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

746

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

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

AN ACT to amend the mental hygiene law and the racing, pari-mutuel wagering and breeding law, in relation to the self-exclusion of individuals from entering the premises of certain associations or corporations licensed or enfranchised by the New York state gaming commission

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

Section 1. Section 19.09 of the mental hygiene law is amended by adding two new subdivisions (j) and (k) to read as follows:

(J) THE COMMISSIONER SHALL CREATE EDUCATIONAL MATERIALS REGARDING COMPULSIVE GAMBLING FOR THE PURPOSE OF EDUCATING INDIVIDUALS THAT VOLUNTARILY PLACE THEMSELVES ON A SELF-EXCLUSION LIST OF AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED BY THE NEW YORK STATE GAMING COMMISSION PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW. THE EDUCATIONAL MATERIALS SHALL BE MADE AVAILABLE ON THE WEBSITE OF THE OFFICE AND SHALL INCLUDE, BUT NOT BE LIMITED TO, RESOURCES FOR TREATMENT.

(K) THE COMMISSIONER, IN CONSULTATION WITH THE NEW YORK STATE GAMING COMMISSION, SHALL ESTABLISH A PROBLEM GAMBLING EDUCATION PROGRAM TO BE COMPLETED BY ALL INDIVIDUALS THAT HAVE PLACED THEMSELVES ON A SELF-EXCLUSION LIST PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, WHO SUBSEQUENTLY REQUEST REMOVAL FROM SUCH EXCLUSION LIST. THIS EDUCATION PROGRAM SHALL BE MADE AVAILABLE ON THE WEBSITES OF BOTH THE OFFICE AND THE NEW YORK STATE GAMING COMMISSION AND SHALL INCLUDE, BUT NOT BE LIMITED TO, RESOURCES FOR TREATMENT.

S 2. Section 104 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 23 to read as follows:

23. TO COMPILE AND MAINTAIN A MASTER LIST OF ALL EXCLUDED PERSONS UTILIZING THE LISTS SUBMITTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH

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

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(A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED ELEVEN OF THIS ARTICLE. SUCH MASTER LIST SHALL BE UPDATED AND REDISTRIBUTED TO ALL THE ASSOCIATIONS OR CORPORATIONS LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER ON A QUARTERLY BASIS.

S 3. Paragraph (a) of subdivision 2 of section 111 of the racing, pari-mutuel wagering and breeding law, as added by section 1 of part A of chapter 60 of the laws of 2012, is amended to read as follows:

(a) The commission shall promulgate rules and regulations pursuant to which people may voluntarily exclude themselves from entering the premises of an association or corporation licensed or enfranchised by the commission pursuant to this chapter. IN PROMULGATING SUCH RULES AND REGULATIONS THE COMMISSION SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT THERE IS CONSISTENCY IN THE PROCESS FOLLOWED UNDER EACH DIVISION IN WHICH AN INDIVIDUAL MAY VOLUNTARILY EXCLUDE THEMSELVES. SUCH RULES AND REGULATIONS SHALL PROVIDE THAT:

(I) AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER MAINTAIN AN UPDATED LIST OF ALL PERSONS WHO HAVE REQUESTED EXCLUSION PURSUANT TO THIS SECTION AND SHALL SUBMIT SUCH LIST TO THE COMMISSION AT THE BEGINNING OF EVERY MONTH.

(II) AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER POST INFORMATION EXPLAINING HOW AN INDIVIDUAL MAY ADD HIS OR HER NAME TO THE LIST OF SELF-EXCLUDED PERSONS. SUCH INFORMATION SHALL BE POSTED A REASONABLE DISTANCE FROM EACH ENTRANCE, EXIT AND ATM MACHINE IN THE FACILITY.

(III) NO EMPLOYEE OR AGENT OF AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER SHALL DIVULGE ANY NAME OF AN EXCLUDED PERSON, OTHER THAN TO AUTHORIZED SURVEILLANCE, SECURITY OR OTHER PERSONNEL WHOSE DUTIES AND FUNCTIONS REQUIRE ACCESS TO SUCH INFORMATION, THE DIVISION, THE COMMISSION OR THEIR DULY AUTHORIZED REPRESENTATIVES.

(IV) AN ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER SHALL NOT OFFER COUPONS, MARKET ITS SERVICES, OR SEND ADVERTISEMENTS TO OR OTHERWISE SOLICIT THE PATRONAGE OF, AN EXCLUDED PERSON.

(V) ANY SUCH PERSON WISHING TO BE EXCLUDED SHALL SIGN AND SUBMIT THE FOLLOWING ACKNOWLEDGEMENT AS PART OF THEIR REQUEST TO BE SELF-EXCLUDED: "I CERTIFY THAT THE INFORMATION WHICH I HAVE PROVIDED ABOVE IS TRUE AND ACCURATE. I AM AWARE THAT MY SIGNATURE BELOW AUTHORIZES AN AGENT OF THE ASSOCIATION OR CORPORATION LICENSED OR ENFRANCHISED BY THE COMMISSION PURSUANT TO THIS CHAPTER TO AUTHORIZE MY EXCLUSION FROM THE FACILITY. I AM ALSO AWARE THAT PRIOR TO A REQUEST TO BE REMOVED FROM THE SELF-EXCLUSION LIST, I MUST COMPLETE THE PROBLEM GAMBLING EDUCATION PROGRAM. I AUTHORIZE THE AGENT TO SEND A COPY OF MY REQUEST TO THE GAMBLING COMMISSION, WHICH WILL BE CIRCULATED TO ALL THE ASSOCIATIONS OR CORPORATIONS LICENSED OR ENFRANCHISED BY THE COMMISSION PURSUANT TO THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW."

(VI) ONCE A PERSON HAS VOLUNTARILY EXCLUDED HIMSELF OR HERSELF FROM ENTERING THE PREMISES OF ANY SUCH ASSOCIATION, CORPORATION, OR FACILITY LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER, HE OR SHE WILL REMAIN ON SUCH LIST UNTIL HE OR SHE HAS COMPLETED THE PROBLEM GAMBLING EDUCATION PROGRAM EITHER IN PAPER OR ELECTRONIC FORMAT PURSUANT TO SUBDIVISION (K) OF SECTION 19.09 OF THE MENTAL HYGIENE LAW, AND SUBMITTED A WRITTEN REQUEST FOR REMOVAL WITH EVIDENCE OF SUCH COMPLETION.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.