S T A T E O F N E W Y O R K

922

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the alcoholic beverage control law and the general municipal law, in relation to permitting social card games to be played in certain establishments

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

Section 1. The alcoholic beverage control law is amended by adding a new section 101-bb to read as follows:

S 101-BB. SOCIAL CARD GAME. 1. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, INCLUDING SECTION 225.05 OF THE PENAL LAW, THE COMMON COUNCIL OR OTHER LOCAL LEGISLATIVE BODY OF ANY MUNICIPALITY MAY, EITHER BY LOCAL LAW OR ORDINANCE, PROVIDE THAT IT SHALL BE LAWFUL FOR ANY CHARITABLE AND/OR NOT-FOR-PROFIT ORGANIZATION LICENSED TO SELL BEER, WINE OR LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES, TO CONDUCT SOCIAL CARD GAMES ON THE PREMISES AND ADVERTISE SUCH EVENTS.

2. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CHARITABLE ORGANIZATION" SHALL MEAN ANY BENEVOLENT, PHILANTHROPIC, PATRIOTIC, OR ELEEMOSYNARY PERSON OR ONE PURPORTING TO BE SUCH.

(B) "NOT-FOR-PROFIT ORGANIZATION" SHALL MEAN AN ENTITY FORMED UNDER THE NOT-FOR-PROFIT CORPORATION LAW.

(C) "SOCIAL CARD GAME" SHALL MEAN A TOURNAMENT CARD GAME THAT IS PREDOMINATELY A GAME OF SKILL, PLAYED IN ACCORDANCE WITH THE HOUSE RULES AS ESTABLISHED BY AN ORGANIZATION AUTHORIZED BY THE STATE RACING AND WAGERING BOARD AND APPROVED BY THE STATE RACING AND WAGERING BOARD. THE RULES SHALL BE POSTED AND DISTRIBUTED IN THE ESTABLISHMENT WHICH WILL CONDUCT THE TOURNAMENT.

(D) "TOURNAMENT" SHALL MEAN SOCIAL CARD GAMES WHICH ARE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

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

LBD01679-02-9

(1) THE ADMISSION MAY BE FREE AND SHALL BE NO MORE THAN FIFTY DOLLARS PER PERSON.

(2) THE GAME SHALL BE FULLY PLAYED OUT WITHIN TWENTY-FOUR HOURS OF COMMENCEMENT OF THE GAME.

(3) THE WINNERS SHALL BE AWARDED THEIR PRIZES AT THE CONCLUSION OF THE TOURNAMENT.

(4) PLAYERS SHALL NOT BET ANYTHING OF MONETARY VALUE ON A CARD, SERIES OF CARDS, CARD GAME, OR SERIES OF CARD GAMES.

(5) PLAYERS MAY BE ISSUED CHIPS TO BE USED FOR PLAYING THE GAME AND TO DETERMINE THE ULTIMATE WINNER OF EACH GAME, SERIES OF GAMES OR THE TOURNAMENT.

(6) PRIZES SHALL BE AWARDED BASED ON THE BEST POKER HAND FOR EACH GAME OR SERIES OF GAMES.

(7) A GRAND PRIZE MAY BE AWARDED TO THE BEST PLAYER OF THE TOURNAMENT.

(8) MERCHANDISE PRIZES MAY ALSO BE AWARDED.

(9) NO SINGLE PRIZE SHALL EXCEED FIVE HUNDRED DOLLARS AND NO SERIES OF PRIZES SHALL EXCEED ONE THOUSAND DOLLARS FOR A SOCIAL CARD GAME OR TOURNAMENT.

S 2. Subdivision 3 of section 186 of the general municipal law, as amended by section 5 of part B of chapter 383 of the laws of 2001, is amended to read as follows:

3. "Games of chance" shall mean and include only the games known as "merchandise wheels", "coin boards", "merchandise boards", "seal cards", "raffles", [and] "bell jars", AND "SOCIAL CARD GAMES" and such other specific games as may be authorized by the board, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo or lotto" which are controlled under article fourteen-H of this chapter and also not including "bookmaking", "policy or numbers games" and "lottery" as defined in section 225.00 of the penal law. No game of chance shall involve wagering of money by one player against another player.

S 3. Section 186 of the general municipal law is amended by adding three new subdivisions, 3-e, 3-f and 3-g to read as follows:

3-E. "SOCIAL CARD GAME" SHALL MEAN A TOURNAMENT CARD GAME THAT IS PREDOMINANTLY A GAME OF SKILL, PLAYED IN ACCORDANCE WITH THE HOUSE RULES AS ESTABLISHED BY AN ORGANIZATION AUTHORIZED BY THE BOARD AND APPROVED BY THE BOARD. THE RULES SHALL BE POSTED AND DISTRIBUTED IN THE ESTABLISHMENT WHICH WILL CONDUCT THE TOURNAMENT.

3-F. "CHARITABLE ORGANIZATION" SHALL MEAN ANY BENEVOLENT, PHILANTHROPIC, PATRIOTIC, OR ELEEMOSYNARY PERSON OR ONE PURPORTING TO BE SUCH.

3-G. "NOT-FOR-PROFIT ORGANIZATION" SHALL MEAN AN ENTITY FORMED UNDER THE NOT-FOR-PROFIT CORPORATION LAW.

