§ 109-b. Rebates. 1. For the purposes of this section, "rebate" shall mean a portion of pari-mutuel wagers, otherwise payable to an entity conducting pari-mutuel betting, that is paid to holders of pari-mutuel wagering tickets and that reduces the amount otherwise payable to such entity, including, but not limited to, refunds to holders of pari-mutuel wagering tickets of any portion or percentage of the full face value of a pari-mutuel wager, paying a bonus on a winning pari-mutuel ticket, awards of merchandise, services such as meals, parking, admission, seating and programs, free or reduced cost pari-mutuel wagers, monetary awards, or any other benefit that the state gaming commission deems appropriate to reward horse racing patrons for their patronage at race meetings.

2. The state gaming commission, upon application of an entity authorized to conduct pari-mutuel betting, may approve the payment of rebates by such entity for a rebate program, subject to the following requirements:

a. the applicant discloses the extent of the rebate program. Such disclosure shall include a listing of the monetary value of all rebates paid to bettors during the previous calendar year, and the terms and conditions governing the award of rebates to bettors;

b. the applicant provides assurances that the values of the rebates are determined solely by (i) attendance at one or more race meetings, (ii) the amount wagered by a bettor, (iii) the amount payable to the entity on each wager, or (iv) how frequently a bettor wagers;

c. the entity maintains records of all wagers subject to a rebate, for a period of not less than three years; and

d. the applicant demonstrates that such rebates are in the best interests of horse racing.