

# 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:

1 Section 1. The mental hygiene law is amended by adding a new section  
2 25.04 to read as follows:

3 § 25.04 Problem gambling advisory council.

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

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

20 (c) Duties of the council. The council shall meet as frequently as  
21 necessary, but not less than two times per year. Meetings shall be held  
22 at locations determined by the council. All meetings of the council  
23 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 1. develop and recommend strategies to ensure availability and access  
2 to problem gambling programs and resources, including information and  
3 resources regarding prevention of problem gambling, for individuals  
4 throughout the state;

5 2. consult with individuals or organizations with experience in the  
6 field of problem gambling services on funding and policy recommenda-  
7 tions, including the availability of problem gambling services, the  
8 location of such services, and the need for such services;

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

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

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

23 6. develop an annual report to be provided to the governor and legis-  
24 lature containing its findings and recommendations with regard to prob-  
25 lem gambling, including programs, resources, and services throughout the  
26 state. The annual report shall be due no later than October first of  
27 each year, with the first report provided no later than the first of  
28 October next succeeding the effective date of this section.

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

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

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