

# STATE OF NEW YORK

3103--A

Cal. No. 228

2019-2020 Regular Sessions

## IN SENATE

February 4, 2019

Introduced by Sens. BIAGGI, GAUGHRAN, GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, in relation to establishing the problem gambling advisory council

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 25.04 to read as follows:

3 § 25.04 Problem gambling advisory council.

4 (a) Creation and purpose. The problem gambling advisory council  
5 (hereinafter the "council") is hereby established. The purpose of the  
6 council is to make findings and recommendations to the governor and  
7 legislature on how to prevent and treat problem gambling in the state of  
8 New York.

9 (b) Composition. The council shall consist of thirteen members,  
10 including the commissioner of the office of alcoholism and substance  
11 abuse services, the chair of the gaming commission, and eleven addi-  
12 tional members: four members appointed by the temporary president of  
13 the senate; four members appointed by the speaker of the assembly; one  
14 member appointed by the minority leader of the senate; one member  
15 appointed by the minority leader of the assembly; and one member  
16 appointed by the governor; provided, however, the temporary president of  
17 the senate and the speaker of the assembly shall each appoint at least  
18 two representatives of community-based behavioral health services  
19 providers.

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

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1 (c) Duties of the council. The council shall meet as frequently as  
2 necessary, but not less than two times per year. Meetings shall be held  
3 at locations determined by the council. All meetings of the council  
4 shall be subject to the open meetings law. The council shall:

5 1. develop and recommend strategies to ensure availability and access  
6 to problem gambling programs and resources, including information and  
7 resources regarding prevention of problem gambling, for individuals  
8 throughout the state;

9 2. consult with individuals or organizations with experience in the  
10 field of problem gambling services on funding and policy recommenda-  
11 tions, including the availability of problem gambling services, the  
12 location of such services, and the need for such services;

13 3. create strategies to increase public awareness of problem gambling  
14 and the availability of problem gambling resources;

15 4. recommend allocations of machine and table fees collected from a  
16 gaming licensee pursuant to section thirteen hundred forty-eight of the  
17 racing, pari-mutuel wagering and breeding law and distributed pursuant  
18 to section ninety-seven-nnnn of the state finance law to effectuate the  
19 recommendations and strategies developed pursuant to paragraphs one, two  
20 and three of this subdivision; and

21 5. develop an annual report to be provided to the governor and legis-  
22 lature containing its findings and recommendations with regard to prob-  
23 lem gambling, including programs, resources, and services throughout the  
24 state. The annual report shall be due no later than October first of  
25 each year, with the first report provided no later than the first of  
26 October next succeeding the effective date of this section.

27 (d) Term. Appointed members of the council shall serve for a term of  
28 four years and continue to serve until their successor is appointed.  
29 Each member of the council shall be entitled to designate in writing a  
30 representative to attend meetings in his or her place and to vote or  
31 otherwise act on his or her behalf in his or her absence. A member  
32 appointed to fill a vacancy shall serve the remainder of the term of the  
33 member he or she is appointed to succeed. The members of the council  
34 shall receive no compensation for their services but shall be reimbursed  
35 for their expenses actually incurred in the performance of their duties  
36 hereunder. The council shall select, by a majority vote, members to  
37 serve as a chair and as a secretary.

38 (e) Sharing of information. The council may request, and shall  
39 receive, information from any state or local governmental agency neces-  
40 sary to complete its duties pursuant to this section, so long as such  
41 information does not contain any personally identifying information and  
42 not otherwise protected by state or federal law.

43 § 2. This act shall take effect on the one hundred eightieth day after  
44 it shall have become a law.