

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 7, 2015

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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 indi-  
viduals from entering the premises of certain associations or corpo-  
rations licensed or enfranchised by the New York state gaming commis-  
sion

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

- 1     Section 1. Section 19.09 of the mental hygiene law is amended by  
2     adding two new subdivisions (j) and (k) to read as follows:  
3     (J) THE COMMISSIONER SHALL CREATE EDUCATIONAL MATERIALS REGARDING  
4     COMPULSIVE GAMBLING FOR THE PURPOSE OF EDUCATING INDIVIDUALS THAT VOLUN-  
5     TARILY PLACE THEMSELVES ON A SELF-EXCLUSION LIST OF AN ASSOCIATION OR  
6     CORPORATION LICENSED OR ENFRANCHISED BY THE NEW YORK STATE GAMING  
7     COMMISSION PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THE RACING,  
8     PARI-MUTUEL WAGERING AND BREEDING LAW. THE EDUCATIONAL MATERIALS SHALL  
9     BE MADE AVAILABLE ON THE WEBSITE OF THE OFFICE AND SHALL INCLUDE, BUT  
10    NOT BE LIMITED TO, RESOURCES FOR TREATMENT.  
11    (K) THE COMMISSIONER, IN CONSULTATION WITH THE NEW YORK STATE GAMING  
12    COMMISSION, SHALL ESTABLISH A PROBLEM GAMBLING EDUCATION PROGRAM TO BE  
13    COMPLETED BY ALL INDIVIDUALS THAT HAVE PLACED THEMSELVES ON A SELF-EX-  
14    CLUSION LIST PURSUANT TO SECTION ONE HUNDRED ELEVEN OF THE RACING,  
15    PARI-MUTUEL WAGERING AND BREEDING LAW, WHO SUBSEQUENTLY REQUEST REMOVAL  
16    FROM SUCH EXCLUSION LIST. THIS EDUCATION PROGRAM SHALL BE MADE AVAILABLE  
17    ON THE WEBSITES OF BOTH THE OFFICE AND THE NEW YORK STATE GAMING COMMIS-  
18    SION AND SHALL INCLUDE, BUT NOT BE LIMITED TO, RESOURCES FOR TREATMENT.  
19    S 2. Section 104 of the racing, pari-mutuel wagering and breeding law  
20    is amended by adding a new subdivision 23 to read as follows:  
21    23. TO COMPILE AND MAINTAIN A MASTER LIST OF ALL EXCLUDED PERSONS  
22    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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1 (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED ELEVEN OF THIS ARTICLE.  
2 SUCH MASTER LIST SHALL BE UPDATED AND REDISTRIBUTED TO ALL THE ASSOCI-  
3 ATIONS OR CORPORATIONS LICENSED OR ENFRANCHISED PURSUANT TO THIS CHAPTER  
4 ON A QUARTERLY BASIS.

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

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

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

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

25 (III) NO EMPLOYEE OR AGENT OF AN ASSOCIATION OR CORPORATION LICENSED  
26 OR ENFRANCHISED PURSUANT TO THIS CHAPTER SHALL DIVULGE ANY NAME OF AN  
27 EXCLUDED PERSON, OTHER THAN TO AUTHORIZED SURVEILLANCE, SECURITY OR  
28 OTHER PERSONNEL WHOSE DUTIES AND FUNCTIONS REQUIRE ACCESS TO SUCH INFOR-  
29 MATION, THE DIVISION, THE COMMISSION OR THEIR DULY AUTHORIZED REPRESENT-  
30 ATIVES.

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

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

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

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