

STATE OF NEW YORK

412

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

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
21 be completed by all individuals that have placed themselves on a self-
22 exclusion list pursuant to section one hundred eleven of the racing,

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

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

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

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

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

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

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

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

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

53 (iv) an association or corporation licensed or enfranchised pursuant
54 to this chapter shall not offer coupons, market its services, or send
55 advertisements to or otherwise solicit the patronage of, a self-excluded
56 person; and

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

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

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