



**MEETING AGENDA
APRIL 24, 2017**

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM
2. CONSIDERATION OF MINUTES, MEETING OF FEBRUARY 27, 2017
3. REPORT OF EXECUTIVE DIRECTOR
4. RULEMAKING
 - A. PROPOSED RACING RULEMAKING: SB/TB UPDATES TO THRESHOLDS FOR CONTROLLED THERAPEUTIC MEDICATIONS
 - B. PROPOSED GAMING RULEMAKING: COMMERCIAL CASINO FEES AND PAYMENTS
 - C. PROPOSED RULEMAKING: SELF EXCLUSION
 - D. PROPOSED GAMING RULEMAKING: COMMERCIAL CASINO LICENSING
 - E. PROPOSED LOTTERY RULEMAKING: MEGA MILLIONS
5. ADJUDICATIONS
 - A. IN THE MATTER OF MUAMER, INC.
 - B. IN THE MATTER OF JOHN GRAY III
 - C. IN THE MATTER OF SUSAN HURCOMB
 - D. IN THE MATTER OF MICHAEL LANG
6. OLD BUSINESS/NEW BUSINESS
7. SCHEDULING OF NEXT MEETING
8. ADJOURNMENT

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NEW YORK STATE
GAMING COMMISSION

MINUTES

MEETING of FEBRUARY 27, 2017

NEW YORK, NEW YORK

A meeting of the Commission was conducted in New York, New York. A video-conference location was also maintained in Schenectady, New York.

1. Call to Order

Executive Director Robert Williams called the meeting to order at 12:41 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance in New York were Commissioners John Crotty, Peter Moschetti, John Poklemba, Barry Sample and Todd Snyder. Commissioner Crotty was unanimously elected as presiding officer for the meeting.

2. Consideration of the Minutes from January 23, 2017

The Commission considered previously circulated draft minutes of the meeting conducted on January 23, 2017. The minutes were accepted as circulated.

3. Report of the Executive Director

Executive Director Williams provided a brief report on the status of the Montreign casino development and Commission proposals for the upcoming National Problem Gambling Awareness Month. Also discussed were the openings of del Lago Resort & Casino opened in Tyre and Rivers Casino and Resort in Schenectady; the proposed conduct of the Sire Stakes Night of Champions Finals and the International Trot on at Yonkers Raceway on October 14th, and the imminent opening of the Suffolk County Regional Off-Track Betting Corporation video lottery gaming operation in Islandia

4. Rulemaking

a. REVISED PROPOSAL: SGC-45-16-00004-P, Anti-Stacking of NSAIDs and diclofenac made a 48-hour NSAID

The Commission considered re-proposal of a rule regarding use of non-steroidal anti-inflammatory drugs in horses to address public

comments received and to delete meclofenamic acid as a permitted non-steroidal anti-inflammatory drug.

ON A MOTION BY: Commissioner Snyder
APPROVED: 5-0

5. Adjudications

a. In the Matter of Dinya Newsstand

The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed, on a 5-0 vote, to accept the Hearing Officer's recommendation that the license be revoked and that the period from the date of suspension to the Commission's decision be a suspension of the license.

b. In the Matter of Empire State Deli

The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed, on a 5-0 vote, to accept the Hearing Officer's recommendation that the license be revoked and that the period from the date of suspension to the Commission's decision be a suspension of the license.

c. In the Matter of Hathi, Inc. dba Friends Groceries

The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed, on a 3-2 vote, with Commissioners Moschetti and Snyder voting in the negative, to accept the Hearing Officer's recommendation that the license be revoked and that the period from the date of suspension to the Commission's decision be a suspension of the license.

6. New Business/Old Business

a. Old Business

No old business was offered for discussion.

b. New Business

No new business was offered for discussion.

7. Scheduling of Next Meeting

No specific date for the next Commission meeting was set, although Commissioners were requested to check on availability for March 27th.

8. Adjournment

The meeting was adjourned at 1:06 p.m.

