

STATE OF NEW YORK

589--A

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Alcoholism and Drug Abuse -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law and the racing, pari-mutuel wagering and breeding law, in relation to gambling and the creation of a self-exclusion request for removal form

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

1 Section 1. Section 19.09 of the mental hygiene law is amended by
2 adding two new subdivisions (l) and (m) to read as follows:

3 (l) The commissioner shall identify or develop educational materials
4 regarding compulsive gambling for the purpose of informing individuals
5 about the dangers of problem gambling as well as treatment opportunities
6 that may be available to them. Such educational materials shall be
7 provided to individuals when they voluntarily place themselves on a
8 self-exclusion list of an association or corporation licensed or enfran-
9 chised by the New York state gaming commission pursuant to section one
10 hundred eleven of the racing, pari-mutuel wagering and breeding law.
11 Such materials shall also be made available on the website of the
12 office. To the extent that a gaming facility licensed pursuant to arti-
13 cle thirteen of the racing, pari-mutuel wagering and breeding law has
14 already created materials pursuant to section thirteen hundred sixty-two
15 of the racing, pari-mutuel wagering and breeding law that effectuate the
16 intent of this subdivision, such educational materials may be utilized
17 by the gaming facility instead of ones identified or developed by the
18 commissioner.

19 (m) The commissioner, in consultation with the New York state gaming
20 commission shall create a Self - Exclusion Request for Removal form to

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

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1 be completed by all individuals that have placed themselves on a self-
2 exclusion list pursuant to section one hundred eleven of the racing,
3 pari-mutuel wagering and breeding law, whom subsequently request removal
4 from such exclusion list pursuant to paragraph (c) of subdivision two of
5 section one hundred eleven of the racing, pari-mutuel wagering and
6 breeding law. Individuals shall be required to acknowledge on the form
7 that they understand the dangers of problem gambling, and that they are
8 aware of treatment opportunities that may be made available to them.
9 Once the form has been submitted, the individual shall be removed from
10 the self-exclusion list pursuant to section one hundred eleven of the
11 racing, pari-mutuel wagering and breeding law within seven days. This
12 form shall be made available on the websites of both the office and the
13 New York state gaming commission.

14 § 2. Section 104 of the racing, pari-mutuel wagering and breeding law
15 is amended by adding a new subdivision 24 to read as follows:

16 24. To compile and maintain a master list of all self-excluded
17 persons, utilizing the lists submitted pursuant to subparagraph (ii) of
18 paragraph (a) of subdivision two of section one hundred eleven of this
19 article. Such master list shall be updated and redistributed to all the
20 associations or corporations licensed or enfranchised pursuant to this
21 article on a quarterly basis.

22 § 3. Paragraphs (a) and (c) of subdivision 2 of section 111 of the
23 racing, pari-mutuel wagering and breeding law, as added by section 1 of
24 part A of chapter 60 of the laws of 2012, are amended to read as
25 follows:

26 (a) The commission shall promulgate rules and regulations pursuant to
27 which people may voluntarily exclude themselves from entering the prem-
28 ises of an association or corporation licensed or enfranchised by the
29 commission pursuant to this chapter. In promulgating such rules and
30 regulations the commission shall ensure, to the extent practicable, that
31 there is consistency in the process followed under each division in
32 which an individual may voluntarily exclude themselves. Such rules and
33 regulations shall provide that:

34 (i) an association or corporation licensed or enfranchised pursuant to
35 this chapter post information explaining how an individual may add his
36 or her name to the list of self-excluded persons. Such information shall
37 be posted at a reasonable distance from each entrance, exit and ATM
38 machine in the facility;

39 (ii) an association or corporation licensed or enfranchised pursuant
40 to this chapter maintain an updated list of all persons who have
41 requested exclusion pursuant to this section and shall submit such list
42 to the commission at the beginning of every month;

43 (iii) any such person wishing to place themselves on the self-exclu-
44 sion list shall sign and submit the following acknowledgment as part of
45 their request to be self-excluded: "I certify that the information which
46 I have provided above is true and accurate. I am aware that my signature
47 below authorizes an agent of the association or corporation licensed or
48 enfranchised by the commission pursuant to this chapter to authorize my
49 exclusion from the facility. I authorize the agent to send a copy of my
50 request to the Gaming Commission, which will be circulated to all the
51 associations or corporations licensed or enfranchised by the commission
52 pursuant to this chapter. I am also aware that as part of my request to
53 be removed from the self-exclusion list, I must complete the Self-Exclu-
54 sion Request for Removal form.";

55 (iv) an association or corporation licensed or enfranchised pursuant
56 to this chapter shall not offer coupons, market its services, or send

1 advertisements to or otherwise solicit the patronage of, a self-excluded
2 person; and

3 (v) no employee or agent of an association or corporation licensed or
4 enfranchised pursuant to this chapter shall divulge any name of a self-
5 excluded person, other than to authorized surveillance, security or
6 other personnel whose duties and functions require access to such infor-
7 mation, the division, the commission or their duly authorized represen-
8 tatives.

9 (c) No voluntary order or request to exclude persons from entering the
10 premises of any such association, corporation, or facility may be
11 rescinded, canceled, or declared null and void until seven days after a
12 [~~request~~] Self-Exclusion Request for Removal form, created by the office
13 of addiction services and supports pursuant to subdivision (m) of
14 section 19.09 of the mental hygiene law, has been received by such asso-
15 ciation, corporation, or facility either in paper or electronic format
16 to cancel such order or request.

17 § 4. This act shall take effect on the one hundred twentieth day after
18 it shall have become a law.