

STATE OF NEW YORK

S. 1183

A. 1257

2021-2022 Regular Sessions

SENATE - ASSEMBLY

January 7, 2021

IN SENATE -- Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

IN ASSEMBLY -- Introduced by M. of A. PRETLOW, TAGUE, SCHMITT, JOYNER, WOERNER, SANTABARBARA, LUPARDO, PHEFFER AMATO, DILAN, WEPRIN, PERRY, FALL, AUBRY, STIRPE, TAYLOR, BURKE, RAMOS, HYNDMAN, HUNTER, GOTTFRIED, DE LA ROSA -- Multi-Sponsored by -- M. of A. HEVESI, PICHARDO, D. ROSENTHAL, ROZIC, STERN, VANEL -- 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 regulation of sports betting

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

1 Section 1. Section 1367 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, paragraphs (b) and
2 (d) of subdivision 3 as amended by section 1 of part X of chapter 59 of
3 the laws of 2020, is amended to read as follows:

4 § 1367. Sports wagering. 1. As used in this section:

5 (a) "Affiliate" means any off-track betting corporation, franchised
6 corporation, or race track licensed pursuant to this chapter, an opera-
7 tor of video lottery gaming at Aqueduct licensed pursuant to section
8 sixteen hundred seventeen-a of the tax law, which has an affiliate
9 agreement with a casino pursuant to section thirteen hundred sixty-sev-
10 en-a of this title. Any professional sports stadium or arena may serve
11 as an affiliate;
12

13 (b) "Agent" means an entity that is party to a contract with a casino
14 authorized to operate a sports pool and is approved by the commission to
15 operate a sports pool on behalf of such casino;

16 (c) "Authorized sports bettor" means an individual who is physically
17 present in this state when placing a sports wager, who is not a prohib-

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

LBD04631-03-1

1 ited sports bettor, that participates in sports wagering offered by a
2 casino. All sports wagers placed in accordance with this section are
3 considered placed or otherwise made when received by the operator at the
4 licensed gaming facility, regardless of the authorized sports bettor's
5 physical location at the time the sports wager is initiated. The inter-
6 mediate routing of electronic data in connection with mobile sports
7 wagering shall not determine the location or locations in which a wager
8 is initiated, received or otherwise made;

9 (d) "Brand" means the name and logo on the interface of a mobile
10 application or internet website accessed via a mobile device or computer
11 which authorized sports bettors use to access a sports betting platform;

12 (e) "Casino" means a licensed gaming facility at which gambling is
13 conducted pursuant to the provisions of this article;

14 ~~[(b)]~~ (f) "Commission" means the commission established pursuant to
15 section one hundred two of this chapter;

16 ~~[(c)]~~ (g) "Collegiate sport or athletic event" means a sport or
17 athletic event offered or sponsored by or played in connection with a
18 public or private institution that offers educational services beyond
19 the secondary level;

20 ~~[(d)]~~ (h) "Covered persons" includes: athletes; players; umpires;
21 referees; officials; personnel associated with players, clubs, teams,
22 leagues, and athletic associations; medical professionals, including
23 athletic trainers who provide services to athletes and players; and the
24 family members and associates of these persons where required to serve
25 the purposes of this title;

26 (i) "Exchange wagering" means a form of wagering in which an author-
27 ized sports bettor, on the one hand, and one or more authorized sports
28 bettors, a casino or an agent or an operator, on the other hand place
29 identically opposing sports wagers on an exchange operated by a casino
30 or an agent or an operator;

31 (j) "Global risk management" means the direction, management, consul-
32 tation and/or instruction for purposes of managing risks associated with
33 sports wagering conducted pursuant to this section and includes the
34 setting and adjustment of betting lines, point spreads, or odds and
35 whether to place layoff bets as permitted by this section;

36 (k) "High school sport or athletic event" means a sport or athletic
37 event offered or sponsored by or played in connection with a public or
38 private institution that offers education services at the secondary
39 level;

40 (l) "Horse racing event" means any sport or athletic event conducted
41 in New York state subject to the provisions of articles two, three,
42 four, five, six, nine, ten and eleven of this chapter, or any sport or
43 athletic event conducted outside of New York state, which if conducted
44 in New York state would be subject to the provisions of this chapter;

45 (m) "In-play sports wager" means a sports wager placed on a sports
46 event after the sports event has begun and before it ends;

47 (n) "Layoff bet" means a sports wager placed by a casino sports pool
48 with another casino sports pool;

49 (o) "Minor" means any person under the age of twenty-one years;

50 (p) "Mobile sports wagering platform" or "platform" means the combina-
51 tion of hardware, software, and data networks used to manage, adminis-
52 ter, or control sports wagering and any associated wagers accessible by
53 any electronic means including mobile applications and internet websites
54 accessed via a mobile device or computer;

55 (q) "Official league data" means statistics, results, outcomes, and
56 other data relating to a sporting event that have been obtained from the

1 relevant sports governing body that is headquartered in the United
2 States or an entity expressly authorized by the sports governing body to
3 provide such information to casinos;

4 (r) "Operator" means a casino which has elected to operate a sports
5 pool (or agent of such casino) or an Indian Tribe (or an agent of such
6 Indian Tribe) that has entered into a tribal-state gaming compact in
7 accordance with the Indian Gaming Regulatory Act 25 U.S.C. 2710, that is
8 in effect and has been ratified by the state and has entered into a
9 sports wagering agreement pursuant to section thirteen hundred sixty-
10 seven-a of this title;

11 (s) "Persons who present sporting contests" includes sports governing
12 bodies and associations, their members and affiliates, and other persons
13 who present sporting contests to the public;

14 ~~(e)~~ (t) "Professional sport or athletic event" means an event at
15 which two or more persons participate in sports or athletic events and
16 receive compensation in excess of actual expenses for their partic-
17 ipation in such event;

18 (u) "Prohibited conduct" means any statement, action, and other commu-
19 nication intended to influence, manipulate, or control a betting outcome
20 of a sporting contest or of any individual occurrence or performance in
21 a sporting contest in exchange for financial gain or to avoid financial
22 or physical harm. "Prohibited conduct" includes statements, actions, and
23 communications made to a covered person by a third party, such as a
24 family member or through social media;

25 (v) "Professional sports stadium or arena" means a stadium, ballpark,
26 or arena that is the permanent home of a professional sports team play-
27 ing at the highest professional level in its sport and has a seating
28 capacity for such contests exceeding fifteen thousand seats;

29 (w) "Prohibited sports bettor" means:

30 (i) any officer or employee of the commission;

31 (ii) any principal or key employee of a casino or operator, except as
32 may be permitted by the commission for good cause shown;

33 (iii) any casino gaming or non-gaming employee at the casino that
34 employs such person and at any operator that has an agreement with that
35 casino;