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Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500

www.gaming.ny.gov

John A. Crotty, Commissioner

Peter J. Moschetti, Jr.,

Commissioner

John J. Poklemba, Commissioner

Barry Sample, Commissioner

Todd R. Snyder, Commissioner

Robert Williams, Executive Director

Edmund C. Burns, General Counsel

To: Commissioners

From: Edmund C. Burns

Date: March 21, 2017

Re: Proposed Rulemaking for Updates to Thresholds for Controlled Therapeutic Medications (9 NYCRR §§ 4043.3(a) and 4120.3(a))

For Commission consideration is a proposal to conform Commission rules on thresholds for controlled therapeutic medications to national model rule amendments recently made by the Association of Racing Commissioners International, Inc. (ARCI).

ARCI modified the model rule thresholds for three drugs (detomidine, omeprazole and xylazine) based on new research. ARCI also expanded added to the list of thresholds amounts for another four routine therapeutic medications, three of which are antihistamines (cetirizine, cimetidine and ranitidine) and one of which is a muscle relaxant used in anesthetic protocols (guaifensin). The amended and newly proposed thresholds are consistent with New York's existing restricted time periods. Trainers who comply with such restricted time periods will be assured of not violating such thresholds.

The text of the proposed rules is attached.

[REDACTED]

attachment

cc: Robert Williams, Executive Director
Ronald Ochrym, Director, Division of Horse Racing and Pari-Mutuel Wagering
Scott Palmer, Equine Medical Director

THOROUGHBRED RULES

Subdivision (a) of section 4043.3 of 9 NYCRR would be amended as follows:

§ 4043.3. Equine drug thresholds; per se.

(a) A horse shall have raced in violation of this section if any of the following substances is found, by the laboratory conducting tests for the commission, to be present in a race-day urine or blood sample taken from such horse at a concentration in excess of a threshold listed below. The test result of such laboratory shall include an assessment of the measurement uncertainty and imprecision of the quantitative threshold for the substance.

(1) Acepromazine: 10 ng/ml HEPS in urine;

(2) Albuterol: 1 ng/ml in urine;

(3) Betamethasone: 10 pg/ml in plasma;

(4) Butorphanol:

(i) 300 ng/ml of total butorphanol in urine; or

(ii) 2 ng/ml of free butorphanol in plasma;

(5) Cetirizine: 6 ng/ml in plasma;

(6) Cimetidine: 400 ng/ml in plasma;

[(5)] (7) Clenbuterol:

(i) 140 pg/ml in urine; or

(ii) any clenbuterol in plasma;

[(6)] (8) Cobalt: 50 ng/ml in plasma;

[(7)] (9) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in plasma;

[(8)] (10) Detomidine:

(i) [1] 2 ng/ml of any metabolite of detomidine in urine; or

(ii) [any] 1 ng/ml of detomidine in plasma;

[(9)] (11) Dexamethasone: 5 pg/ml in plasma;

[(10)] (12) Diclofenac: 5 ng/ml in plasma;

[(11)] (13) DMSO: 10 mcg/ml in plasma;

[(12)] (14) Firocoxib: 20 ng/ml in plasma;

[(13)] (15) Flunixin: 20 ng/ml in plasma;

[(14)] (16) Furosemide: 100 ng/ml in plasma and a specific gravity of urine less than 1.010;

[(15)] (17) Glycopyrrolate: 3 pg/ml in plasma;

(18) Guaifenesin: 12 ng/ml in plasma;

[(16)] (19) Isoflupredone: 100 pg/ml in plasma;

[(17)] (20) Ketoprofen: 2 ng/ml in plasma;

[(18)] (21) Lidocaine: 20 pg/ml of total 3-hydroxylidocaine in plasma;

[(19)] (22) Mepivacaine:

- (i) 10 ng/ml of total hydroxymepivacaine in urine; or
- (ii) any hydroxymepivacaine in plasma;

[(20)] (23) Methocarbamol: 1 ng/ml in plasma;

[(21)] (24) Methylprednisolone: 100 pg/ml in plasma;

[(22)] (25) Omeprazole: [1] 10 ng/ml of omeprazole sulfide in [urine] plasma;

[(23)] (26) Phenylbutazone: 2 mcg/ml in plasma;

[(24)] (27) Prednisolone: 1 ng/ml in plasma;

[(25)] (28) Procaine penicillin: 25 ng/ml of procaine in plasma;

(29) Ranitidine: 40 ng/ml in plasma;

[(26)] (30) Triamcinolone acetonide: 100 pg/ml in plasma; and

[(27)] (31) Xylazine: [10] 200 pg/ml [of total xylazine and its metabolites] in plasma.

