STATE OF NEW YORK

3611--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. PRETLOW, BRAUNSTEIN -- read once and referred to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to handicapping tournaments

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

Section 1. Section 906 of the racing, pari-mutuel wagering and breeding law, as added by chapter 2 of the laws of 1995, and as renumbered and subdivision 1 as amended by chapter 18 of the laws of 2008, and paragraph (b) of subdivision 2 as amended by chapter 243 of the laws of 2020, is amended to read as follows:

§ 906. Handicapping tournaments. 1. Notwithstanding any other provision of law, a thoroughbred racing corporation, **including a franchise corporation,** a harness racing corporation or association, a regional off-track betting corporation or a combination thereof, **or a party that contracts with any of the foregoing,** may operate a handicapping tournament at which the participants may be charged an entry fee if the tournament is conducted in accordance with the provisions of this section.

2. (a) The operator of a handicapping tournament shall distribute **no less than eighty percent of** all of the entry fees as prizes to the winners of the tournament. Nothing herein shall preclude an operator from providing additional prizes or promotions.

(b) The commission shall approve the rules and the payment of prizes of a handicapping tournament. No operator of a handicapping tournament may accept an entry fee for a tournament until the commission has approved the rules and the payment of prizes of a handicapping tournament.

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

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(c) The horse races which are the subject of the tournament must be races on which the operator of the tournament is authorized to conduct wagering. [~~At least fifty percent of the races which are the subject of the tournament must be races run in New York state.~~]

3. A handicapping tournament operated in accordance with the provisions of this section shall be considered a contest of skill and shall not be considered gambling.

4. Five percent of the portion of the gross revenue collected by an operator on handicapping tournament entry fees from New York participants that is not distributed as prizes to the winners of a tournament pursuant to subdivision two of this section shall be distributed quarterly by such operator to the horsemen's organization for the administrative purposes of said organization and for such welfare and medical plans for regularly employed backstretch employees pursuant to section three hundred eighteen of this chapter.

§ 2. This act shall take effect immediately.