36 (iv) any contractor, subcontractor, or consultant, or officer or
37 employee of a contractor, subcontractor, or consultant, of a casino if
38 such person is directly involved in the operation or observation of
39 sports wagering, or the processing of sports wagering claims or
40 payments;

41 (v) Any person subject to a contract with the commission if such
42 contract contains a provision prohibiting such person from participating
43 in sports wagering;

44 (vi) Any spouse, child, brother, sister or parent residing as a member
45 of the same household in the principal place of abode of any of the
46 foregoing persons at the same casino where the foregoing person is
47 prohibited from participating in sports wagering;

48 (vii) any individual with access to non-public confidential informa-
49 tion about sports wagering;

50 (viii) any amateur or professional athlete if the sports wager is
51 based on any sport or athletic event overseen by the athlete's sports
52 governing body;

53 (ix) any sports agent, owner or employee of a team, player and umpire
54 union personnel, and employee referee, coach or official of a sports
55 governing body, if the sports wager is based on any sport or athletic
56 event overseen by the individual's sports governing body;

(x) any individual placing a wager as an agent or proxy for an otherwise prohibited sports bettor; or

(xi) any minor;

~~[(f)]~~ (x) "Prohibited sports event" means any collegiate sport or athletic event that takes place in New York or a sport or athletic event in which any New York college team participates regardless of where the event takes place, or high school sport or athletic event;

~~[(g)]~~ (y) "Registered sports governing body" means a sports governing body that is headquartered in the United States and who has registered with the commission to receive royalty fee revenue in such form as the commission may require;

(z) "Sports event" means any professional sport or athletic event and any collegiate sport or athletic event, except a prohibited sports event or a horse racing event;

~~[(h)]~~ (aa) "Sports governing body" means the organization that prescribes final rules and enforces codes of conduct with respect to a sporting event and participants therein;

(bb) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering; ~~and~~

~~[(i)]~~ (cc) "Sports wager" means cash or cash equivalent that is paid by an authorized sports bettor to a casino to participate in sports wagering offered by such casino;

(dd) "Sports wagering" means wagering on sporting events or any portion thereof, or on the individual performance statistics of athletes participating in a sporting event, or combination of sporting events, by any system or method of wagering, including, but not limited to, in-person communication and electronic communication through internet websites accessed via a mobile device or computer and mobile device applications. Any wager through electronic communication shall be deemed to take place at the physical location of the server or other equipment used by an operator to accept mobile sports wagering, regardless of the authorized sports bettor's physical location within the state at the time the wager is initiated. The term "sports wagering" shall include, but is not limited to, single-game bets, teaser bets, parlays, over-under bets, money line, pools, exchange wagering, in-game wagering, in-play bets, proposition bets and straight bets;

(ee) "Sports wagering gross revenue" means: (i) the amount equal to the total of all sports wagers not attributable to prohibited sports events that an operator collects from all players, less the total of all sums not attributable to prohibited sports events paid out as winnings to all sports bettors, however, that the total of all sums paid out as winnings to sports bettors shall not include the cash equivalent value of any merchandise or thing of value awarded as a prize, or (ii) in the case of exchange wagering pursuant to this section, the commission on winning sports wagers by authorized sports bettors retained by the operator. The issuance to or wagering by authorized sports bettors at a casino of any promotional gaming credit shall not be taxable for the purposes of determining sports wagering gross revenue;

(ff) "Sports wagering lounge" means an area wherein a sports pool is operated;

(gg) "Tier one sports wager" means a sports wager that is determined solely by the final score or final outcome of the sports event;

(hh) "Tier two sports wager" means an in-play sports wager that is not a tier one sports wager;

(ii) "Tier three sports wager" means a sports wager that is neither a tier one nor a tier two sports wager; and

1 (jj) "Indian Tribe" means an Indian Tribe (or an agent of such tribe)
2 that has entered into a tribal-state gaming compact in accordance with
3 the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168,
4 inclusive, and 25 U.S.C. Sec. 2701 et seq.) which has been ratified by
5 the state;

6 (kk) "Unusual betting activity" means abnormal betting activity exhib-
7 ited by patrons and deemed by the casino or operation, pursuant to rules
8 and regulations promulgated by the commission, as a potential indicator
9 of suspicious activity. Abnormal betting activity may include, but is
10 not limited to, the size of a patron's wager or increased betting volume
11 on a particular event or wager type;

12 (ll) "Suspicious betting activity" means unusual betting activity that
13 cannot be explained and is indicative of match fixing, the manipulation
14 of an event, misuse of inside information, or other prohibited activity;
15 and

16 (mm) "Independent integrity monitor" means an independent individual
17 or entity approved by the commission to receive reports of unusual
18 betting activity from a casino or operator for the purpose of assisting
19 in identifying suspicious betting activity.

20 ~~2. [No gaming facility may conduct sports wagering until such time as~~
21 ~~there has been a change in federal law authorizing such or upon a ruling~~
22 ~~of a court of competent jurisdiction that such activity is lawful.~~

23 ~~3.]~~ (a) In addition to authorized gaming activities, a [~~licensed~~
24 ~~gaming facility~~] casino may [~~when authorized by subdivision two of this~~
25 ~~section~~] operate a sports pool upon the approval of the commission and
26 in accordance with the provisions of this section and applicable regu-
27 lations promulgated pursuant to this article. The commission shall hear
28 and decide promptly and in reasonable order all applications for a
29 license to operate a sports pool, shall have the general responsibility
30 for the implementation of this section and shall have all other duties
31 specified in this section with regard to the operation of a sports pool.
32 The license to operate a sports pool shall be in addition to any other
33 license required to be issued to operate a [~~gaming facility~~] casino. No
34 license to operate a sports pool shall be issued by the commission to
35 any entity unless it has established its financial stability, integrity
36 and responsibility and its good character, honesty and integrity.

37 No later than five years after the date of the issuance of a license
38 and every five years thereafter or within such lesser periods as the
39 commission may direct, a licensee shall submit to the commission such
40 documentation or information as the commission may by regulation
41 require, to demonstrate to the satisfaction of the executive director of
42 the commission that the licensee continues to meet the requirements of
43 the law and regulations.

44 (b) As a condition of licensure the commission shall require that each
45 agent authorized to conduct sports wagering pay a one-time fee of twelve
46 million dollars. Such fee shall be paid within thirty days of gaming
47 commission approval prior to license issuance and deposited into the
48 commercial gaming revenue fund established pursuant to section thirteen
49 hundred fifty-two of this article.

50 (c) A sports pool shall be operated in a sports wagering lounge
51 located at a casino. The lounge shall conform to all requirements
52 concerning square footage, design, equipment, security measures and
53 related matters which the commission shall by regulation prescribe.
54 Provided, however, the commission may also approve additional locations
55 for a sports pool within the casino, in areas that have been approved by

1 the commission for the conduct of other gaming, to be operated in a
2 manner and methodology as regulation shall prescribe.