HARNESS RULES

Subdivision (a) of section 4120.3 of 9 NYCRR would be amended as follows:

§ 4120.3. Equine drug thresholds; per se.

(a) A horse shall have raced in violation of this section if any of the following substances is found, by the laboratory conducting tests for the commission, to be present in a race-day urine or blood sample taken from such horse at a concentration in excess of a threshold listed below. The test result of such laboratory shall include an assessment of the measurement uncertainty and imprecision of the quantitative threshold for the substance.

(1) Acepromazine: 10 ng/ml HEPS in urine;

(2) Albuterol: 1 ng/ml in urine;

(3) Butorphanol:

(i) 300 ng/ml of total butorphanol in urine; or

(ii) 2 ng/ml of free butorphanol in plasma;

(4) Cetirizine: 6 ng/ml in plasma;

(5) Cimetidine: 400 ng/ml in plasma;

[(4)] (6) Cobalt: 50 ng/ml in plasma;

[(5)] (7) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in plasma;

[(6)] (8) Detomidine:

(i) [1] 2 ng/ml of any metabolite of detomidine in urine; or

(ii) [any] 1 ng/ml of detomidine in plasma;

[(7)] (9) Diclofenac: 5 ng/ml in plasma;

[(8)] (10) DMSO: 10 mcg/ml in plasma;

[(9)] (11) Firocoxib: 20 ng/ml in plasma;

[(10)] (12) Flunixin: 20 ng/ml in plasma;

[(11)] (13) Furosemide: 100 ng/ml in plasma and a specific gravity of urine less than 1.010;

[(12)] (14) Glycopyrrolate: 3 pg/ml in plasma;

(15) Guaifenesin: 12 ng/ml in plasma;

[(13)] (16) Ketoprofen: 2 ng/ml in plasma;

[(14)] (17) Lidocaine: 20 pg/ml of total 3-hydroxylidocaine in plasma;

[(15)] (18) Mepivacaine:

(i) 10 ng/ml of total hydroxymepivacaine in urine; or

(ii) any hydroxymepivacaine in plasma;

[(16)] (19) Methocarbamol: 1 ng/ml in plasma;

[(17)] (20) Methylprednisolone: 100 pg/ml in plasma;

[(18)] (21) Omeprazole: [1] 10 ng/ml of omeprazole sulfide in [urine] plasma;

[(19)] (22) Phenylbutazone: 2 mcg/ml in plasma;

[(20)] (23) Procaine penicillin: 25 ng/ml of procaine in plasma;

(24) Ranitidine: 40 ng/ml in plasma;

[(21)] (25) Xylazine: [10] 200 pg/ml [of total xylazine and its metabolites] in plasma.



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Barry Sample, Commissioner
Todd R. Snyder, Commissioner

Robert Williams, Executive Director
Edmund C. Burns, General Counsel

To: Commissioners
From: Edmund C. Burns
Date: March 20, 2017
Re: Proposed Rulemaking for Casino Fees and Payments (9 NYCRR Part 5302)

For Commission consideration are proposed rules for gaming facility fees and payments. At present, the Commission has been applying the statute in regard to the imposition, collection and distribution of certain required fees and assessment of costs and has not yet assessed certain regulatory costs. The proposal would formalize the process used and set forth procedures for costs not yet assessed. The proposed Part addresses procedures for the annual license fees for machines and tables, procedures in regard to transmitting payments to the Commission, rules for overdue payments, rules for regulatory investigative fees and costs, rules for regulatory cost assessment and procedures for distribution of taxes to counties. A section of the current accounting controls rules would be repealed, with the substance of such section incorporated as section 5302.3 of Part 5302.

A copy of the full text of the proposed Part 5302 is attached.

