

STATE OF NEW YORK

10658

IN ASSEMBLY

July 22, 2024

Introduced by COMMITTEE ON RULES -- (at request of 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 advertising restrictions for mobile sports wagering licen-
sees

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 1363 of the racing, pari-mutuel wagering and breed-
2 ing law, as added by chapter 174 of the laws of 2013, is amended to read
3 as follows:

4 § 1363. Advertising restrictions. 1. As used in this section:

5 (a) "advertisement" shall mean any notice or communication to the
6 public or any information concerning the gaming-related business of a
7 gaming facility licensee or applicant or a mobile sports wagering licen-
8 see through broadcasting, publication or any other means of dissem-
9 ination, including electronic dissemination. Promotional activities are
10 considered advertisements for purposes of this section.

11 (b) "direct advertisement" shall mean any advertisement as described
12 in paragraph (a) of this subdivision that is disseminated to a specific
13 individual or individuals.

14 (c) "mobile sports wagering licensee" shall have the same meaning as
15 defined in section thirteen hundred sixty-seven of this article.

16 2. Advertising shall be based upon fact, and shall not be false,
17 deceptive or misleading, and no advertising by or on behalf of a gaming
18 facility licensee or a mobile sports wagering licensee shall:

19 (a) Use any type, size, location, lighting, illustration, graphic
20 depiction or color resulting in the obscuring of any material fact;

21 (b) Fail to clearly and conspicuously specify and state any material
22 conditions or limiting factors;

23 (c) Depict any person under the age of twenty-one [~~engaging in gaming~~
24 ~~and related activities~~], except where such advertisement incidentally
25 depicts a person under the age of twenty-one; or

26 (d) Fail to designate and state the name and location of the gaming
27 facility conducting the advertisement. The location of the gaming facil-

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

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1 ity need not be included on billboards within thirty miles of the gaming
2 facility.

3 3. Each advertisement shall, clearly and conspicuously, state a prob-
4 lem gambling hotline number. Where the advertisement is a video, such
5 gambling hotline number shall be visible for the entire duration of the
6 advertisement.

7 4. Each direct advertisement shall, clearly and conspicuously,
8 describe a method or methods by which an individual may designate that
9 the individual does not wish to receive any future direct advertisement.

10 (a) The described method must be by at least two of the following:

11 (1) Telephone;

12 (2) Regular U.S. mail; or

13 (3) Electronic mail.

14 (b) Upon receipt of an individual's request to discontinue receipt of
15 future advertisement, a gaming facility licensee or applicant or a
16 mobile sports wagering licensee shall block the individual in [~~the~~
17 ~~gaming facility licensee's~~] such licensees' or applicant's database so
18 as to prevent the individual from receiving future direct advertisements
19 within fifteen days of receipt of the request.

20 5. Each gaming facility licensee or applicant or a mobile sports
21 wagering licensee shall provide to the commission at its main office a
22 complete and accurate copy of all advertisements within five business
23 days of the advertisement's public dissemination. Gaming facility licen-
24 sees or applicants or mobile sports wagering licensees shall discontinue
25 the public dissemination upon receipt of notice from the commission to
26 discontinue an advertisement.

27 6. A gaming facility licensee or applicant or a mobile sports wagering
28 licensee shall maintain a complete record of all advertisements for a
29 period of at least two years. Records shall be made available to the
30 commission upon request.

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