# STATE OF NEW YORK

6701

2023-2024 Regular Sessions

# IN SENATE

May 5, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders

AN ACT to amend the mental hygiene law, in relation to establishing the problem gambling advisory council

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

Section 1. The mental hygiene law is amended by adding a new section 25.04 to read as follows:

**§ 25.04 Problem gambling advisory council.**

**(a) Creation and purpose. The problem gambling advisory council (hereinafter the "council") is hereby established. The purpose of the council is to make findings and recommendations to the governor and legislature on how to prevent and treat problem gambling in the state of New York.**

**(b) Composition. The council shall consist of thirteen members, including the commissioner of the office of addiction services and supports, the chair of the gaming commission, and eleven additional members: four members appointed by the temporary president of the senate; four members appointed by the speaker of the assembly; one member appointed by the minority leader of the senate; one member appointed by the minority leader of the assembly; and one member appointed by the governor; provided, however, the temporary president of the senate and the speaker of the assembly shall each appoint at least two representatives of community-based behavioral health services providers.**

**(c) Duties of the council. The council shall meet as frequently as necessary, but not less than two times per year. Meetings shall be held at locations determined by the council. All meetings of the council shall be subject to the open meetings law. The council shall:**

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

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1. develop and recommend strategies to ensure availability and access to problem gambling programs and resources, including information and resources regarding prevention of problem gambling, for individuals throughout the state;

2. consult with individuals or organizations with experience in the field of problem gambling services on funding and policy recommendations, including the availability of problem gambling services, the location of such services, and the need for such services;

3. create strategies to increase public awareness of problem gambling and the availability of problem gambling resources;

4. recommend allocations of machine and table fees collected from a gaming licensee pursuant to section thirteen hundred forty-eight of the racing, pari-mutuel wagering and breeding law and distributed pursuant to section ninety-seven-nnnn of the state finance law to effectuate the recommendations and strategies developed pursuant to paragraphs one, two and three of this subdivision; and

5. examine the impact of mobile sports betting on problem gambling services, including but not limited to, any increase in the number of calls placed to the problem gambling hopeline or outreach to local problem gambling resource centers and any need for additional staffing, and any increase in the number of individuals placing themselves on the list of self-excluded persons at gaming facilities; and

6. develop an annual report to be provided to the governor and legislature containing its findings and recommendations with regard to problem gambling, including programs, resources, and services throughout the state. The annual report shall be due no later than October first of each year, with the first report provided no later than the first of October next succeeding the effective date of this section.

(d) Term. Appointed members of the council shall serve for a term of four years and continue to serve until their successor is appointed. Each member of the council shall be entitled to designate in writing a representative to attend meetings in his or her place and to vote or otherwise act on his or her behalf in his or her absence. A member appointed to fill a vacancy shall serve the remainder of the term of the member he or she is appointed to succeed. The members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually incurred in the performance of their duties hereunder. The council shall select, by a majority vote, members to serve as a chair and as a secretary.

(e) Sharing of information. The council may request, and shall receive, information from any state or local governmental agency necessary to complete its duties pursuant to this section, so long as such information does not contain any personally identifying information and not otherwise protected by state or federal law.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.