3 ~~[(a)]~~ (d) The operator of a sports pool shall establish or display the
4 odds at which wagers may be placed on sports events.

5 ~~[(d)]~~ (e) An operator shall accept wagers on sports events only from
6 persons physically present in the sports wagering lounge, through mobile
7 sports wagering offered pursuant to section thirteen hundred sixty-sev-
8 en-a of this title, or any additional locations for a sports pool within
9 the casino, approved by the gaming commission. A person placing a wager
10 shall be at least twenty-one years of age.

11 ~~[(e)]~~ (f) An operator may also accept layoff bets as long as the
12 authorized sports pool places such wagers with another authorized sports
13 pool or pools in accordance with regulations of the commission. A sports
14 pool that places a layoff bet shall inform the sports pool accepting the
15 wager that the wager is being placed by a sports pool and shall disclose
16 its identity.

17 (g) An operator may utilize global risk management pursuant to the
18 approval of the commission.

19 (h) An operator shall not admit into the sports wagering lounge, or
20 accept wagers from, any person whose name appears on the exclusion list.

21 ~~[(f)]~~ (i) The holder of a license to operate a sports pool may
22 contract with an ~~[entity]~~ agent to conduct any or all aspects of that
23 operation, or the operation of mobile sports wagering offered pursuant
24 to section thirteen hundred sixty-seven-a of this title, including but
25 not limited to brand, marketing and customer service, in accordance with
26 the regulations of the commission. ~~[That entity]~~ Each agent shall obtain
27 a license as a casino vendor enterprise prior to the execution of any
28 such contract, and such license shall be issued pursuant to the
29 provisions of section one thousand three hundred twenty-seven of this
30 article and in accordance with the regulations promulgated by the
31 commission.

32 ~~[(g)]~~ (j) If any provision of this article or its application to any
33 person or circumstance is held invalid, the invalidity shall not affect
34 other provisions or applications of this article which can be given
35 effect without the invalid provision or application, and to this end the
36 provisions of this article are severable.

37 ~~[4-]~~ 3. (a) All persons employed directly in wagering-related activ-
38 ities conducted within a sports wagering lounge shall be licensed as a
39 casino key employee or registered as a gaming employee, as determined by
40 the commission. All other employees who are working in the sports wager-
41 ing lounge may be required to be registered, if appropriate, in accord-
42 ance with regulations of the commission.

43 (b) Each operator of a sports pool shall designate one or more casino
44 key employees who shall be responsible for the operation of the sports
45 pool. At least one such casino key employee shall be on the premises
46 whenever sports wagering is conducted.

47 ~~[5-]~~ 4. Except as otherwise provided by this article, the commission
48 shall have the authority to regulate sports pools and the conduct of
49 sports wagering under this article to the same extent that the commis-
50 sion regulates other gaming. No casino shall be authorized to operate a
51 sports pool unless it has produced information, documentation, and
52 assurances concerning its financial background and resources, including
53 cash reserves, that are sufficient to demonstrate that it has the finan-
54 cial stability, integrity, and responsibility to operate a sports pool.
55 In developing rules and regulations applicable to sports wagering, the
56 commission shall examine the regulations implemented in other states

1 where sports wagering is conducted and shall, as far as practicable,
2 adopt a similar regulatory framework. The commission shall promulgate
3 regulations necessary to carry out the provisions of this section,
4 including, but not limited to, regulations governing the:

5 (a) amount of cash reserves to be maintained by operators to cover
6 winning wagers;

7 (b) acceptance of wagers on a series of sports events;

8 (c) maximum wagers which may be accepted by an operator from any one
9 patron on any one sports event;

10 (d) type of wagering tickets which may be used;

11 (e) method of issuing tickets;

12 (f) method of accounting to be used by operators;

13 (g) types of records which shall be kept;

14 (h) use of credit and checks by ~~[patrons]~~ authorized sports bettors;

15 (i) the process by which a casino may place a layoff bet;

16 (j) the use of global risk management;

17 (k) type of system for wagering; and

18 ~~[(j)]~~ (1) protections for a person placing a wager.

19 ~~[6-]~~ 5. Each operator shall adopt comprehensive house rules governing
20 sports wagering transactions with its ~~[patrons]~~ authorized sports
21 bettors. The rules shall specify the amounts to be paid on winning
22 wagers and the effect of schedule changes. The house rules, together
23 with any other information the commission deems appropriate, shall be
24 conspicuously displayed in the sports wagering lounge and included in
25 the terms and conditions of the account wagering system, and copies
26 shall be made readily available to ~~[patrons]~~ authorized sports bettors.

27 6. (a) Each casino that offers sports wagering shall annually submit a
28 report to the commission no later than the twenty-eighth of February of
29 each year, which shall include the following information:

30 (i) the total amount of sports wagers received from authorized sports
31 bettors;

32 (ii) the total amount of prizes awarded to authorized sports bettors;

33 (iii) the total amount of sports wagering gross revenue received by
34 the casino;

35 (iv) the total amount contributed in sports betting royalty revenue
36 pursuant to subdivision eight of this section;

37 (v) the total amount of wagers received on each sports governing
38 body's sporting events;

39 (vi) the number of accounts held by authorized sports bettors;

40 (vii) the total number of new accounts established in the preceding
41 year, as well as the total number of accounts permanently closed in the
42 preceding year;

43 (viii) the total number of authorized sports bettors that requested to
44 exclude themselves from sports wagering; and

45 (ix) any additional information that the commission deems necessary to
46 carry out the provisions of this article.

47 (b) Upon the submission of such annual report, to such extent that the
48 commission deems it to be in the public interest, the commission shall
49 be authorized to conduct a financial audit of any casino, at any time,
50 to ensure compliance with this article.

51 (c) The commission shall annually publish a report based on the aggre-
52 gate information provided by all casinos pursuant to paragraph (a) of
53 this subdivision, which shall be published on the commission's website
54 no later than one hundred eighty days after the deadline for the
55 submission of individual reports as specified in such paragraph (a).

1 7. (a) Within thirty days of the end of each calendar quarter, a casino offering sports wagering shall remit to the commission a sports
2 wagering royalty fee of one-fifth (.20) of one percent of the amount
3 wagered on sports events conducted by registered sports governing
4 bodies. The fee shall be remitted on a form as the commission may
5 require, on which the casino shall identify the percentage of wagering
6 during the reporting period attributable to each registered sport
7 governing body's sports events.

9 (b) No later than the thirtieth of April of each year, a registered
10 sports governing body may submit a claim for disbursement of the royalty
11 fee funds remitted by casinos in the previous calendar year on their
12 respective sports events. Within thirty days of submitting its claim for
13 disbursement, the registered sports governing body shall meet with the
14 commission to provide the commission with evidence of policies, proce-
15 dures and training programs it has implemented to protect the integrity
16 of its sports events.