S 4. Subdivisions 5 and 6 of section 189 of the general municipal law, as amended by chapter 337 of the laws of 1998, are amended to read as follows:

5. No single prize awarded by games of chance other than raffle shall exceed the sum or value of three hundred dollars, except that for merchandise wheels, no single prize shall exceed the sum or value of two hundred fifty dollars. No single prize awarded by raffle shall exceed the sum or value of fifty thousand dollars, except that an authorized organization may award by raffle a single prize having a value of up to and including one hundred thousand dollars if its application for a license filed pursuant to section one hundred ninety of this article includes a statement of its intent to award a prize having such value. FOR A SOCIAL CARD GAME, NO SINGLE PRIZE SHALL EXCEED FIVE HUNDRED

DOLLARS AND NO SERIES OF PRIZES SHALL EXCEED ONE THOUSAND DOLLARS. No single wager shall exceed six dollars and for bell jars, coin boards, or merchandise boards, no single prize shall exceed five hundred dollars provided, however, that such limitation shall not apply to the amount of money or value paid by the participant in a raffle in return for a ticket or other receipt. For coin boards and merchandise boards, the value of a prize shall be determined by its costs to the authorized organization or, if donated, its fair market value.

6. No authorized organization shall award a series of prizes consisting of cash or of merchandise with an aggregate value in excess of ten thousand dollars during the successive operations of any one merchandise wheel, and three thousand dollars during the successive operations of any bell jar, coin board, or merchandise board. No series of prizes awarded by raffle shall have an aggregate value in excess of one hundred thousand dollars. NO SERIES OF PRIZES AWARDED BY A SOCIAL CARD GAME SHALL HAVE AN AGGREGATE VALUE IN EXCESS OF FIFTY THOUSAND DOLLARS. For coin boards and merchandise boards, the value of a prize shall be determined by its cost to the authorized organization or, if donated, its fair market value.

S 5. Subdivision 8 of section 189 of the general municipal law, as amended by chapter 550 of the laws of 1994, is amended to read as follows:

8. Except for merchandise wheels [and], raffles, AND SOCIAL CARD GAMES, no series of prizes on any one occasion shall aggregate more than four hundred dollars when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, raffles and bell jars, no series of prizes on any one occasion shall aggregate more than five hundred dollars when the licensed authorized organization conducts less than five single types of games of chance, exclusive of merchandise wheels, raffles and bell jars, during any one license period. No authorized organization shall award by raffle prizes with an aggregate value in excess of one hundred thousand dollars during any one license period.

S 6. Section 189 of the general municipal law is amended by adding a new subdivision 2-a to read as follows:

2-A. SOCIAL CARD GAMES SHALL BE PERMITTED ONLY TO CHARITABLE ORGANIZATIONS AND/OR NOT-FOR-PROFIT ORGANIZATIONS, AS DEFINED IN SUBDIVISIONS THREE-F AND THREE-G OF SECTION ONE HUNDRED EIGHTY-SIX OF THIS ARTICLE.

S 7. Subdivision 3 of section 194 of the general municipal law, as amended by chapter 550 of the laws of 1994, is amended to read as follows:

3. Service of alcoholic beverages. Subject to the applicable provisions of the alcoholic beverage control law, beer may be offered for sale during the conduct of games of chance on games of chance premises as such premises are defined in subdivision nineteen of section one hundred eighty-six of this article; provided, however, that nothing herein shall be construed to limit the offering for sale of any other alcoholic beverage in areas other than the games of chance premises or the sale of any other alcoholic beverage in premises where only the games of chance known as bell jar [or], raffles, OR SOCIAL CARD GAMES, OR ANY COMBINATION THEREOF, are conducted.

S 8. Section 195-b of the general municipal law, as amended by chapter 252 of the laws of 1998, is amended to read as follows:

S 195-b. Frequency of games. No game or games of chance, shall be conducted under any license issued under this article more often than twelve times in any calendar year. No particular premises shall be used

for the conduct of games of chance on more than twenty-four license periods during any one calendar year. Games shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday and Thursday, and only between the hours of noon on Friday and two A.M. Saturday, and only between the hours of noon on Saturday and two A.M. Sunday. The two A.M. closing period shall also apply to a legal holiday. The above restrictions shall not apply when only the games of chance known as bell jar [and/or], raffle, OR SOCIAL CARD GAMES, OR ANY COMBINATION THEREOF, are conducted.

S 9. Section 195-f of the general municipal law is amended by adding a new subdivision 5 to read as follows:

5. IN ADDITION TO ANY REPORTING REQUIREMENTS SET FORTH IN THIS SECTION, THE FEE WHICH SHALL BE COLLECTED BY THE STATE OF NEW YORK FOR EACH OCCASION OF SOCIAL CARD GAMES SHALL BE ONE HUNDRED DOLLARS.

S 10. The general municipal law is amended by adding a new section 195-qq to read as follows:

S 195-QQ. SOCIAL CARD GAMES COMPLIANCE AND ENFORCEMENT. IN THE CASE OF SOCIAL CARD GAMES, THE BOARD SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO ENSURE THE PROPER CONDUCT OF THE GAME AND FAIR PLAY FOR ALL PARTICIPANTS. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, REGULATIONS TO ELIMINATE PLAYER COLLUSION.

S 11. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the state racing and wagering board may promulgate rules and regulations prior to such date to implement this act.