

STATE OF NEW YORK

9251--A

2025-2026 Regular Sessions

IN ASSEMBLY

November 7, 2025

Introduced by M. of A. VANEL, SHIMSKY, STECK, HYNDMAN -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the racing, pari-mutuel wagering and breeding law, in relation to prediction markets

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

Section 1. The general business law is amended by adding a new article 48 to read as follows:

ARTICLE 48

PREDICTION MARKETS

Section. 1800. Short title.

1801. Definitions.

1802. Age restrictions.

1803. Exclusions from participation.

1804. Certain markets prohibited.

1805. Settlement sources.

1806. At-risk trading measures.

1807. Advertising restrictions.

1808. Restrictions on credit-based products and gift certificates.

1809. Restrictions on market making.

1810. Certain contract provisions void.

1811. Insider trading and market manipulation.

1812. Penalties.

1813. Rulemaking authority.

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

LBD14025-02-6

1 § 1800. Short title. This article shall be known and may be cited as
2 the "oversight and regulation of activity for contracts linked to events
3 (ORACLE) act".

4 § 1801. Definitions. As used in this article, the following terms have
5 the following meanings:

6 1. "Consumer" means an individual who is a resident of the state of
7 New York.

8 2. "Prediction market platform" means any platform or service that
9 provides consumers with the ability to open, close, trade, or settle
10 speculative positions on prediction markets. A prediction market plat-
11 form shall not include a platform operated by an entity that (a) is
12 licensed in this state, (b) would otherwise be required to be licensed
13 to operate in this state, or (c) that is prohibited from operating in
14 this state under the racing, pari-mutuel wagering and breeding law.

15 3. "Prediction market" means a system that allows consumers to open a
16 speculative position on the outcome of future events, in a bid-ask
17 format. This definition shall include all forms of prediction markets
18 regardless of the mechanisms or structures used for opening speculative
19 positions on future events.

20 4. "Bid-ask format" shall mean a format in which parties submit offers
21 to buy positions on a prediction market at a specific price or range of
22 prices and offers to sell positions at a specific price or range of
23 prices, with market prices determined through the matching of these
24 offers.

25 5. "Catastrophic event market" means a prediction market that enables
26 a consumer to open a speculative position on an outcome that relates to
27 war, state or national emergencies, natural or human-made disasters,
28 mass shootings, acts of terrorism, or public health crises or the ancil-
29 lary effects thereof.

30 6. "Political market" means a prediction market that enables a consum-
31 er to open a speculative position that relates to:

32 (a) a federal election, a statewide election in New York, or an
33 election held by a municipality within the state; or

34 (b) the actions or conduct of the federal government, its agencies,
35 employees, officers or leaders, the New York state government or any of
36 its agencies, employees, officers or leaders, or a municipal government
37 or any of its agencies, employees, officers or leaders in their official
38 government capacity.

39 7. "Death market" means a prediction market that enables a consumer to
40 open a speculative position on the death, assassination, or attempted
41 killing of a person or group of persons, or on mass casualty events.
42 This shall not include a prediction market where the outcome could indi-
43 rectly depend on a death as a consequence of a person's inclusion in the
44 market, such as a lawful prediction market which depends on a person
45 engaging in some action where their death would naturally settle the
46 market as such person not engaging in such action.

47 8. "Security market" means a prediction market that enables a consumer
48 to open a speculative position on the price of a publicly traded compa-
49 ny.

50 9. "Speculative position" means a financial commitment made by a
51 participant in a prediction market.

52 10. "Athletic event market" means a prediction market that enables a
53 consumer to open a speculative position on the outcome of a specific
54 athletic event or events or events within an athletic event or events.
55 Athletic events shall include horse racing and prop betting.

1 11. "Athletic event" means an organized competition between two or
2 more persons or groups of persons that involves physical or mental
3 skill.

4 12. "Athletic tournament" means a series of athletic events in which
5 the winners of individual events progress to compete in subsequent
6 events until a final overall winner is determined.

7 13. "Settlement source" means an entity from which the prediction
8 market platform obtains or sources information for the purpose of deter-
9 mining the outcome of a market.

10 14. "Liquidity provider" or "market maker" shall mean any person or
11 entity that, directly or indirectly, and whether manually or through
12 automated means, offers to buy or sell position in a prediction market
13 with the primary purpose of facilitating trading, supporting price
14 discovery, or maintaining market liquidity by posting bids and asks.