17 (c) Within thirty days of its meeting with the registered sports
18 governing body, the commission shall approve a timely claim for
19 disbursement.

20 (d) (i) Persons who present sporting contests shall have authority to
21 remove spectators and others from any facility for violation any appli-
22 cable codes of conduct, and to deny persons access to all facilities
23 they control, to revoke season tickets or comparable licenses, and to
24 share information about such persons with others who present sporting
25 contests and with the appropriate jurisdictions' law enforcement author-
26 ities.

27 (ii) Persons who present sporting contests shall provide notice to the
28 general public and those who attend sporting contests or visit their
29 facilities of any applicable codes of conduct and the potential penal-
30 ties for violating such codes.

31 8. For the privilege of conducting sports wagering in the state, casino-
32 s shall pay a tax equivalent to eight and one-half percent of their
33 sports wagering gross revenue, excluding sports wagering gross revenue
34 attributed to mobile sports wagering offered pursuant to section thir-
35 teen hundred sixty-seven-a of this title. Casinos shall pay a tax equiv-
36 alent of twelve percent of their sports wagering gross revenue attri-
37 buted to mobile sports wagering offered pursuant to section thirteen
38 hundred sixty-seven-a of this title.

39 9. The commission shall pay into the commercial gaming revenue fund
40 established pursuant to section ninety-seven-nnnn of the state finance
41 law eighty-five percent of the state tax imposed by this section; any
42 interest and penalties imposed by the commission relating to those
43 taxes; all penalties levied and collected by the commission; and the
44 appropriate funds, cash or prizes forfeited from sports wagering. The
45 commission shall pay into the commercial gaming fund five percent of the
46 state tax imposed by this section to be distributed for problem gambling
47 education and treatment purposes pursuant to paragraph a of subdivision
48 four of section ninety-seven-nnnn of the state finance law. The commis-
49 sion shall pay into the commercial gaming fund five percent of the state
50 tax imposed by this section to be distributed for the cost of regulation
51 pursuant to paragraph c of subdivision four of section ninety-seven-nnnn
52 of the state finance law. The commission shall pay into the commercial
53 gaming fund five percent of the state tax imposed by this section to be
54 distributed in the same formula as market origin credits pursuant to
55 section one hundred fifteen-b of this chapter. The commission shall
56 require at least monthly deposits by the casino of any payments pursuant

1 to subdivision eight of this section, at such times, under such condi-
2 tions, and in such depositories as shall be prescribed by the state
3 comptroller. The deposits shall be deposited to the credit of the state
4 commercial gaming revenue fund. The commission shall require a monthly
5 report and reconciliation statement to be filed with it on or before the
6 tenth day of each month, with respect to gross revenues and deposits
7 received and made, respectively, during the preceding month.

8 10. The commission may perform audits of the books and records of a
9 casino, at such times and intervals as it deems appropriate, for the
10 purpose of determining the sufficiency of tax payments. If a return
11 required with regard to obligations imposed is not filed, or if a return
12 when filed or is determined by the commission to be incorrect or insuf-
13 ficient with or without an audit, the amount of tax due shall be deter-
14 mined by the commission. Notice of such determination shall be given to
15 the casino liable for the payment of the tax. Such determination shall
16 finally and irrevocably fix the tax unless the casino against whom it is
17 assessed, within thirty days after receiving notice of such determi-
18 nation, shall apply to the commission for a hearing in accordance with
19 the regulations of the commission.

20 11. Nothing in this section shall apply to interactive fantasy sports
21 offered pursuant to article fourteen of this chapter. Nothing in this
22 section authorizes any entity that conducts interactive fantasy sports
23 offered pursuant to article fourteen of this chapter to conduct sports
24 wagering unless it separately qualifies for, and obtains, authorization
25 pursuant to this section.

26 12. A casino that is also licensed under article three of this chap-
27 ter, and must maintain racing pursuant to paragraph (b) of subdivision
28 one of section thirteen hundred fifty-five of this article, shall be
29 allowed to offer pari-mutuel wagering on horse racing events in accord-
30 ance with their license under article three of this chapter. Notwith-
31 standing subparagraph (ii) of paragraph c of subdivision two of section
32 one thousand eight of this chapter, a casino located in the city of
33 Schenectady shall be allowed to offer pari-mutuel wagering on horse
34 racing events, provided such wagering is conducted by the regional off-
35 track betting corporation in such region as the casino is located. Any
36 other casino shall be allowed to offer pari-mutuel wagering on horse
37 racing events, provided such wagering is conducted by the regional off-
38 track betting corporation in such region as the casino is located. Any
39 physical location where pari-mutuel wagering on horse racing events is
40 offered by a casino and conducted by a regional off-track betting corpo-
41 ration in accordance with this subdivision shall be deemed to be a
42 branch location of the regional off-track betting corporation in accord-
43 ance with section one thousand eight of this chapter. Mobile sports
44 betting kiosks located on the premises of affiliates in accordance with
45 paragraph (d) of subdivision five of section thirteen hundred sixty-sev-
46 en-a of this title shall not be allowed to offer pari-mutuel wagering on
47 horse racing events.

48 13. A sports governing body may notify the commission that it desires
49 to restrict, limit, or exclude wagering on its sporting events by
50 providing notice in the form and manner as the commission may require.
51 Upon receiving such notice, the commission shall review the request in
52 good faith, seek input from the casinos on such a request, and if the
53 commission deems it appropriate, promulgate regulations to restrict such
54 sports wagering. If the commission denies a request, the sports govern-
55 ing body shall be afforded notice and the right to be heard and offer
56 proof in opposition to such determination in accordance with the regu-

lations of the commission. Offering or taking wagers contrary to restrictions promulgated by the commission is a violation of this section. In the event that the request is in relation to an emergency situation, the executive director of the commission may temporarily prohibit the specific wager in question until the commission has the opportunity to issue temporary regulations addressing the issue.

14. (a) The commission shall designate the division of the state police to have primary responsibility for conducting, or assisting the commission in conducting, investigations into abnormal betting activity, match fixing, and other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain.

(b) Casinos shall maintain records of sports wagering operations in accordance with regulations promulgated by the commission. These regulations shall, at a minimum, require a casino to adopt procedures to obtain personally identifiable information from any individual who places any single wager in an amount of ten thousand dollars or greater.

(c) The commission shall cooperate with a sports governing body and casinos to ensure the timely, efficient, and accurate sharing of information.

(d) The commission and casinos shall cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including but not limited to providing or facilitating the provision of account-level betting information and audio or video files relating to persons placing wagers; provided, however, that the casino be required to share any personally identifiable information of an authorized sports bettor with a sports governing body only pursuant to an order to do so by the commission or a law enforcement agency or court of competent jurisdiction.

