STATE OF NEW YORK

6095--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 23, 2017

Introduced by M. of A. SCHIMMINGER, PRETLOW, HAWLEY, BRINDISI, NORRIS -- Multi-Sponsored by -- M. of A. DiPIETRO -- read once and referred to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to enacting the "charitable gaming act of 2017"

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 2017".

§ 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.

§ 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.

§ 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

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

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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 in accordance with subdivision thirteen of this section;

(b) purchasers are not less than eighteen years of age; and

(c) the privacy and online security of participants is protected.

§ 5. Subdivision 3 of section 195-d of the general municipal law, as added by section 13 of part MM of chapter 59 of the laws of 2017, is amended to read as follows:

3. A player may purchase a chance with cash or, if the authorized organization wishes, with a personal check**, credit card or debit card**.

§ 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.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that the provisions of paragraph (a) of subdivision 16 of section 189 of the general municipal law made by section four of this act and the amendments to subdivision 3 of section 195-d of the general municipal law made by section five of this act shall take effect on the same date and in the same manner as part MM of chapter 59 of the laws of 2017, takes effect; provided further, 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.