

# STATE OF NEW YORK

5765--B

Cal. No. 175

2021-2022 Regular Sessions

## IN ASSEMBLY

February 24, 2021

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. WALSH  
-- read once and referred to the Committee on Racing and Wagering --  
committee discharged, bill amended, ordered reprinted as amended and  
recommitted to said committee -- advanced to a third reading, passed  
by Assembly and delivered to the Senate, recalled from the Senate,  
vote reconsidered, bill amended, ordered reprinted, retaining its  
place on the order of third reading

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 Assem-  
bly, 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 three 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

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

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1 corporation licensed pursuant to this article provides an alternative  
2 source of funding for such program, an amount equal to this alternative  
3 funding, but not in excess of the amount originally contributed during  
4 the year from the gross purse enhancement amount from video lottery  
5 gaming attributable to the franchised corporation, shall be returned to  
6 the franchised corporation and used for the purpose of enhancing purses  
7 at such track. Provided, further, any such alternative source of funding  
8 shall be approved by the gaming commission.

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

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

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

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

42 d. the payment of premiums pursuant to this section shall be made on  
43 behalf of eligible trainers pursuant to paragraph e of this subdivision  
44 by the franchised corporation from monies in the account established in  
45 subdivision one of this section directly to the health plan selected  
46 pursuant to paragraph b or c of this subdivision;

47 e. to be eligible to receive health insurance through this program, an  
48 individual shall have started at least forty-three races conducted by  
49 the franchised corporation during the prior calendar year and at least  
50 sixty percent of the trainer's total amount of starts occurred at the  
51 franchised corporation during the prior calendar year; and

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

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

1 (ii) to make a determination if an individual would have qualified  
2 pursuant to paragraph e of this subdivision; and  
3 (iii) to audit the books and records of the program.

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