(e) Casinos and operators shall promptly report to the commission or third party integrity monitoring provider approved by the commission, as applicable and in accordance with rules and regulations established by the commission, any information relating to:

(i) criminal or disciplinary proceedings commenced against the casino in connection with its operations;

(ii) abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event or events;

(iii) any potential breach of the relevant sports governing body's internal rules and codes of conduct pertaining to sports wagering, as they have been provided by the sports governing body to the casino or the operator;

(iv) any other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain, including match fixing; and

(v) suspicious or illegal wagering activities, including use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers, using confidential non-public information, and using false identification.

The commission shall also promptly report information relating to conduct described in subparagraphs (ii), (iii) and (iv) of this paragraph to the relevant sports governing body.

(vi) The commission shall be authorized to share any information under this section with any law enforcement entity, team, sports governing body, or regulatory agency the division deems appropriate. Such sharing of information may include, but is not limited to, account level betting information and any audio or video files related to the investigation. Provided, however, the casino or operators may only be required to share

1 any personally identifiable information of an authorized sports bettor
2 with a sports governing body only pursuant to an order to do so by the
3 commission, a law enforcement agency or a court of competent jurisdic-
4 tion.

5 (f) The confidentiality of information shared between a sports govern-
6 ing body and a casino or operator shall be maintained pursuant to all
7 applicable data privacy laws, unless disclosure is required by this
8 section, the commission, other law, or court order. Furthermore, the
9 information shared between a sports governing body, a casino, an opera-
10 tor or any other party pursuant to this act may not be used for business
11 or marketing purposes by the recipient without the express written
12 approval of the party that provides such information.

13 (g) The commission, by regulation, may authorize and promulgate any
14 rules necessary to implement agreements with other states, or authorized
15 agencies thereof to enable the sharing of information to facilitate
16 integrity monitoring and the conduct of investigations into abnormal
17 betting activity, match fixing, and other conduct that corrupts a
18 betting outcome of a sporting event or events for purposes of financial
19 gain.

20 (h) The commission shall study the potential for the creation of an
21 interstate database of all sports wagering information for the purpose
22 of integrity monitoring, and shall create a final report regarding all
23 findings and recommendations to be delivered upon completion of all
24 objectives described herein, but in no event later than March first, two
25 thousand twenty-two, to the governor, the speaker of the assembly and
26 the temporary president of the senate.

27 (i) The commission shall investigate all reasonable allegations of
28 prohibited conduct and refer any allegations it deems credible to the
29 appropriate law enforcement entity.

30 (j) Any person who is (i) an athlete, coach, referee, director of a
31 sports governing body or any of its member teams, a player or other
32 personnel member, in or on any sports event overseen by that person's
33 sports governing body, (ii) holding a position of authority or influence
34 sufficient to exert influence over the participants in a sporting
35 contest, including but not limited to coaches, managers, handlers,
36 athletic trainers, or (iii) a person with access to certain types of
37 non-public information on any sports event overseen by that person's
38 sports governing body, shall not be permitted to place a wager on a
39 sports event that is overseen by that person's sports governing body so
40 long as that person has been identified as a prohibited sports bettor in
41 any lists provided by the sports governing body to the commission, casi-
42 nos, and operators. Any person who violates this paragraph shall be
43 guilty of a disorderly persons offense and shall be fined not less than
44 five hundred dollars and not more than one thousand dollars.

45 (k) Casinos and operators shall adopt procedures to prevent persons
46 from wagering on sports events who are prohibited from placing sports
47 wagers. A casino or operator shall not accept wagers from any person:

48 (i) whose name appears on the exclusion list maintained by the commis-
49 sion and provided to the casino or operator;

50 (ii) whose name appears on any self-exclusion list maintained by the
51 commission and provided to the casino or operator;

52 (iii) who is the operator, director, officer, owner, or employee of
53 the operator or casino or any relative thereof living in the same house-
54 hold as such individual;

55 (iv) who has been identified in a list provided by the sports govern-
56 ing body to the commission and casino or operator, that identifies the

1 individual by such personally identifiable information as specified by
2 rules and regulations promulgated by the commission;

3 (v) who is an agent or proxy for any other person; or

4 (vi) who has identified themselves to the operator as a prohibited
5 sports pool participant.

6 (l) The commission shall establish a hotline or other method of commu-
7 nication that allows any person to confidentially report information
8 about prohibited conduct to the commission. The identity of any person
9 reporting prohibited conduct to the commission shall remain confidential
10 unless that person authorizes disclosure of his or her identity or until
11 such time as the allegation of prohibited conduct is referred to law
12 enforcement.

13 15. (a) Casinos shall use whatever data source they deem appropriate
14 for determining the result of sports wagering involving tier one sports
15 wagers.

16 (b) Casinos shall only use official league data in all sports wagering
17 involving tier two sports wagers, if the relevant sports governing body
18 is headquartered in the United States, possesses a feed of official
19 league data, and makes such feed available for purchase by the casinos
20 on commercially reasonable terms as determined by the commission.

21 (c) A sports governing body may notify the commission that it desires
22 to require casinos to use official league data in sports wagering
23 involving specific tier three sports wagers by providing notice in the
24 form and manner as the commission may require. Upon receiving such
25 notice, the commission shall review the request, seek input from the
26 casinos on such a request, and if the commission deems it appropriate,
27 promulgate regulations to require casinos to use official league data on
28 sports wagering involving such tier three sports wagers if the relevant
29 sports governing body possesses a feed of official league data, and
30 makes such feed available for purchase by the casinos on commercially
31 reasonable terms as determined by the commission.

32 (d) When determining whether or not a supplier of official league data
33 is offering commercially reasonable terms, the commission shall consider
34 the amount charged by the supplier of official league data to gaming
35 operators in other jurisdictions. This information shall be provided to
36 the commission by the supplier of official league data upon request of
37 the commission. Any entity providing data to a casino for the purpose of
38 tier two sports wagers shall obtain a license as a casino vendor enter-
39 prise and such license shall be issued pursuant to the provisions of
40 section thirteen hundred twenty-seven of this article and in accordance
41 with the regulations promulgated by the commission.

42 (e) No casino shall enter into an agreement with a sports governing
43 body or an entity expressly authorized to distribute official league
44 data to be the exclusive recipient of their official league data.

45 (f) The commission shall promulgate regulations to allow an authorized
46 sports bettor to file a complaint alleging an underpayment or non-pay-
47 ment of a winning sports wager. Any such regulations shall provide that
48 the commission utilize the statistics, results, outcomes, and other data
49 relating to a sporting event that have been obtained from the relevant
50 sports governing body in determining the validity of such claim.

51 16. A casino shall not permit sports wagering by anyone they know, or
52 should have known, to be a prohibited sports bettor.

53 17. Sports wagering conducted pursuant to the provisions of this
54 section is hereby authorized.