[REDACTED]

attachment

cc: Robert Williams, Executive Director
Thomas Anapolis, Director, Division of Gaming

A new Part 5302 is added to 9 NYCRR, to read as follows:

Part 5302
Fees and Payments

Section	Definition
5302.1	Definition
5302.2	Annual license fee for machines and tables
5302.3	Submission of payments
5302.4	Overdue payments
5302.5	Regulatory investigative fees and costs
5302.6	Regulatory cost assessment
5302.7	Distribution of tax to counties

§ 5302.1. Definition.

Unless the context indicates otherwise, *Gaming position* means each player position per slot machine and electronic table game and each table game.

§ 5302.2. Annual license fee for machines and tables.

(a) The annual license fee set forth in Racing, Pari-Mutuel and Breeding Law section 1348 shall be paid for each gaming position by July 1st of each year for all approved slot machines and tables on that date.

(b) The annual license fee for any machine or table approved by the commission after July 1st shall be paid upon such approval and prorated by the number of days left in the year, with such year measured from July 1st through the following June 30th.

(c) No adjustment or credit shall be issued to a gaming facility for any machines or tables removed from use after a fee has been imposed.

§ 5302.3. Submission of payments.

(a) Payments for taxes, fees, interest and penalties shall be made to the commission within 30 days of obligation incurred, unless a different period is set forth for a type of payment by article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Part. Any payment for taxes, fees, interest and penalties shall be made by electronic wire transfer, money order, certified check or any other manner designated by the commission.

(b) Forfeiture of winnings as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1345 and gross gaming tax as prescribed in Racing, Pari-Mutuel Wagering and Breeding Law section 1351, including any applicable interest and penalties, shall be transmitted weekly by electronic funds transfer to the commission. Such transmissions are the responsibility of, and shall be made by, the gaming facility licensee.

(c) All weekly gross gaming revenue tax reports filed with the commission shall reflect all gross gaming revenue received by the gaming facility licensee for the period of the return.

(d) When the commission finds that the gaming facility licensee is required to pay additional taxes or finds that the gaming facility licensee is entitled to a refund of taxes, the commission shall report its findings and set forth the basis upon which such findings are made.

§ 5302.4. Overdue payments.

The commission may recover from a gaming facility:

(a) any unpaid amount including overdue payments from the gaming facility's employee or vendor applicants, registrants or licensees;

(b) revenues lost to the State of New York as a result of nonpayment or underpayment;

(c) attorney fees associated with recovery of funds; and

(d) any other payments prescribed by Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter.

§ 5302.5. Regulatory investigative fees and costs.

(a) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1349, a gaming facility licensee shall pay for the costs of any investigation into a violation of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law caused by such licensee. The costs of an investigation conducted pursuant to this section shall be assessed directly to such licensee upon completion of an investigation.

(b) Billable hours by commission staff shall be determined by using payroll costs for commission employees as obtained from the office of the State comptroller, including salaries and non-wage compensation and payroll taxes, as well as fringe benefit and indirect costs at rates established by the division of the budget.

(c) The commission shall charge the gaming facility licensee for actual costs of any consultant including, without limitation, attorneys, accountants, investigators and other designees of the commission related to such consultation.

§ 5302.6. Regulatory cost assessment.

(a) Gaming facility licensees shall be assessed annually pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1350. The commission shall determine the total assessment of regulatory costs for a forthcoming State fiscal year. Such total assessment shall include all commercial gaming costs reasonably anticipated by the commission in regard to all gaming facilities, including, without limitation, direct and indirect payroll, fringe benefits, non-personal service expenses and administrative overhead costs.

(b) The total assessment shall be allocated to each gaming facility licensee in proportion to the number of gaming positions at each gaming facility compared to the total number of gaming positions at all gaming facilities, all as determined by the commission; provided, however, that the commission may use intermediate allocation bases between

opened gaming facilities and gaming facilities that have not opened, as the commission may determine.

