

# STATE OF NEW YORK

5765

2021-2022 Regular Sessions

## IN ASSEMBLY

February 24, 2021

Introduced by M. of A. PRETLOW -- 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 health insurance for New York trainers at franchised corporation race tracks

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

1 Section 1. The racing, pari-mutuel wagering and breeding law is  
2 amended by adding a new section 221-b to read as follows:

3 § 221-b. Health insurance for trainers. 1. A franchised corporation  
4 shall, as a condition of racing, establish a program to administer the  
5 purchase of health insurance for eligible trainers. Such program shall  
6 be funded through the deposit of up to four percent of the gross purse  
7 enhancement amount from video lottery gaming at a thoroughbred track  
8 pursuant to paragraph two of subdivision b and paragraph one of subdivi-  
9 sion f of section sixteen hundred twelve of the tax law. The franchised  
10 corporation shall establish a segregated account for the receipt of such  
11 monies and such monies shall remain separate from any other funds. The  
12 franchised corporation licensed pursuant to this article shall pay into  
13 such account any amount due within ten days of the receipt of revenue  
14 pursuant to section sixteen hundred twelve of the tax law. Any portion  
15 of such funding to the account unused during a calendar year, less an  
16 amount sufficient to cover anticipated premium liabilities over the next  
17 sixty days, shall be returned on a pro rata basis in accordance with the  
18 amounts originally contributed and shall be used for the purpose of  
19 enhancing purses at such tracks. Provided, however, if the franchised  
20 corporation licensed pursuant to this article provides an alternative  
21 source of funding for such program, an amount equal to this alternative  
22 funding, but not in excess of the amount originally contributed during  
23 the year from the gross purse enhancement amount from video lottery  
24 gaming attributable to the franchised corporation, shall be returned to

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

LBD09001-01-1

1 the franchised corporation and used for the purpose of enhancing purses  
2 at such track. Provided, further, any such alternative source of funding  
3 shall be approved by the gaming commission.

4 2. The franchised corporation shall enter into a memorandum of under-  
5 standing with the horsemen's organization representing at least fifty-  
6 one percent of the owners and trainers utilizing the facilities of such  
7 franchised corporation for a plan of operation of the program, provided  
8 that such memorandum of understanding shall be approved by the gaming  
9 commission upon a determination that such memorandum of understanding  
10 meets the statutory requirements of this section and is in the best  
11 interest of racing and shall include, but not be limited to, the follow-  
12 ing conditions:

13 a. health insurance policies shall be purchased on an American health  
14 benefit exchange established pursuant to 42 U.S.C. § 18031(b) by the  
15 insured;

16 b. health insurance policies eligible to be purchased under the  
17 program shall be any policy that is silver level of coverage or lower as  
18 defined by 42 U.S.C. § 18022(d). Provided, however, the insured may  
19 elect to purchase a gold level or platinum level of coverage as defined  
20 by 42 U.S.C. § 18022(d) if the insured pays the difference in premiums  
21 between such policy and the premium for the silver level policy offered  
22 by the same insurer. Such payments shall be paid into the account estab-  
23 lished in subdivision one of this section and shall be governed by the  
24 terms of the memorandum of understanding required by this section;

25 c. notwithstanding the conditions set forth in paragraphs a and b of  
26 this subdivision, a memorandum of understanding with the horsemen's  
27 organization representing at least fifty-one percent of the owners and  
28 trainers utilizing the facilities of such franchised corporation may be  
29 approved by the commission upon a determination that such memorandum of  
30 understanding is in the best interest of racing that creates a trainer  
31 health trust to be administered by the franchised corporation for the  
32 purpose of obtaining trainers health benefits from a health insurance  
33 provider that covers trainers and their dependents with a health insur-  
34 ance policy that is not purchased on an American health benefit exchange  
35 established pursuant to 42 U.S.C. § 18031(b) but does provide silver  
36 level coverage or lower as defined by 42 U.S.C. § 18022(d);

37 d. the payment of premiums pursuant to this section shall be made on  
38 behalf of eligible trainers pursuant to paragraph e of this subdivision  
39 by the franchised corporation from monies in the account established in  
40 subdivision one of this section directly to the health plan selected  
41 pursuant to paragraph b or c of this subdivision;

42 e. to be eligible to receive health insurance through this program, an  
43 individual shall meet one of the following requirements:

44 (i) have started at least thirty races conducted by the franchised  
45 corporation during the prior calendar year and at least sixty percent of  
46 the trainers' total amount of starts occurred at the franchised corpo-  
47 ration during the prior calendar year;

48 (ii) have retired from thoroughbred horse training activities after  
49 having entered at least two thousand races conducted by the franchised  
50 corporation and is no longer licensed by the New York state gaming  
51 commission on or after January first, two thousand twenty-one; or

52 (iii) have reached age sixty-five and have entered at least two thou-  
53 sand races conducted by the franchised corporation and is duly licensed  
54 by the New York state gaming commission; and

55 f. the gaming commission shall have the following powers:

1 (i) to rule on eligibility in the event of a denial of coverage pursu-  
2 ant to paragraph e of this subdivision. In the event of a denial of  
3 coverage, such individual trainer that was denied eligibility may appeal  
4 to the gaming commission;

5 (ii) to make a determination if an individual would have qualified  
6 pursuant to subparagraph (i) of paragraph e of this subdivision; and

7 (iii) to audit the books and records of the program.

8 § 2. This act shall take effect immediately, provided, however, that  
9 payment of premiums pursuant to this act shall begin no later than 60  
10 days following the approval by the gaming commission of a memorandum of  
11 understanding establishing a plan of operation as required by section  
12 221-a of the racing, pari-mutuel wagering and breeding law.