55 18. The commission shall promulgate rules that require an operator to
56 implement responsible gaming programs that include comprehensive employ-

1 ee trainings on responding to circumstances in which individuals present
2 signs of a gambling addiction and requirements for casinos and operators
3 under section thirteen hundred sixty-seven-a of this title to assess,
4 prevent, and address problem gaming by users under the age of thirty.
5 The commission shall establish a hotline or other method of communi-
6 cation that will allow any person to confidentially report information
7 about prohibited conduct to the commission. The commission shall promul-
8 gate rules governing the investigation and resolution of a charge of any
9 person purported to have engaged in prohibited conduct.

10 19. The conduct of sports wagering in violation of this section is
11 prohibited.

12 20. (a) In addition to any criminal penalties provided for under arti-
13 cle two hundred twenty-five of the penal law, any person, firm, corpo-
14 ration, association, agent, or employee, who is not authorized to offer
15 sports wagering under this section or section thirteen hundred sixty-
16 seven-a of this title, and who knowingly offers or attempts to offer
17 sports wagering or mobile sports wagering in New York shall be liable
18 for a civil penalty of not more than one hundred thousand dollars for
19 each violation, not to exceed five million dollars for violations aris-
20 ing out of the same transaction or occurrence, which shall accrue to the
21 state and may be recovered in a civil action brought by the commission.

22 (b) Any person, firm, corporation, association, agent, or employee who
23 knowingly violates any procedure implemented under this section, or
24 section thirteen hundred sixty-seven-a of this title, shall be liable
25 for a civil penalty of not more than five thousand dollars for each
26 violation, not to exceed fifty thousand dollars for violations arising
27 out of the same transaction or occurrence, which shall accrue to the
28 state and may be recovered in a civil action brought by the commission.

29 § 2. The racing, pari-mutuel wagering and breeding law is amended by
30 adding a new section 1367-a to read as follows:

31 § 1367-a. Mobile sports wagering. 1. (a) Except as provided in this
32 subdivision, the terms in this section shall have the same meanings as
33 such terms are defined in subdivision one of section thirteen hundred
34 sixty-seven of this title.

35 (b) "Operator" for purposes of this section, means a casino which has
36 elected to offer a mobile sports wagering platform, an Indian Tribe (or
37 agent of such Indian Tribe) that has entered into a tribal-state gaming
38 compact in accordance with the Indian Gaming Regulatory Act, 25 U.S.C.
39 2710, that is in effect and has been ratified by the state and has
40 entered into a sports wagering agreement to operate with the commission
41 pursuant to this section, or the agent of such licensed gaming facility
42 or such Indian Tribe.

43 2. (a) No casino shall administer, manage, or otherwise make available
44 a mobile sports wagering platform to persons located in New York state
45 unless registered with the commission pursuant to this section. A casino
46 may use up to two mobile sports wagering platforms and brands provided
47 that such platforms and brands have been reviewed and approved by the
48 commission. A casino may contract with up to two independent operators
49 to provide its mobile sports wagering platforms. An independent operator
50 may display its brand on the platform in addition to the casino's brand.

51 (b) Registrations issued by the commission shall remain in effect for
52 five years. The commission shall establish a process for renewal.

53 (c) The commission shall publish a list of all operators and casinos
54 registered to offer mobile sports wagering in New York state pursuant to
55 this section on the commission's website for public use.

1 3. In the event that a casino contracts with an operator to provide
2 its mobile sports wagering platform and brand, such operator shall
3 obtain a license as a casino vendor enterprise prior to the execution of
4 any such contract, and such license shall be issued pursuant to the
5 provisions of section thirteen hundred twenty-seven of this article and
6 in accordance with the regulations promulgated by the commission.

7 3-a. (a) As a condition of registration as an operator, each casino
8 shall agree, upon request of an Indian Tribe that has not entered into
9 an agreement for mobile sports wagering with another casino, to provide
10 a site for a mobile sports wagering server and related equipment for the
11 Indian Tribe as directed by the commission, at no cost to the Indian
12 Tribe except the direct and actual cost of hosting the server or other
13 equipment used by the Indian Tribe as determined by the commission.

14 (b) As a condition of registration as an operator in New York state,
15 an Indian Tribe shall enter into an agreement with the commission with
16 respect to mobile sports wagering:

17 (i) To follow the requirements imposed on casinos and operators under
18 this section and section thirteen hundred sixty-seven of this title with
19 respect to the Indian Tribe's mobile sports wagering; to adhere to the
20 regulations promulgated by the commission pursuant to this section with
21 respect to mobile sports wagering, and to submit to the commission's
22 enforcement of this section and section thirteen hundred sixty-seven of
23 this title and regulations promulgated thereunder with respect to mobile
24 sports wagering, including by waiving tribal sovereign immunity for the
25 sole and limited purpose of such enforcement. Nothing herein shall be
26 construed as requiring an Indian Tribe's agreement to adhere to the
27 requirements of section thirteen hundred sixty-seven of this title for
28 gaming conducted on tribal lands as a condition of offering mobile
29 sports wagering under this section;

30 (ii) To waive the Indian Tribe's exclusive geographic right to offer
31 and conduct mobile sports wagering, but not otherwise;

32 (iii) To remit payment to the state equal to tax on sports wagering
33 revenue imposed under section thirteen hundred sixty-seven of this title
34 with respect to mobile sports wagering;

35 (iv) Not to offer or to conduct mobile gaming other than mobile sports
36 wagering pursuant to this section unless such mobile gaming is otherwise
37 authorized by state or federal law; and

38 (v) To locate the server or other equipment used by the Indian Tribe
39 or its agent to accept mobile sports wagering at a casino as defined in
40 paragraph (e) of subdivision one of section thirteen hundred sixty-seven
41 of this title that has applied for and is eligible to register as an
42 operator of mobile sports wagering pursuant to this section and to pay
43 the actual cost of hosting the server or other equipment as determined
44 by the commission.

45 (c) All agreements entered into casinos and Indian Tribes with respect
46 to hosting mobile sports wagering platforms for an Indian Tribe:

47 (i) Must be approved by the commission prior to taking effect and
48 before registration of the casino or Indian Tribe as an operator under
49 this section;

50 (ii) Must provide that the Indian Tribe may, at its sole discretion,
51 terminate the agreement and all commitments, undertakings and waivers
52 made by the Indian Tribe thereunder, except that the Indian Tribe's
53 waiver of its exclusive geographic right to offer and conduct mobile
54 sports wagering shall survive the termination of the agreement;

1 (iii) Shall be limited in applicability solely to the Indian Tribe's
2 operation of mobile sports betting and shall not extend to any other
3 operation or activity of the Indian Tribe; and

4 (iv) Shall not create any rights or privileges to any third party who
5 is not a party to the agreement, except that the commission shall have
6 the power to enforce the agreement including by revoking or suspending
7 the registration of a party that fails to comply with its obligations
8 under the agreement.

