

STATE OF NEW YORK

412--A

Cal. No. 438

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 a new subdivision (1) to read as follows:

3 (1) 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.

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

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1 § 2. Section 111 of the racing, pari-mutuel wagering and breeding law,
2 as added by section 1 of part A of chapter 60 of the laws of 2012, is
3 amended to read as follows:

4 § 111. Compulsive gambling assistance. 1. The commission shall cooper-
5 ate with the commissioner of [~~alcoholism and substance abuse~~] addiction
6 services and supports to ensure the posting of signs and listing of
7 information on the internet designed to assist compulsive gamblers
8 pursuant to the provisions of subdivision (h) of section 19.09 of the
9 mental hygiene law. Such postings shall include information explaining
10 how an individual may add his or her name to the list of self-excluded
11 persons. Signs shall be posted at a reasonable distance from each
12 entrance, exit and automated teller machine in the facility.

13 2. (a) The commission shall promulgate rules and regulations pursuant
14 to which people may voluntarily exclude themselves from entering the
15 premises of an association or corporation licensed or enfranchised by
16 the commission pursuant to this chapter. In promulgating such rules and
17 regulations the commission shall ensure, to the extent practicable, that
18 there is consistency in the process followed under each division in
19 which an individual may voluntarily exclude themselves. Such rules and
20 regulations shall provide that:

21 (i) an association or corporation licensed or enfranchised pursuant
22 to this chapter maintain an updated list of all persons who have
23 requested exclusion pursuant to this section and shall submit such list
24 to the commission no less than every five days;

25 (ii) an association or corporation licensed or enfranchised pursuant
26 to this chapter shall not offer coupons, market its services, or send
27 advertisements to or otherwise solicit the patronage of, a self-excluded
28 person; and

29 (iii) no employee or agent of an association or corporation licensed
30 or enfranchised pursuant to this chapter shall divulge any name of a
31 self-excluded person, other than to authorized surveillance, security or
32 other personnel whose duties and functions require access to such infor-
33 mation, the division, the commission or their duly authorized represen-
34 tatives.

35 (b) An association or corporation licensed or enfranchised pursuant to
36 this chapter shall not be liable to any self-excluded person or to any
37 other party in any judicial proceeding for any harm, monetary or other-
38 wise, which may arise as a result of a self-excluded person's engaging
39 in gaming activity while on the list of self-excluded persons; provided
40 that nothing contained in this paragraph shall limit the liability of
41 any such association, corporation, or facility for any other acts or
42 omissions under any other statutory law or under the common law.

43 (c) No voluntary order or request to exclude persons from entering the
44 premises of any such association, corporation, or facility may be
45 rescinded, canceled, or declared null and void until seven days after a
46 request has been received by such association, corporation, or facility
47 to cancel such order or request.

48 3. The commission shall promulgate rules and regulations under which a
49 person with an account authorized pursuant to section one thousand
50 twelve of this chapter may voluntarily place limits on the amounts of
51 his or her wagers or potential wagers on a daily or weekly basis. No
52 order from a person to remove any limit placed on account wagers shall
53 be effective until seven days after it has been received by the entity
54 conducting account wagering.

55 § 3. This act shall take effect on the one hundred twentieth day after
56 it shall have become a law.