STATE OF NEW YORK

7908--B

2025-2026 Regular Sessions

IN SENATE

May 13, 2025

Introduced by Sens. GOUNARDES, KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- recommitted to the Committee on Racing, Gaming and Wagering in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 preventing minors from participating in sports wagering

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

Section 1. Paragraphs (bb) and (cc) of subdivision 1 of section 1367 of the racing, pari-mutuel wagering and breeding law, as amended by section 3 of part Y of chapter 59 of the laws of 2021, are amended and two new paragraphs (dd) and (ee) are added to read as follows:

(bb) "Suspicious wagering activity" means unusual wagering activity that cannot be explained and is indicative of match fixing, the manipulation of an event, misuse of inside information, or other prohibited activity; [~~and~~]

(cc) "Independent integrity monitor" means an independent individual or entity approved by the commission to receive reports of unusual wagering activity from a casino, mobile sports wagering licensee, or commission for the purpose of assisting in identifying suspicious wagering activity[~~.~~]**;**

(dd) "Identifying information" means any data that identifies or could reasonably be linked, directly or indirectly, with a specific natural person or device. Identifying information as used in this section and in section thirteen hundred sixty-seven-a of this article may include an Internet protocol address; and

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

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(ee) "Internet protocol address" means a unique numerical identifier assigned to a device that can be used to direct Internet traffic to such device.

§ 2. Paragraph (i) of subdivision 12 of section 1367 of the racing, pari-mutuel wagering and breeding law, as added by section 3 of part Y of chapter 59 of the laws of 2021, is amended to read as follows:

(i) Casinos and mobile sports wagering licensees shall adopt procedures to prevent persons from wagering on sports events who are prohibited from placing sports wagers. A casino or mobile sports wagering licensee shall not accept wagers from any person:

(i) whose name appears on the exclusion list maintained by the commission and provided to the casino or mobile sports wagering licensee;

(ii) whose name appears on any self-exclusion list maintained by the commission and provided to the casino or mobile sports wagering licensee;

(iii) who is attempting to create an account using excluded identifying information as described in paragraph (k) of this subdivision, or to place a wager through an account that was created, registered, opened or maintained using such excluded identifying information, provided that such identifying information has not been removed from the exclusion list pursuant to paragraph (k) of this subdivision;

(iv) who is the operator, director, officer, owner, or employee of the casino or mobile sports wagering licensee or any spouse, child, sibling or parent living in the same principal place of abode as such individual;

[~~(iv)~~] (v) who has been identified as a prohibited sports bettor in a list provided by the sports governing body to the commission and casino or mobile sports wagering operator, that identifies the individual by such personally identifiable information as specified by rules and regulations promulgated by the commission; or

[~~(v)~~] (vi) who is an agent or proxy for a prohibited sports bettor.

§ 3. Subdivision 12 of section 1367 of the racing, pari-mutuel wagering and breeding law is amended by adding a new paragraph (k) to read as follows:

(k) (i) The commission shall, by regulation, establish and maintain an exclusion list for identifying information on mobile sports wagering platforms that shall be separate and distinct from the list of self-excluded persons established pursuant to section thirteen hundred forty-four of this article, and a means by which persons may electronically register any of their identifying information, or, if such person is the parent or legal guardian of a minor, identifying information of or associated with such minor, on such list for the purposes of preventing themselves and any other person, including a minor, from using such information to create an account on a mobile sports wagering platform.

(ii) Mobile sports wagering operators shall be prohibited from permitting the registration of any account with such identifying information, provided that the commission has provided mobile sports wagering operators access to such excluded identifying information, and provided further that such prohibition shall not apply to identifying information removed from such exclusion list pursuant to this paragraph.

(iii) For purposes of subparagraph (iii) of paragraph (i) of this subdivision and this paragraph, the use of excluded identifying information shall mean the use of such information to create, register, open or maintain a mobile sports wagering account, and nothing in this paragraph shall be construed to require a casino, mobile sports wagering licensee or mobile sports wagering operator to conduct age assurance, identity

verification or screening against excluded identifying information upon each login or placement of a wager.

(iv) The commission shall promulgate regulations under this paragraph to ensure: the secure collection and transmittal of such identifying information to mobile sports wagering operators, and the removal and deletion of such identifying information, as provided in subparagraphs (ii), (v) and (vi) of this paragraph; the uniqueness and reliability of the identifying information being collected; and that the identifying information is strictly protected by data security measures, including but not limited to encryption, firewalls, and password protection, data system monitoring, limitations on access to authorized persons within the commission, and other reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of identifying information provided by persons under this paragraph.

(v) Persons submitting identifying information for exclusion from mobile sports wagering under this paragraph shall retain the right to voluntarily rescind such exclusion at any time, at which point such identifying information shall be deleted from the commission's database and the commission shall transmit notice of such removal to mobile sports wagering operators.

(vi) Where identifying information is submitted by a parent or legal guardian of a minor pursuant to subparagraph (i) of this paragraph, the commission shall require, at the time of submission, the date on which such minor will attain twenty-one years of age. Such identifying information shall be deemed removed from the exclusion list upon such date, and the commission shall immediately delete such identifying information from the commission's database and transmit notice of such removal to mobile sports wagering operators.

§ 4. Subparagraph (iii) of paragraph (a) of subdivision 4 of section 1367-a of the racing, pari-mutuel wagering and breeding law, as added by section 4 of part Y of chapter 59 of the laws of 2021, is amended to read as follows:

(iii) (A) prohibit minors from participating in any sports wagering pursuant to rules and regulations promulgated by the commission. Such rules and regulations shall require the operator to conduct age assurance to determine, only at the point of account registration, that the person creating an account is not a minor. The commission shall promulgate regulations identifying commercially reasonable and technically feasible methods for mobile sports wagering operators to determine if a person is a minor, considering the size, financial resources, and technical capabilities of the mobile sports wagering platform operated by such operator, the costs and effectiveness of available age determination techniques, the audience of the mobile sports wagering platform, and prevalent practices of the industry of the mobile sports wagering operator and other similar digital industries. Such regulations shall also identify the appropriate levels of accuracy that would be commercially reasonable and technically feasible for mobile sports wagering operators to achieve in determining whether a person is a minor, provided, however, that a person self-reporting their age with no other supporting evidence shall not be deemed an acceptable method under this subparagraph. Any information collected for the purpose of the age assurance requirement under this subparagraph shall be deleted immediately after an attempt to determine a person's age, except where necessary for applicable provisions of state or federal law or regulation. Nothing in this subparagraph shall be construed to require a

mobile sports wagering operator to conduct age assurance upon each login or placement of a wager.

(B) For the purposes of this subparagraph, a mobile sports wagering operator shall treat a person as a minor if, at the point of account registration, the person's device communicates or signals that the person is or shall be treated as a minor, including through a privacy setting, device setting, or other mechanism;

§ 5. Severability. If any provision of this act or application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.