9 (d) No mobile sports wagering may be conducted within an Indian
10 Tribe's exclusive geographic area unless the Indian Tribe with exclusive
11 geographic right to that area is registered as an operator under this
12 section. Operators shall use geo-location and geo-fencing technology to
13 ensure that mobile sports wagering is not available to persons who are
14 physically located in an Indian Tribe's exclusive geographic area,
15 unless the Indian Tribe with exclusive geographic right to that area is
16 registered as an operator under this section.

17 3-b. (a) The commission shall promulgate regulations to implement the
18 provisions of this section, including:

19 (i) the development of the initial form of the application for regis-
20 tration;

21 (ii) responsible protections with regard to compulsive play safeguards
22 for fair play;

23 (iii) requiring that operators adopt controls to prevent minors from
24 creating accounts and placing wagers;

25 (iv) requiring that operators adopt controls to maintain the efficien-
26 cy of self-exclusion limits; and

27 (v) requiring that operators utilize commercially reasonable techno-
28 logical means of verifying account holders' identities.

29 (b) The commission shall prescribe the initial form of the application
30 for registration, for operators, which shall require, but not be limited
31 to:

32 (i) the full name and principal address of the operator;

33 (ii) if a corporation, the name of the state in which incorporated and
34 the full names and addresses of any partner, officer, director, share-
35 holder holding ten percent or more equity, and ultimate equitable
36 owners;

37 (iii) if a business entity other than a corporation, the full names
38 and addresses of the principals, partners, shareholders holding five
39 percent or more equity, and ultimate equitable owners;

40 (iv) whether such corporation or entity files information and reports
41 with the United States Securities and Exchange Commission as required by
42 section thirteen of the Securities Exchange Act of 1934, 15 U.S.C. §§
43 78a-78kk; or whether the securities of the corporation or entity are
44 regularly traded on an established securities market in the United
45 States;

46 (v) the type and estimated number of contests to be conducted annual-
47 ly; and

48 (vi) a statement of the assets and liabilities of the operator.

49 (c) The commission may require the full names and addresses of the
50 officers and directors of any creditor of the operator, and of those
51 stockholders who hold more than ten percent of the stock of the credi-
52 tor.

53 (d) Upon receipt of an application for registration for each individ-
54 ual listed on such application as an officer or director, the commission
55 shall submit to the division of criminal justice services a set of fing-
56 erprints, and the division of criminal justice services processing fee

1 imposed pursuant to subdivision eight-a of section eight hundred thir-
2 ty-seven of the executive law and any fee imposed by the federal bureau
3 of investigation. Upon receipt of the fingerprints, the division of
4 criminal justice services shall promptly forward a set of the individ-
5 ual's fingerprints to the federal bureau of investigation for the
6 purpose of a nationwide criminal history record check to determine
7 whether such individual has been convicted of a criminal offense in any
8 state other than New York or in a federal jurisdiction. The division of
9 criminal justice services shall promptly provide the requested criminal
10 history information to the commission. For the purposes of this section,
11 the term "criminal history information" shall mean a record of all
12 convictions of crimes and any pending criminal charges maintained on an
13 individual by the division of criminal justice services and the federal
14 bureau of investigation. All such criminal history information sent to
15 the commission pursuant to this subdivision shall be confidential and
16 shall not be published or in any way disclosed to persons other than the
17 commission, unless otherwise authorized by law.

18 (e) Upon receipt of criminal history information pursuant to paragraph
19 (d) of this subdivision, the commission shall make a determination to
20 approve or deny an application for registration; provided, however, that
21 before making a determination on such application, the commission shall
22 provide the subject of the record with a copy of such criminal history
23 information and a copy of article twenty-three-A of the correction law
24 and inform such prospective applicant seeking to be credentialed of his
25 or her right to seek correction of any incorrect information contained
26 in such criminal history information pursuant to the regulations and
27 procedures established by the division of criminal justice services.
28 The commission shall deny any application for registration, or suspend,
29 refuse to renew, or revoke any existing registration issued pursuant to
30 this article, upon the finding that the operator or registrant, or any
31 partner, officer, director, or shareholder:

32 (i) has knowingly made a false statement of material fact or has
33 deliberately failed to disclose any information required by the commis-
34 sion;

35 (ii) has had a gaming registration or license denied, suspended, or
36 revoked in any other state or country for just cause;

37 (iii) has legally defaulted in the payment of any obligation or debt
38 due to any state or political subdivision; or

39 (iv) has at any time knowingly failed to comply with any requirement
40 outlined in this section, any other provision of this article, any regu-
41 lations promulgated by the commission or any additional requirements of
42 the commission.

43 (f) All determinations to approve or deny an application pursuant to
44 this article shall be performed in a manner consistent with subdivision
45 sixteen of section two hundred ninety-six of the executive law and arti-
46 cle twenty-three-A of the correction law. When the commission denies an
47 application, the operator shall be afforded notice and the right to be
48 heard and offer proof in opposition to such determination in accordance
49 with the regulations of the commission.

50 4. (a) As a condition of registration in New York state, each operator
51 shall implement the following measures:

52 (i) limit each authorized sports bettor to one active and continuously
53 used account on their platform, and prevent anyone they know, or should
54 have known to be a prohibited sports bettor from maintaining accounts or
55 participating in any sports wagering offered by such operator;

1 (ii) adopt appropriate safeguards to ensure, to a reasonable degree of
2 certainty, that authorized sports bettors are physically located within
3 the state when engaging in mobile sports betting;

4 (iii) prohibit minors from participating in any sports wagering, which
5 includes:

6 (1) if an operator becomes or is made aware that a minor has created
7 an account, or accessed the account of another, such operator shall
8 promptly, within no more than two business days, refund any deposit
9 received from the minor, whether or not the minor has engaged in or
10 attempted to engage in sports wagering; provided, however, that any
11 refund may be offset by any prizes already awarded;

12 (2) each operator shall provide parental control procedures to allow
13 parents or guardians to exclude minors from access to any sports wager-
14 ing or platform. Such procedures shall include a toll-free number to
15 call for help in establishing such parental controls; and

16 (3) each operator shall take appropriate steps to confirm that an
17 individual opening an account is not a minor;

18 (iv) when referencing the chances or likelihood of winning in adver-
19 tisements or upon placement of a sports wager, make clear and conspicu-
20 ous statements that are not inaccurate or misleading concerning the
21 chances of winning and the number of winners;

22 (v) enable authorized sports bettors to exclude themselves from sports
23 wagering and take reasonable steps to prevent such bettors from engaging
24 in sports wagering from which they have excluded themselves;

25 (vi) permit any authorized sports bettor to permanently close an
26 account registered to such bettor, on any and all platforms supported by
27 such operator, at any time and for any reason;

28 (vii) offer introductory procedures for authorized sports bettors,
29 that shall be prominently displayed on the main page of such operator
30 platform, that explain sports wagering;

31 (viii) implement measures to protect the privacy and online security
32 of authorized sports bettors and their accounts;

33 (ix) offer all authorized sports bettors access to his or her account
34 history and account details;

