STATE OF NEW YORK

6389

2019-2020 Regular Sessions

IN SENATE

June 7, 2019

Introduced by Sen. ADDABBO -- (at request of the New York State Gaming Commission) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to improvement of self-exclusion provisions

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

Section 1. Paragraph (c) of subdivision 2 of section 111 of the racing, pari-mutuel wagering and breeding law, as added by section 1 of part A of chapter 60 of the laws of 2012, is amended and four new subdivisions 4, 5, 6 and 7 are added to read as follows:

(c) No voluntary order or request to exclude persons from entering the premises of any such association, corporation, or facility may be rescinded, canceled, or declared null and void until **a minimum of** seven days after a request has been received by such association, corporation, or facility to cancel such order or request. **A person may waive or forgo the ability to rescind, cancel or declare null and void such voluntary order or request. The commission may set the length of the period of voluntary exclusion and require any person desiring exclusion to waive or forgo the ability to rescind, cancel or declare null and void such voluntary order or request.**

4. No person on a self-exclusion list pursuant to the rules and regulations of the commission shall collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any gaming activity prohibited by such self-exclusion.

5. For the purposes of this section, any gaming activity that results in a self-excluded person obtaining any money or thing of value from, or being owed any money or thing of value by, the party conducting such gaming activity shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.

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

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6. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, any self-excluded person by a party conducting gaming activity as a result of wagers made or play by a self-excluded person shall be subject to a forfeiture following notice to the self-excluded person and the party conducting the gaming activity and opportunity to be heard. A party conducting gaming activity shall, when ejecting the self-excluded person from the premises at which gaming activity is conducted, when seizing any chips, vouchers or other representative of money otherwise owned to the self-excluded person or when denying payment to the self-excluded person, inform a self-excluded person of the availability of such notice, which may be by reference to a notice on the commission's website. All forfeited amounts from self-excluded persons shall be deposited as follows:

(a) Forfeited amounts in connection with the lottery shall be deposited into the state lottery fund.

(b) Forfeited amounts in connection with charitable gaming shall be deposited into gaming commission accounts for the regulation of charitable gaming.

(c) Forfeited amounts in connection with casino gambling regulated pursuant to article thirteen of this chapter shall be deposited into the commercial gaming revenue fund.

(d) Forfeited amounts in connection with pari-mutuel wagering on horse racing shall be deposited into the racing regulation account.

(e) Forfeited amounts in connection with any other activity shall be deposited into such account as the commission may direct.

7. In any proceeding brought by the commission against a licensee or registrant for a willful violation of the commission's self-exclusion regulations, the commission may order, in addition to any other sanction authorized, an additional fine of double the amount of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subdivision six of this section.

§ 2. Section 1345 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

§ 1345. Excluded person; forfeiture of winnings; other sanctions. 1. A person who is prohibited from gaming in a licensed gaming facility by any order of the executive director, commission or court of competent jurisdiction[~~, including any person on the self-exclusion list pursuant to subdivision one of section one thousand three hundred forty-four of this title,~~] shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.

2. For the purposes of this section, any gaming activity in a licensed gaming facility [~~which~~] that results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the gaming facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.

3. In addition to any other penalty provided by law, any money or thing of value [~~which~~] that has been obtained by, or is owed to, any prohibited person by a licensed gaming facility as a result of wagers made by a prohibited person shall be subject to forfeiture following notice to the prohibited person and the gaming facility and opportunity to be heard. A licensed gaming facility shall [~~inform a prohibited~~

~~person of the availability of such notice on the commission's website~~] when ejecting the prohibited person [~~and~~] from the premises at which gaming activity is conducted, when seizing any chips, vouchers or other representative of money otherwise owed [~~by a gaming facility~~] to the prohibited person [~~as authorized by this subdivision~~] or when denying payment to the prohibited person, inform such prohibited person of the availability of such notice, which may be by reference to a notice on the commission's website. All forfeited amounts shall be deposited into the commercial gaming revenue fund.

4. [~~In any proceeding brought by the commission against a licensee or registrant for a willful violation of the commission's self-exclusion regulations, the commission may order, in addition to any other sanction authorized, an additional fine of double the amount of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subdivision three of this section.~~] Provisions in regard to forfeiture by self-excluded persons pursuant to section thirteen hundred forty-four of this article are governed by section one hundred eleven of this chapter.

§ 3. This act shall take effect immediately.