STATE OF NEW YORK

382

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by 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 licensees

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

Section 1. Section 1363 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, paragraph (a) of subdivision 1 as amended by chapter 423 of the laws of 2024, is amended to read as follows:

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

(a) "advertisement" shall mean any notice or communication to the public or any information concerning the gaming-related business of a gaming facility licensee or applicant or a mobile sports wagering licensee as defined in section thirteen hundred sixty-seven of this article through broadcasting, publication or any other means of dissemination, including electronic dissemination. Promotional activities are considered advertisements for purposes of this section.

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

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

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

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

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

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

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

(d) Fail to designate and state the name and location of the gaming facility conducting the advertisement. The location of the gaming facility need not be included on billboards within thirty miles of the gaming facility.

3. Each advertisement shall, clearly and conspicuously, state a problem gambling hotline number. **Where the advertisement is a video, such gambling hotline number shall be visible for the entire duration of the advertisement.**

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

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

(1) Telephone;

(2) Regular U.S. mail; or

(3) Electronic mail.

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

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

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

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