(c) At the conclusion of a State fiscal year, the commission shall determine the actual costs of commercial gaming regulation for such concluded fiscal year, excluding investigatory fees assessed pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1349. The commission shall apportion such actual costs according to the proportion of the number of gaming positions at each facility compared to the total number of gaming positions at all facilities and shall credit or debit the next annual assessment of each gaming facility according to the variance between the cost that had been assessed to such facility at the start of the year pursuant to subdivisions (a) and (b) of this section and the actual cost, as determined at the end of such year pursuant to this subdivision. If the number of gaming positions varies throughout the year, the commission may choose one date on which to measure gaming positions or may determine an average number of gaming positions throughout the year, as the commission may determine in the commission's discretion.

(d) Regulatory costs of the commercial gaming program incurred prior to the opening of the first gaming facility shall be assessed to each gaming facility licensee in proportion to the number of gaming positions projected at each gaming facility.

§ 5302.7. Distribution of tax to counties.

Distributions to counties within a region, excluding the host county and host municipality, shall be made in proportion to the population of each such county as shown by the latest preceding decennial Federal census completed and published as a final population count by the United States census that precedes the commencement of the calendar year in which such distribution is made.

* * *

Section 5315.3 of 9 NYCRR is repealed.



Gaming Commission

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Barry Sample, Commissioner

Todd R. Snyder, Commissioner

Robert Williams, Executive Director

Edmund C. Burns, General Counsel

To: Commissioners

From: Edmund C. Burns

Date: March 20, 2017

Re: Proposed Rulemaking for Self-Exclusion (9 NYCRR Part 5402)

For Commission consideration are proposed consolidated and amended regulations for self-exclusion from gaming activities. Currently, there are different self-exclusion rules applying to different forms of gaming. This proposal would centralize Commission self-exclusion policies and make self-exclusion universal throughout the various forms of gaming Statewide, rather than limit it to one form of gambling or another.

The proposal would require that a person file a request for self-exclusion, to include the length of exclusion sought (one year, three years, five years or lifetime). A self-excluded person would be prohibited from collecting gambling winnings or recovering any gambling losses occurring during the exclusion period and would be subject to possible arrest for trespass if found on the premises of a place from which the person is excluded. Upon registration, the excluded person would be required to release any claims that could arise from a failure by the State, Commission or Commission licensees or operators of gaming activity to withhold or restore gaming privileges or from confiscation of such person's gambling winnings. A gaming operator would be required to establish procedures and training for its employees to identify and manage any self-excluded persons found to be present on a gaming floor or involved in gaming-related activities.

Current Parts dealing with self-exclusion in Thoroughbred wagering, Standardbred wagering, Quarterhorse wagering, off-track betting and video lottery would be repealed, as the new Part would supersede them. Current rules allowing for self-imposed restrictions in the amount of wagering on horse racing would be consolidated in a new Part 5403, eliminating duplicative provisions currently in the Thoroughbred, Standardbred, Quarterhorse and off-track betting rules.

The text of the proposed rules is attached.

attachment

Commissioners
March 20, 2017
Page 2

cc: Robert Williams, Executive Director
Lee Park, Director of Communications
Thomas Anapolis, Director of Gaming
Ronald Ochrym, Director of Horse Racing and Pari-Mutuel Wagering

A new Subchapter B would be added to Chapter V of Subtitle T of 9 NYCRR on the subject of problem gambling, containing new Parts 5402 and 5403, as follows:

Chapter V

Administration

Subchapter A Public Access to Records

Subchapter B Problem Gambling

Part

5402 Self-Exclusion

5403 Restrictions on Telephone Account Wagering in Horse Racing

PART 5402

Self-Exclusion

Section

- 5402.1 Definitions
- 5402.2 Request for self-exclusion
- 5402.3 Self-exclusion list
- 5402.4 Duties of gaming operators
- 5402.5 Removal from self-exclusion list
- 5402.6 Exceptions for individuals on the self-exclusion list
- 5402.7 Disclosure of information related to persons on the self-exclusion list

§ 5402.1. Definitions.

For purposes of this Part:

(a) *gaming facility* means any room, premises, designated gaming area or platform where gaming pursuant to articles 2, 3, 4, 5, 6, 9, 10, 13 or 14 of the Racing, Pari-Mutuel Wagering and Breeding Law is conducted; and

(b) *gaming operator* means any licensee or operator authorized to conduct or operate gaming or other activity pursuant to articles 2, 3, 4, 5, 6, 9, 10, 13 or 14 of the Racing, Pari-Mutuel Wagering and Breeding Law.

