STATE OF NEW YORK

6933

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to knowingly encouraging a gambling addiction

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 1363-a to read as follows:

§ 1363-a. Knowingly encouraging a gambling addiction. 1. An entity licensed under this article shall be guilty of knowingly encouraging a gambling addiction where such entity, an employee, agent or another at the entity's direction willfully engages human-to-human contact with a person and through such contact knows or should have known that such contact is inducing, exacerbating, or sustaining compulsive gambling behavior or gambling disorder in another beyond reasonable and sustainable levels for that person. In determining whether an entity has knowingly encouraged a gambling addiction, a court shall consider:

(a) The income reported by the person to the entity;

(b) The total amount wagered;

(c) The level and type of contact between the entity and the person, compared to other users of the entity's service;

(d) Communications between the person and the entity, and whether those communications indicate the person explicitly indicated to the entity that they suffer or may suffer from a gambling addiction;

(e) Communications between the person and the entity, and whether those communications indicate the person implicitly indicated to the entity that they suffer or may suffer from a gambling addiction;

(f) Whether the person has previously self-excluded themselves from wagering;

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

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(g) Whether the person indicated to the entity that the money used to gamble was acquired through sources that would indicate a gambling addiction, such as savings accounts, loans, and other similar sources;

(h) Whether the entity internally flagged that the person had a gambling addiction and continued to provide gambling services to the person;

(i) Whether the entity failed to consider or input the relevant information that would have flagged such person as a gambling addict;

(j) Whether the entity, after making a determination that the person is or may suffer from a gambling addiction, failed to ban such person from wagering on such entity's application; and

(k) The overall number of persons who developed a gambling addiction after engaging in human-to-human contact with the entity, its employees, agents or others at the direction of the entity.

2. An entity shall not be guilty of knowingly encouraging a gambling addiction merely through the lawful passive or targeted offering or communication to another of an entity's services through non-human-to-human contact.

3. Where the commission determines that a violation of the provisions of this section has occurred, the commission shall impose a civil penalty not exceeding two times such amounts wagered by the person who is the subject of the violation, provided however that where the commission determines that the entity has engaged in a persistent course of conduct in violation of this section, such amount shall increase to three times such amounts wagered by the person who is the subject of the violation.

4. Upon a finding by the commission that an entity engaged in conduct violative of this section against a person, such person aggrieved by a violation of this section shall be entitled to maintain an action in the supreme court of the county in which the person resides for the enforcement of their rights under this section. Such person shall be entitled to the full amount wagered, damages resulting as a consequence of the addiction, and court and attorney's fees.

5. Any provision in a contract between a person and an entity which eliminates or augments a person's rights with respect to the provisions of this section shall be void.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.