

STATE OF NEW YORK

5868

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. 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 prohibiting certain limits or bans on players

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 912 to read as follows:

3 § 912. Limiting or banning players. 1. a. No entity licensed under
4 this chapter to conduct any gaming activity shall limit, prohibit, or
5 require certain bets or ban a player based, in any part, on the player's
6 success, except in cases where the player exceeds the threshold win and
7 loss caps permitted under this section.

8 b. For purposes of this section, a player is deemed limited, prohibit-
9 ed, or required to place certain bets or banned based, in any part, on
10 the player's success where the player's success is deemed a motivating
11 factor behind the action, irrespective of any other act the player
12 engaged in.

13 c. For purposes of this section, "success" shall mean a player's abil-
14 ity to win or lose a game or games operated by an entity licensed under
15 this chapter through lawful means.

16 2. An entity licensed under this chapter to conduct any gaming activ-
17 ity may implement an identifiable win cap under the following circum-
18 stances:

19 a. The licensee implements an identifiable loss cap, expressed as a
20 negative value, that shall not exceed two percent of the win cap; and

21 b. Both the win and loss caps are strictly enforced by the licensee
22 except with respect to players who opt out in accordance with subdivi-
23 sion three of this section. A win or loss cap is deemed to be strictly
24 enforced against a player where a player who exceeds either cap is
25 prohibited from further play through the use of reasonable means by the

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

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1 entity. It shall not be considered a failure to strictly enforce either
2 cap where the result of a player's final bet causes them to exceed
3 either cap.

4 3. A player may voluntarily opt out of both the win and loss caps, but
5 not one, upon signed, written notice to the licensee. Such signed notice
6 is effective when made before play or at any point during play, but not
7 after the player has exceeded more than fifty percent of the win cap or
8 loss cap. The notice shall not be effective where the player is visibly
9 intoxicated. The notice shall be effective for either one hundred
10 sixty-eight hours or until rescinded in writing. In either case, the
11 length of time shall be printed in bold, capital letters at the top of
12 such notice. A licensee may only provide an indefinite notice upon
13 request by a player. Access or continued access to the licensee's gaming
14 activities or the licensee's premises shall not be affected by the play-
15 er's failure to sign the notice. Notice may be rescinded at any point if
16 made in a signed writing following the notice becoming effective. Where
17 a player opts out of the win and loss cap, a licensee may limit or ban
18 such player based, in any part, on their success.

19 4. A person aggrieved by a violation of this section shall be entitled
20 to a private right of action against the licensee for, in the case of
21 the player:

22 a. exceeding the loss cap, the difference between the amount lost and
23 the loss cap;

24 b. exceeding the win cap, the difference between the amount won and
25 the win cap;

26 c. becoming limited, prohibited, or required to place certain bets or
27 banned based, in any part, on the player's success, the difference
28 between the player's current earnings or losses and the win cap or ten-
29 thousand dollars, whichever is lower.

30 § 2. This act shall take effect on the ninetieth day after it shall
31 have become a law.