

# STATE OF NEW YORK

3108

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PHEFFER AMATO, COLTON, COOK, DURSO -- read once  
and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law and  
the tax law, in relation to prohibiting individuals under the age of  
twenty-one from gambling

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

1 Section 1. Subdivision 2 of section 108 of the racing, pari-mutuel  
2 wagering and breeding law, as added by section 1 of part A of chapter 60  
3 of the laws of 2012, is amended to read as follows:

4 2. No corporation, association or person that holds a license, regis-  
5 tration, franchise, certificate or permit issued by the commission shall  
6 permit any person who is actually or apparently under [~~eighteen~~] twen-  
7 ty-one years of age to bet on gaming activity, as defined in subdivision  
8 five of section one hundred one of this article.

9 § 2. The opening paragraph of subdivision b of section 1617-a of the  
10 tax law, as amended by section 1 of part SS of chapter 60 of the laws of  
11 2016, is amended to read as follows:

12 Such rules and regulations shall provide, as a condition of licensure,  
13 that racetracks to be licensed are certified to be in compliance with  
14 all state and local fire and safety codes, that no person who is actual-  
15 ly and apparently under twenty-one years of age shall be permitted to  
16 participate in video lottery gaming, that the gaming commission is  
17 afforded adequate space, infrastructure, and amenities consistent with  
18 industry standards for such video lottery gaming operations as found at  
19 racetracks in other states, that racetrack employees involved in the  
20 operation of video lottery gaming pursuant to this section are licensed  
21 by the gaming commission and such other terms and conditions of licen-  
22 sure as the gaming commission may establish. Notwithstanding any incon-  
23 sistent provision of law, video lottery gaming at a racetrack pursuant  
24 to this section shall be deemed an approved activity for such racetrack

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

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1 under the relevant city, county, town, or village land use or zoning  
2 ordinances, rules, or regulations. No entity licensed by the gaming  
3 commission operating video lottery gaming pursuant to this section may  
4 house such gaming activity in a structure deemed or approved by the  
5 division as "temporary" for a duration of longer than [~~eighteen-months~~  
6 eighteen months]. Nothing in this section shall prohibit the gaming  
7 commission from licensing an entity to operate video lottery gaming at  
8 an existing racetrack as authorized in this subdivision whether or not a  
9 different entity is licensed to conduct horse racing and pari-mutuel  
10 wagering at such racetrack pursuant to article two or three of the  
11 racing, pari-mutuel wagering and breeding law.  
12 § 3. This act shall take effect on the thirtieth day after it shall  
13 have become a law.