15 § 1802. Age restrictions. 1. No prediction market platform provider
16 shall permit any consumer under the age of twenty-one years to register
17 or to open any speculative position on a prediction market.

18 2. If the provider has inadvertently permitted a user that is under
19 the age of twenty-one to use the provider's platform and such provider
20 discovers the error, the provider shall immediately suspend that
21 account, close all positions on that account, pay out to the consumer
22 any funds on the account, and prohibit the individual from further use
23 of the provider's platform until such consumer has attained the age of
24 twenty-one.

25 § 1803. Exclusions from participation. 1. A provider shall maintain
26 and enforce policies to exclude certain individuals from participation,
27 including:

28 (a) any person who has self-excluded from using the platform;
29 (b) any officer, director, employee, or agent of the provider or its
30 affiliated companies;
31 (c) any officer, director, employee, or agent of a source settlement
32 provider;
33 (d) any person who has insider information on a particular market or
34 markets; and

35 (e) any other category of persons the attorney general by regulation
36 designates as excluded.

37 2. Such exclusion shall be enforced until such person no longer meets
38 the criteria required for exclusion under this section.

39 § 1804. Certain markets prohibited. A prediction market platform
40 provider shall not permit New York users to open a speculative position
41 on the following types of markets:

42 1. Catastrophic event markets;
43 2. Political markets;
44 3. Death markets;
45 4. Security markets; and
46 5. Athletic event markets.

47 § 1805. Settlement sources. 1. Every provider shall maintain a compre-
48 hensive list of all settlement sources that the provider uses to deter-
49 mine the outcomes of the provider's prediction markets and shall make
50 this list readily accessible to consumers at all stages of the registra-
51 tion process.

52 2. Each provider shall display, on every section of the provider's
53 website in which a person can open a speculative position on a specific
54 prediction market, the settlement source for the settlement of such
55 market.

1 3. No provider shall settle a market based on proprietary or confiden-
2 tial information.

3 § 1806. At-risk trading measures. 1. Every provider shall implement
4 and adhere to responsible trading measures to protect consumers who may
5 be at risk of at-risk trading behavior. Such measures shall include, at
6 a minimum:

7 (a) Providing a mechanism by which an individual can voluntarily self-
8 exclude from the platform for a definite or indefinite period. If a
9 consumer self-excludes, the provider must immediately block such consum-
10 er's access to opening a speculative position and take reasonable steps
11 to prevent the consumer from creating new accounts.

12 (b) Allowing consumers to set daily, weekly, or monthly limits on the
13 amount they can deposit or spend in opening speculative positions, if
14 they so choose. The platform may not encourage consumers to remove or
15 increase limits once set; any request to increase a self-imposed limit
16 shall have a fourteen day waiting period.

17 (c) Providing features that allow consumers to limit the amount of
18 time spent on the platform, and periodic notifications that remind
19 consumers of how long they have been active and their net
20 spendings/winnings during that session.

21 (d) Clearly posting and providing the toll-free HOPE NY hotline on the
22 platform's website and apps and in any advertisements. No other hotline
23 may be displayed.

24 (e) All advertisements and marketing materials must include a at-risk
25 trading message and the HOPE NY hotline number in a clear and conspicu-
26 ous manner, consistent with New York law requiring addiction warnings on
27 all advertisements.

28 2. Every provider shall implement training for employees to recognize
29 and respond to indications of at-risk trading and how they can direct
30 consumers to resources for help.

31 3. Every provider shall implement policies to identify at-risk trading
32 and shall, upon making a determination that a user is engaged in at-risk
33 trading, prohibit access to the provider's service.

34 4. Every prediction market platform provider shall comply with the
35 advertising standards set forth in section eighteen-hundred seven of
36 this article.

37 § 1807. Advertising restrictions. 1. All advertising by a prediction
38 market platform shall be truthful and not misleading.

39 2. A prediction market provider shall be prohibited from sending push
40 notifications to users which pertain to bonuses or prediction markets
41 which the user does not currently have an open speculative position on.

42 3. No advertisement shall depict a person under the age of twenty-one,
43 except incidentally.

44 4. No advertisements shall target persons under the age of twenty-one
45 or other vulnerable classes of persons, which the attorney general may
46 designate by regulation.

