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

10249

I N A S S E M B L Y

May 18, 2016

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

AN ACT to amend the general municipal law, in relation to enacting the "charitable gaming act of 2016"

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

Section 1. This act shall be known and may be cited as the "charitable gaming act of 2016".

S 2. Legislative intent. The legislature hereby finds that games of chance, specifically games known as "raffles", conducted by bona fide charitable, educational, scientific, health, religious and patriotic organizations provide vital financial support to many worthwhile programs in the communities in which they serve. Furthermore, conforming current statutory language to address recent technological advances will enhance the ability of the public at large to participate and thusly is deemed to be in the public interest.

S 3. Subdivision 20 of section 186 of the general municipal law, as added by chapter 574 of the laws of 1978, is amended to read as follows:

20. "Games of chance currency" shall mean legal tender or a form of scrip or chip authorized by the board, EXCEPT FOR GAMES KNOWN AS "RAFFLES" WHEREBY PAYMENT SHALL MEAN LEGAL TENDER, CREDIT OR DEBIT CARD OR PERSONAL CHECK, any of which may be used at the discretion of the games of chance licensee.

S 4. Section 189 of the general municipal law is amended by adding a new subdivision 16 to read as follows:

16. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, GAMES KNOWN AS "RAFFLES", AT THE DISCRETION OF THE GAMES OF CHANCE LICENSEE, MAY BE PURCHASED VIA THE INTERNET OR MOBILE APPLICATION WITH A DEBIT OR CREDIT CARD, UPON THE ACCOUNT HOLDER'S DIRECT CONSENT, PROVIDED, HOWEVER, THAT THE GAMING COMMISSION SHALL PROMULGATE ANY NECESSARY RULES AND REGULATIONS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY THAT:

(A) THE PURCHASE OF THE RAFFLE TICKET IS INITIATED AND RECEIVED OR OTHERWISE MADE EXCLUSIVELY WITHIN THE STATE OF NEW YORK;

(B) PURCHASERS ARE NOT LESS THAN TWENTY-ONE YEARS OF AGE; AND

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

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(C) THE PRIVACY AND ONLINE SECURITY OF PARTICIPANTS IS PROTECTED.

S 5. Section 195-e of the general municipal law, as amended by chapter 94 of the laws of 1981, is amended to read as follows:

S 195-e. Advertising games. A licensee may advertise the conduct of games of chance to the general public by means of THE INTERNET, newspaper, circular, MAGAZINE, handbill and poster, and by one sign not exceeding sixty square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any fire fighting equipment belonging to any licensed authorized organization which is a volunteer fire company, or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "Games of chance" or "Las Vegas Night", the name of the authorized organization conducting such games, the license number of the authorized organization as assigned by the clerk or department and the date, location and time of the event.

S 6. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part contained in any part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 7. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized.