~
47 ~~person of the availability of such notice on the commission's website]~~
48 when ejecting the prohibited person ~~[and]~~ from the premises at which
49 gaming activity is conducted, when seizing any chips, vouchers or other
50 representative of money otherwise owed ~~[by a gaming facility]~~ to the
51 prohibited person ~~[as authorized by this subdivision]~~ or when denying
52 payment to the prohibited person, inform such prohibited person of the
53 availability of such notice, which may be by reference to a notice on
54 the commission's website. All forfeited amounts shall be deposited into
55 the commercial gaming revenue fund.

1 4. [~~In any proceeding brought by the commission against a licensee or~~
2 ~~registrant for a willful violation of the commission's self-exclusion~~
3 ~~regulations, the commission may order, in addition to any other sanction~~
4 ~~authorized, an additional fine of double the amount of any money or~~
5 ~~thing of value obtained by the licensee or registrant from any self-ex-~~
6 ~~cluded person. Any money or thing of value so forfeited shall be~~
7 ~~disposed of in the same manner as any money or thing of value forfeited~~
8 ~~pursuant to subdivision three of this section.] Provisions in regard to
9 forfeiture by self-excluded persons pursuant to section thirteen hundred
10 forty-four of this title are governed by section one hundred eleven of
11 this chapter.~~

12 § 3. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law.