47 5. A provider shall not advertise in a manner that is calculated to
48 reach individuals on the self-exclusion list or individuals known to
49 have engaged in at-risk trading.

50 6. Every advertisement for a prediction market platform shall include
51 the HOPE NY hotline. Where such advertisement is a video, the message
52 and hotline shall be visible for the entire duration of the video. Where
53 the advertisement is auditory only in nature, the message shall be stat-
54 ed at the beginning and end of the advertisement.

1 7. No advertisement may suggest that the prediction market product is
2 endorsed by the state of New York or any government agency, except that
3 it may state that the platform is within the state.

4 8. A provider shall provide consumers with a readily accessible way to
5 opt out of direct marketing. Upon a consumer's request, the provider
6 shall cease sending them promotional material.

7 9. No promotion may be advertised as "risk-free" or of similar
8 language.

9 10. If the provider offers bonuses, free credits, referral rewards, or
10 other promotions to consumers, the terms and conditions of these offers
11 must be described in plain language and shall be readily available to
12 the consumer prior to the consumer accepting such bonuses, free credits,
13 referral rewards, or other promotions.

14 11. Where a provider uses affiliate marketers or third-party promoters
15 to promote the provider's platform, the provider shall be responsible
16 for ensuring such third parties also comply with the advertising stand-
17 ards required by this section and are liable for non-compliance with the
18 provisions of this section.

19 12. The attorney general may promulgate additional rules and regu-
20 lations pertaining to advertising by prediction market providers.

21 § 1808. Restrictions on credit-based products and gift certificates.

22 1. No prediction market provider or another, whether affiliated or
23 otherwise, shall sell physical or digital gift certificates in relation
24 to their platform.

25 2. No prediction market provider shall permit a consumer to use a
26 credit card or other credit-based product to add funds to such consum-
27 er's account or, in any way, wager on a prediction market.

28 § 1809. Restrictions on market making. 1. A prediction market provider
29 shall not offer a prediction market in the state if the market includes,
30 as a liquidity provider or market maker, any person or entity who know-
31 ingly engages in gaming activities in the ordinary course of business,
32 whether within or outside the state. This prohibition shall also apply
33 to any affiliated entities, subsidiaries, parent companies, joint
34 ventures, partnerships, agents, employees, or any entity acting at the
35 direction of, in cooperation with, or for the financial benefit of such
36 a person or entity.

37 2. A prediction market provider shall not offer markets to residents
38 where in such markets there is a contract or share of revenue with a
39 person or entity who knowingly engages in gaming activities in the ordi-
40 nary course of business, whether within or outside the state. This
41 prohibition shall also apply to any affiliated entities, subsidiaries,
42 parent companies, joint ventures, partnerships, agents, employees, or
43 any entity acting at the direction of, in cooperation with, or for the
44 financial benefit of such a person or entity.

45 § 1810. Certain contract provisions void. 1. A provider's terms of
46 service shall not alter or eliminate any right provided to a consumer
47 under this article.

48 2. Any agreement which violates any provision within this article
49 shall be deemed void.

50 § 1811. Insider trading and market manipulation. 1. A prediction
51 market platform provider shall implement commercially reasonable and
52 technically feasible measures to detect and prevent any fraudulent or
53 manipulative conduct by participants or others. If the provider detects
54 potential manipulation, insider trading, or fraud, it shall report it to
55 the attorney general and, if appropriate, to law enforcement.

1 2. A person who engages in insider trading or market manipulation may
2 be subject to penalties as prescribed by section three hundred fifty-two
3 of this chapter.

4 § 1812. Penalties. 1. Any prediction market provider who violates any
5 provision of this article, or any rule, regulation, or order promulgated
6 thereunder, shall be liable for a civil penalty not to exceed ten thou-
7 sand dollars for each violation. Where the attorney general determines
8 that the provider has engaged in a persistent course of conduct in
9 violation of this section, the attorney general may impose a civil
10 penalty not to exceed fifty thousand dollars for each violation.

11 2. Where a prediction market provider violated the provisions of
12 sections eighteen-hundred three or eighteen-hundred nine of this arti-
13 cle, such civil penalty shall be the greater of two times such profits
14 derived from such market or fifty thousand dollars.

