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

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:

Section 1. Section 195-a of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

S 195-a. Participation by persons under [eighteen] TWENTY-ONE. No person under the age of [eighteen] TWENTY-ONE years shall be permitted to play any game or games of chance conducted pursuant to any license issued under this article. Persons under the age of [eighteen] TWENTY-ONE years may be permitted to attend games of chance at the discretion of the games of chance licensee. No person under the age of [eighteen] TWENTY-ONE years shall be permitted to operate any game of chance conducted pursuant to any license issued under this article or to assist therein.

S 2. Section 104 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 919 of the laws of 1986, is amended to read as follows:

S 104. Prohibition of wagering by certain officials, employees and [minors] PERSONS UNDER TWENTY-ONE YEARS OF AGE. No member, secretary, deputy, officer, representative, employee or counsel of the board shall wager either upon the outcome of any horse race conducted at a track at which pari-mutuel betting is conducted by any licensee or franchisee of the board. No association or corporation which is licensed or franchised by the board shall permit any person who is actually and apparently under [eighteen] TWENTY-ONE years of age to bet on a horse race 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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lishment of a regional corporation conducting off-track betting. No individual employed by an off-track betting corporation as a pari-mutuel clerk, cashier or seller shall be permitted to bet during those periods of any day on which such person is actually employed in such capacity.

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

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

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

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

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

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

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