§ 5402.2. Request for self-exclusion.

(a) A person requesting placement on the self-exclusion list shall submit to the commission or the commission's designee a completed request for voluntary self-exclusion form provided by the commission. Such submission may be made by appearing at the commission's principal office in Schenectady during regular business hours or at any licensed gaming facility's area designated for problem gambling intake. Persons who are unable to travel may request accommodation for submission through United States mail, so long as a notarized statement accompanies the required form stating clearly that the person signing understands fully the implications of submitting such form.

(b) A request for self-exclusion from gaming activities shall include the following identifying information:

(1) name, including any aliases or nicknames;

(2) date of birth;

(3) address of current residence;

(4) telephone number;

(5) social security number, when voluntarily provided in accordance with section seven of the Privacy Act of 1974 (5 U.S.C. § 552a) or Article 6-A of the Public Officers Law (Personal Privacy Protection Law);

(6) height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person; and

(7) a copy of a current government-issued photo identification, such as a driver's license or passport.

(c) Any person requesting self-exclusion pursuant to this Part shall be required to file with the commission or the commission's designee a photograph of such person taken within six months of the date of the request. Such photograph shall accompany the submission of the required form.

(d) A self-excluded person shall update any of the information set forth in subdivision (b) of this section within 30 days of any change.

(e) The length of self-exclusion requested by a person shall be one of the following:

(1) one year;

(2) three years;

(3) five years; or

(4) lifetime.

(f) The commission or the commission's designee shall document a description of the type of identification credentials examined containing the signature of a person requesting self-exclusion and whether said credentials included a photograph or general physical description of the person.

(g) The commission or the commission's designee shall document the signature of the intake employee authorized to accept a self-exclusion request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on the requester's identification credentials and that any photograph or physical description of the person appears to agree with the requester's actual appearance.

(h) Each person requesting self-exclusion shall be advised in writing that if such person is found violating the rules set forth in this Part, such person may be subject to arrest for trespassing pursuant to Penal Law sections 140.10, 140.15 and 140.17.

§ 5402.3. Self-exclusion list.

(a) The commission shall maintain an official self-exclusion list and notify each gaming operator of additions to or deletions from the list within five business days of the verification of the information received pursuant to section 5402.2 of this Part.

(b) The notice that the commission provides to gaming operators shall include the information provided pursuant to subdivision (a) of section 5402.2 of this Part and a copy of the person's photograph pursuant to subdivision (b) of section 5402.2 of this Part.

(c) A gaming operator shall maintain a current copy of the self-exclusion list and ensure that all appropriate employees and agents of the gaming operator are notified promptly of any addition to or deletion from the list.

(d) Gaming operators, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion to anyone other than employees and agents of the gaming operator whose duties and functions require access to the information or as authorized by the Racing, Pari-Mutuel Wagering and Breeding Law for the limited purpose of assisting in the proper administration of responsible gaming programs. Notwithstanding anything to the contrary in this subdivision, a gaming operator may disclose the identity of a self-excluded person to appropriate employees of other gaming operators in the State of New York or affiliated gaming entities in other jurisdictions for the limited purpose of assisting in the proper administration of problem gambling treatment or responsible gaming programs.

(e) A self-excluded person shall not, directly or indirectly, collect in any manner any winnings or recover any losses arising as a result of any gaming activity for the period of time that such person is on the commission's self-exclusion list, consistent with the requirements set forth in the Racing, Pari-Mutuel Wagering and Breeding Law.

(f) Winnings of a self-excluded person shall be subject to forfeiture to the commission if such forfeiture is authorized by the Racing, Pari-Mutuel Wagering and Breeding Law.

(g) For the purposes of this section, winnings issued to, found on or about, or redeemed by, a self-excluded person shall be presumed to constitute winnings subject to forfeiture to the commission if such forfeiture is authorized by the Racing, Pari-Mutuel Wagering and Breeding Law.

§ 5402.4. Duties of gaming operators.