15 3. Whenever the attorney general shall believe from evidence satisfac-
16 tory to them that a prediction market provider has engaged in a persist-
17 ent course of conduct in violation of this article, they may bring an
18 action in the name and on behalf of the people of the state of New York,
19 in a court of justice having jurisdiction to issue an injunction, to
20 enjoin and restrain the continuation of such violation. In such action,
21 preliminary relief may be granted under article sixty-three of the civil
22 practice law and rules. In such action the court shall order such
23 provider to cease operations in the state.

24 4. Where a prediction market provider continues to operate in the
25 state after an order pursuant to subdivision three of this section is
26 made, such provider shall incur a civil penalty of one million dollars
27 per day that such provider is operating in violation of such order.

28 5. Nothing in this article shall be construed to preclude criminal
29 prosecution under any other law.

30 6. The fact that a prediction market provider did not charge money or
31 earn profit from such activities in violation of this section shall not
32 be a defense to a violation of this article.

33 7. Nothing in this article shall be construed as limiting the commis-
34 sioner of the New York state gaming commission or the attorney general
35 from penalizing prediction platforms for violating any law under the
36 jurisdiction of each. The commissioner of gaming shall have concurrent
37 jurisdiction with respect to any violation of section nine hundred thir-
38 teen of the racing, pari-mutuel wagering and breeding law.

39 8. The remedies and penalties in this article are cumulative. Imposi-
40 tion of a penalty under this section does not preclude the attorney
41 general from taking any other action authorized for the same violation.

42 § 1813. Rulemaking authority. The attorney general shall promulgate
43 rules and regulations as are necessary to effectuate and enforce the
44 provisions of this article.

45 § 2. The racing, pari-mutuel wagering and breeding law is amended by
46 adding a new section 913 to read as follows:

47 § 913. Prohibition of licensed entities engaging in prediction market
48 activity. 1. For the purposes of this section, the following terms shall
49 have the following meanings:

50 (a) "Prediction market" means a system that allows consumers to open a
51 speculative position on the outcome of future events, in a bid-ask
52 format. This definition shall include all forms of prediction markets
53 regardless of the mechanisms or structures used for opening speculative
54 positions on future events.

55 (b) "Bid-ask format" shall mean a format in which parties submit
56 offers to buy positions on a prediction market at a specific price or

1 range of prices and offers to sell positions at a specific price or
2 range of prices, with market prices determined through the matching of
3 these offers.

4 (c) "Speculative position" means a financial commitment made by a
5 participant in a prediction market.

6 2. No entity that (a) is licensed in this state, (b) would otherwise
7 be required to be licensed to operate in this state, or (c) is prohibit-
8 ed from operating in this state under this chapter shall offer predic-
9 tion markets to consumers in this state.

10 3. (a) Any applicant, licensed entity, gaming employee, key employee,
11 individual investor or investment firm, board member, or any other
12 person or entity found in violation of this section shall be subject to
13 a fine of not less than ten thousand dollars and not more than one
14 hundred thousand dollars for each violation and shall be subject to the
15 loss of a gaming license and/or be ineligible for a gaming license.

16 (b) All fines resulting from violations of this section shall be
17 collected by the state gaming commission and deposited into the commer-
18 cial gaming revenue fund, established in section ninety-seven-nnnn of
19 the state finance law, to be distributed for problem gambling education
20 and treatment purposes pursuant to paragraph a of subdivision four of
21 such section.

22 4. (a) The state gaming commission, the state police, or the attorney
23 general's office shall have the authority to enforce the provisions of
24 this section.

25 (b) The state gaming commission, state police or attorney general's
26 office may conduct investigations, hold hearings, issue cease and desist
27 letters, and issue subpoenas to ensure compliance with the provisions of
28 this section, provided however that the attorney general may engage in
29 such activity only with respect to any concurrent violation of article
30 forty-eight of the general business law.

31 § 3. Severability. If any clause, sentence, paragraph, section, or
32 part of this article shall be adjudged by any court of competent juris-
33 diction to be invalid. Such judgment shall not affect, impair, or inval-
34 idate the remainder thereof, but shall be confined in its operation to
35 the clause, sentence, paragraph, subdivision, section, or part thereof
36 directly involved in the controversy in which such judgment has been
37 rendered. It is hereby declared to be the intent of the legislature that
38 this act would have been enacted if such invalid provisions had not been
39 included therein.

40 § 4. This act shall take effect one year after it shall have become a
41 law.