35 (x) ensure authorized sports bettors' funds are protected upon deposit
36 and segregated from the operating funds of such operator and otherwise
37 protected from corporate insolvency, financial risk, or criminal or
38 civil actions against such operator;

39 (xi) list on each website, in a prominent place, information concern-
40 ing assistance for compulsive play in New York state, including a toll-
41 free number directing callers to reputable resources containing further
42 information, which shall be free of charge;

43 (xii) ensure no sports wagering shall be based on a prohibited sports
44 event;

45 (xiii) permit account holders to establish self-exclusion gaming
46 limits on a daily, weekly, and monthly basis that enable the account
47 holder to identify the maximum amount of money an account holder may
48 deposit during such period of time;

49 (xiv) when an account holder's lifetime deposits exceed two thousand
50 five hundred dollars, the operator shall prevent any wagering until the
51 patron immediately acknowledges, and acknowledges each year thereafter,
52 that the account holder has met the deposit threshold and may elect to
53 establish responsible gaming limits or close the account, and the
54 account holder has received disclosures from the operator concerning
55 problem gambling resources;

1 (xv) maintain a publicly accessible internet page dedicated to respon-
2 sible play, a link to which must appear on the operator's website and in
3 any mobile application or electronic platform on which a bettor may
4 place wagers. The responsible play page shall include: a statement of
5 the operator's policy and commitment to responsible gaming; information
6 regarding, or links to information regarding, the risks associated with
7 gambling and the potential signs of problem gaming; the availability of
8 self-imposed responsible gaming limits; a link to a problem gaming
9 webpage maintained by the office of addiction services and supports; and
10 such other information or statements as the commission may require by
11 rule; and

12 (xvi) submit annually a problem gaming plan to the commission that
13 includes: the objectives of and timetables for implementing the plan;
14 identification of the persons responsible for implementing and maintain-
15 ing the plan; procedures for identifying users with suspected or known
16 problem gaming behavior; procedures for providing information to users
17 concerning problem gaming identification and resources; procedures to
18 prevent gaming by minors and self-excluded persons; and such other prob-
19 lem gaming information as the commission may require by rule.

20 (b) Operators shall not directly or indirectly operate, promote, or
21 advertise any platform or sports wagering to persons located in New York
22 state unless registered pursuant to this article.

23 (c) Operators shall not offer any sports wagering based on any prohib-
24 ited sports event.

25 (d) Operators shall not permit sports wagering by anyone they know, or
26 should have known, to be a prohibited sports bettor.

27 (e) Advertisements for contests and prizes offered by an operator
28 shall not target prohibited sports bettors, minors, or self-excluded
29 persons.

30 (f) Operators shall prohibit the use of third-party scripts or script-
31 ing programs for any exchange wagering contest and ensure that measures
32 are in place to deter, detect and, to the extent reasonably possible,
33 prevent cheating, including collusion, and the use of cheating devices,
34 including use of software programs that submit exchange wagering sports
35 wagers unless otherwise approved by the commission.

36 (g) Operators shall develop and prominently display procedures on the
37 main page of such operator's platform for the filing of a complaint by
38 an authorized sports bettor against such operator. An initial response
39 shall be given by such operator to such bettor filing the complaint
40 within forty-eight hours. A complete response shall be given by such
41 operator to such bettor filing the complaint within ten business days.
42 An authorized sports bettor may file a complaint alleging a violation of
43 the provisions of this article with the commission.

44 (h) Operators shall maintain records of all accounts belonging to
45 authorized sports bettors and retain such records of all transactions in
46 such accounts for the preceding five years.

47 (i) The server or other equipment which is used by an operator to
48 accept mobile sports wagering shall be located in the licensed gaming
49 facility in accordance with regulations promulgated by the commission.

50 (j) All mobile sports wagering initiated in this state shall be deemed
51 to take place at the licensed gaming facility where the server or other
52 equipment used by an operator to accept mobile sports wagering is
53 located, regardless of the authorized sports bettor's physical location
54 within this state.

55 (k) All mobile sports wagering shall be conducted in compliance with
56 this section and section thirteen hundred sixty-seven of this title.

(1) Permit an Indian Tribe pursuant to paragraph (a) of subdivision three-a of this section to place at the licensed gaming facility the server or other equipment by which the Indian Tribe may accept mobile sports wagering, and to make commercially reasonable accommodations as may be necessary to place and operate the Indian Tribe's server or other equipment.

5. (a) Subject to regulations promulgated by the commission, casinos may enter into agreements with operators or affiliates to allow for authorized bettors to sign up to create and fund accounts on mobile sports wagering platforms offered by the casino.

(b) Authorized sports bettors may sign up to create their account on a mobile sports wagering platform in person at a casino, or an affiliate, or through an operators internet website accessed via a mobile device or computer, or mobile device applications.

(c) Authorized sports bettors may deposit and withdraw funds in their account on a mobile sports wagering platform in person at a casino, or an affiliate, electronically recognized payment methods, or via any other means approved by the commission.

(d) In accordance with regulations promulgated by the commission, casinos may enter into agreements with affiliates to locate self-service mobile sports betting kiosks, which are owned, operated and maintained by the casino, and connected via the internet to the casino, upon the premises of the affiliate. Authorized sports bettors may place account wagers, and place and redeem non-account cash wagers, at such kiosks.

(e) All agreements entered into between casinos and affiliates in relation to the provisions of this section shall be approved by the commission prior to taking effect and shall include a plan for the timely payment of liabilities due to the affiliate under the agreement; provided, however, that the commission shall not approve any such agreement between a casino and a racetrack licensed pursuant to this chapter or an operator of video lottery gaming at Aqueduct licensed pursuant to section one thousand six hundred seventeen-a of the tax law, until twelve months after the effective date of this paragraph; and provided, further, that the commission shall not approve any such agreement between a casino and a professional sports stadium or arena, until twenty months after the effective date of this paragraph.

6. The commission shall annually cause a report to be prepared and distributed to the governor and the legislature on the impact of mobile sports wagering on problem gamblers in New York. The report shall include an assessment of problem gaming among persons under the age of thirty. The report shall be prepared by a non-governmental organization or entity with expertise in serving the needs of persons with gambling addictions. The report shall be prepared and distributed under the supervision of and in coordination with the commission. The costs associated with the preparation and distribution of the report shall be borne by operators and the commission shall be authorized to assess a fee against operators for these purposes. The commission shall also report periodically to the governor and the legislature on the effectiveness of the statutory and regulatory controls in place to ensure the integrity of mobile sports wagering operations.

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

24. To regulate sports wagering in New York state.

§ 4. Severability clause. If any provision of this act or application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or

1 invalidate the remainder of the act, but shall be confined in its opera-
2 tion to the provision thereof directly involved in the controversy in
3 which the judgment shall have been rendered.
4 § 5. This act shall take effect immediately.