(a) A gaming operator shall train its employees and establish procedures to:

(1) for a physical facility, identify a self-excluded person when such person is present on a gaming floor, present in areas off the gaming floor where gaming activity is conducted or engaging in gaming-related activities and, upon identification, notify immediately, unless section 5402.6 of this Part applies, the following persons:

(i) employees of the gaming operator whose duties include the removal of self-excluded persons;

(ii) the commission's designated staff at the licensed facility; and

(iii) if the gaming operator deems appropriate, a law enforcement agency;

(2) refuse wagers or entry fees from and deny gaming privileges to a self-excluded person;

(3) deny gaming-related activities including credit and check-cashing privileges, player club membership, complimentary goods and services, redemption of any previously earned complimentary goods and services, gaming junket participation and other similar privileges and benefits to a self-excluded person;

(4) ensure that self-excluded persons do not receive, either from the gaming operator or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at any licensed facility;

(5) comply with section 5402.3 of this Part; and

(6) make available to patrons written materials approved by the commission explaining the self-exclusion program and resources for treatment and assistance.

(b) A gaming operator shall designate responsible gaming ambassadors and provide commission approved training to such ambassadors to assist in the development and maintenance of the self-exclusion list.

(c) A gaming operator shall submit amendments to the procedures and training materials required under subdivisions (a) and (b) of this section to the commission for review and approval at least 30 days prior to the intended implementation date of such amendments. Such gaming operator may implement the amendments on the 30th calendar day following the submission of such amendments unless such gaming operator receives a notice under subdivision (e) of this section objecting to such amendments.

(d) If during the 30-day review period the commission determines that an amendment is inconsistent with the intent of this Part, the commission shall, by written notice to the gaming operator, object to such amendment. The objection shall:

(1) specify the nature of the objection and, when possible, an acceptable alternative; and

(2) direct that the amendments not be implemented until approved by the commission.

(e) When amendments to procedures and training materials have been objected to pursuant to subdivision (d) of this section, a gaming operator may submit revised amendments in accordance with subdivision (c) of this section.

(f) For physical facilities, each gaming operator shall post signs within 50 feet of each entrance and exit of the gaming facility or at a distance otherwise approved in writing by the commission indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing pursuant to Penal Law sections 140.10, 140.15 and 140.17 if such person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming-related activities in the gaming facility. The text and font size of such signs shall be submitted to the commission for review and approval.

(g) For interactive gaming, a gaming operator shall not accept any new deposits from the self-excluded person, but such self-excluded person shall be allowed to withdraw any amounts from such person's account and the gaming operator shall acknowledge such withdrawals to such person.

§ 5402.5. Removal from self-exclusion list.

For a person who is self-excluded for one year, three or five years, upon the conclusion of such period of self-exclusion, such person shall be removed from the self-exclusion list unless such person requests in writing, no later than 30 days prior to the expiration of such self-exclusion period, that the commission extend the term of such self-exclusion.

§ 5402.6. Exceptions for individuals on the self-exclusion list.

For physical facilities, the prohibition against allowing self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted shall not apply to a person who is on the self-exclusion list, if all of the following apply:

- (a) the individual is carrying out the duties of employment or incidental activities related to employment;
- (b) the gaming operator's security department has received prior notice, unless it was impracticable to have done so;
- (c) access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual's assigned duties; and
- (d) the individual does not otherwise engage in gaming activities.

§ 5402.7. Disclosure of information related to persons on the self-exclusion list.

- (a) Information furnished to or obtained by the commission pursuant to this Part shall be deemed confidential and shall not be disclosed unless necessary to implement this Part or other law;
- (b) The commission may release periodically to the public demographics and general information in regard to the self-exclusion list, such as the total number of persons on the list, gender breakdown and age range.
- (c) The commission may make selected data available, upon request, for the limited purpose of assisting in the proper administration of problem gambling treatment or responsible gaming programs.

PART 5403

Restrictions on Account Wagering in Horse Racing

Section

5403.1 General requirements

5403.2 Voluntary restrictions on account wagering

§ 5403.1. General requirements.

(a) Each account wagering licensee, as defined by Racing, Pari-Mutuel Wagering and Breeding Law section 1001(r), that maintains telephone betting accounts for wagering on horse races shall establish procedures that are designed to permit an account holder to voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.

