

4329

2017-2018 Regular Sessions

I N S E N A T E

February 9, 2017

Introduced by Sen. GALLIVAN -- 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, 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:

1 Section 1. This act shall be known and may be cited as the "charitable  
2 gaming act of 2017".

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

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

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

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

20 16. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, GAMES KNOWN  
21 AS "RAFFLES", AT THE DISCRETION OF THE GAMES OF CHANCE LICENSEE, MAY BE  
22 PURCHASED VIA THE INTERNET OR MOBILE APPLICATION WITH A DEBIT OR CREDIT  
23 CARD, UPON THE ACCOUNT HOLDER'S DIRECT CONSENT, PROVIDED, HOWEVER, THAT

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

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1 THE GAMING COMMISSION SHALL PROMULGATE ANY NECESSARY RULES AND REGU-  
2 LATIONS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY THAT:

3 (A) THE PURCHASE OF THE RAFFLE TICKET IS INITIATED AND RECEIVED IN  
4 ACCORDANCE WITH SECTIONS ONE HUNDRED EIGHTY-SEVEN AND ONE HUNDRED EIGHT-  
5 Y-EIGHT OF THIS ARTICLE;

6 (B) PURCHASERS ARE NOT LESS THAN EIGHTEEN YEARS OF AGE; AND

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

8 S 5. Section 195-e of the general municipal law, as amended by chapter  
9 94 of the laws of 1981, is amended to read as follows:

10 S 195-e. Advertising games. A licensee may advertise the conduct of  
11 games of chance to the general public by means of THE INTERNET, newspa-  
12 per, circular, MAGAZINE, handbill and poster, and by one sign not  
13 exceeding sixty square feet in area, which may be displayed on or adja-  
14 cent to the premises owned or occupied by a licensed authorized organ-  
15 ization, and when an organization is licensed to conduct games of chance  
16 on premises of an authorized games of chance lessor, one additional such  
17 sign may be displayed on or adjacent to the premises in which the games  
18 are to be conducted. Additional signs may be displayed upon any fire  
19 fighting equipment belonging to any licensed authorized organization  
20 which is a volunteer fire company, or upon any equipment of a first aid  
21 or rescue squad in and throughout the community served by such volunteer  
22 fire company or such first aid or rescue squad, as the case may be. All  
23 advertisements shall be limited to the description of such event as  
24 "Games of chance" or "Las Vegas Night", the name of the authorized  
25 organization conducting such games, the license number of the authorized  
26 organization as assigned by the clerk or department and the date,  
27 location and time of the event.

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

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