# STATE OF NEW YORK

3294

2019-2020 Regular Sessions

# IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ORTIZ, PICHARDO, HEVESI, ARROYO, TAYLOR, RODRIGUEZ -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel, wagering and breeding law, in relation to establishing the task force on mobile sports wagering for the purpose of conducting certain hearings regarding mobile sports wagering and reporting its finding to the governor and the legislature

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Section 1367 of the racing, pari-mutuel, wagering and breeding law is amended by adding a new subdivision 7 to read as follows:

**7. Task force on mobile sports wagering. (a) As used in this section, "mobile sports wagering platform" or "platform" means the combination of hardware, software, and data networks used to facilitate, enable, manage, administer, or control sports wagering and any associated wagers accessible by any electronic means including mobile applications and internet websites accessed via a mobile device or computer, or otherwise facilitating or enabling sports wagering by use of a mobile device or computer.**

**(b) Prior to allowing use of a mobile sports wagering platform or otherwise facilitating or enabling sports wagering by use of a mobile device or computer, other than from inside a facility as authorized by this section, a task force consisting of thirteen members shall be appointed as follows: the executive director of the state gaming commission or his/her designee, the director of the division of the budget or his/her designee, the state lottery director or his/her designee, the state comptroller or his/her designee, the state attorney general or his/her designee, three persons appointed by the speaker of the assembly, one person appointed by the minority leader in the assembly, three persons appointed by the temporary president of the senate, and one person appointed by the minority leader of the senate. After being duly**

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

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constituted, such task force shall elect a chairperson by a simple majority. After being constituted, such task force shall promptly conduct at least four public hearings, of which at least two shall occur in an OTB region containing a facility authorized by this section, where, after proper notice of such hearing is given by such task force, comments, opinions and testimony will be solicited from the general public, interest groups, labor unions, and elected officials about any of the following matters, and such other matters as a simple majority of such task force may authorize:

(1) whether state constitution provisions permit any entity to use a mobile sports wagering platform within the state;

(2) whether use of mobile sports wagering platforms would adversely affect the tourism, business opportunities and employment at the existing casinos operating under this article;

(3) a determination of technical measures that can be required to prevent minors using mobile sports wagering platforms, or prevent a problem gambler from doing so;

(4) whether permitting use of mobile sports wagering platforms would inadvertently eliminate prohibitions, state and federal, on other forms of gambling over the internet;

(5) the extent of the cannibalization of revenues to the host communities of casinos operating pursuant to this article on January first, two thousand eighteen, caused by use of mobile sports wagering platforms;

(6) the extent of the cannibalization to existing state and local gambling revenue derived from thoroughbred and standard bred horse racing entities, regional off-track betting corporations operating on January first, two thousand nineteen, caused by use of mobile sports wagering platforms;

(7) the extent of the cannibalization of existing state and local lottery revenue caused by use of mobile sports wagering platforms;

(8) whether the privilege to use a mobile sports wagering platform by a facility operating under this section is delegable to any other person, firm, business or entity;

(9) whether the use of mobile sports wagering platforms would negatively impact existing and future jobs by automating sports wagering; and

(10) such other and further input from the public on subject matters as a majority of the task force deems appropriate and necessary.

(c) The task force shall submit to the legislature and governor on or before March first in the year following the effective date of this subdivision its public policy recommendations regarding the use of mobile sports wagering platforms at sites not operating under this section, together with draft legislation implementing such policy recommendations.

§ 2. This act shall take effect immediately. 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 to be made on or before such date.