STATE OF NEW YORK

7908

2025-2026 Regular Sessions

IN SENATE

May 13, 2025

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

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. Subparagraph (iv) of 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:

(iv) 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**, including persons who have registered identifying information under paragraph (k) of this subdivision**; or

§ 2. 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 establish a means by which persons may register any of their identifying information on an exclusion 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.

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

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(iii) The commission shall promulgate regulations under this paragraph to ensure: the secure collection and transmittal of such identifying information to mobile sports wagering operators, as provided in subparagraph (ii) 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.

(iv) Persons submitting their 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.

§ 3. 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~~] by conducting age assurance to determine, 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. 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.

(B) When promulgating regulations for commercially reasonable and technically feasible methods for age assurance under this subparagraph, the commission may incorporate the methods promulgated by the attorney general under section fifteen hundred one of the general business law, except that such regulations of the commission shall not incorporate the method of a person self-reporting their age with no other supporting evidence. Such self-reporting shall not be an acceptable method of age assurance under this subparagraph.

(C) For the purposes of this subparagraph, a mobile sports wagering operator shall treat a person as a minor if 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;

§ 4. 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 opera-

tion to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

§ 5. 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.