(b) An account holder who has placed restrictions on his or her account may remove such exclusion or restrictions upon request made to the account wagering licensee. No request, however, from a person to remove any self-exclusion or limit placed on account wagers shall be effective until seven days after such request has been received by the account wagering licensee.

§ 5403.2. Voluntary restrictions on account wagering.

(a) Any holder of an account authorized pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1012 may voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.

(1) Each account wagering licensee that maintains telephone betting accounts for wagering on horse races shall establish procedures that are designed to deny wagering privileges beyond a daily or weekly threshold set by the account holder.

(2) Any holder of an account voluntarily restricted may have such restrictions removed or modified upon written or in-person request to the racing association or corporation. Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 111(3), no request from a person to remove any limit placed on account wagers shall be effective until seven days after such request has been received by the racing association or corporation.

(b) Each account wagering licensee that maintains telephone betting accounts for wagering on races shall file with the commission a copy of such account wagering licensee's procedures established pursuant to this section.

* * *

Parts 4044, 4123, 4237, 4411 and 5326 of 9 NYCRR would be repealed.

* * *

Subdivisions (e) through (h) of section 5117.6 of 9 NYCRR would be repealed and such section would be renamed as follows:

§ 5117.6. Responsible gaming [and self-exclusion].



Gaming Commission

One Broadway Center, Schenectady, NY 12305
www.gaming.ny.gov

John A. Crotty, Commissioner
Peter J. Moschetti, Jr., Commissioner
John J. Poklemba, Commissioner
Barry Sample, Commissioner
Todd R. Snyder, Commissioner

Robert Williams, Executive Director
Edmund C. Burns, General Counsel

To: Commissioners

From: Edmund C. Burns

Date: April 17, 2017

Re: Proposed Rulemaking for Casino Licensing Amendments (9 NYCRR §§ 5303.14, 5304.1, 5304.2, 5305.1, 5305.2, 5305.3, 5305.4, 5306.2, 5306.3, 5306.4, 5307.3 and 5307.5)

For Commission consideration are amendments to various casino licensing regulations. Initial experience with occupational licensing applications suggests that certain rules could be clarified or modified to enhance the licensing process.

The proposal includes the following:

- clarifying that an applicant denied a license or registration based on criminal history is not barred from applying for a different position, as the relevancy of the criminal history may differ depending upon the position for which the applicant applies (Rule 5303.14(a));
- clarifying standards for licensure or registration, by incorporating statutory cross-references to important provisions or otherwise setting forth standards by regulation (Rules 5304.1, 5305.2 and 5306.2);
- clarifying that incomplete or misleading information on an occupational license or registration application may result in denial of licensure (Rules 5304.2, 5305.3 and 5306.3);
- eliminating a provision that is inconsistent with the practice of temporary licensure of gaming employee registrants (Rule 5305.1);
- clarifying standards for gaming employee registrants, by incorporating statutory cross-reference to important provisions (Rule 5305.2);
- clarifying the duration of a non-gaming employee registration (Rule 5306.4);
- clarifying the circumstances under which certain vendors are not required to be registered (Rule 5307.3(b)); and
- prohibiting owners, managers, supervisory personnel and employees of casino vendor enterprise or ancillary casino vendor enterprise licensees that provide services to a gaming facility from wagering at any such facilities (Rule 5307.5(d)).

The text of the proposed amendments is attached.

[REDACTED]

attachment

cc: Robert Williams, Executive Director
Thomas Anapolis, Director, Division of Gaming
Danielle Holmes, Licensing Manager

Sections 5303.14, 5304.1, 5304.2, 5305.1, 5305.2, 5305.3, 5305.4, 5306.2, 5306.3, 5306.4, 5307.3 and 5307.5 of title 9 of NYCRR would be amended to read as follows:

§ 5303.14. Application and employment after denial or revocation.

(a) Any natural person whose license, registration or application was denied, suspended or revoked by the commission on the basis of any of the following provisions may reapply at any time after the failure or disqualification is cured:

(1) failure to demonstrate financial stability, after which reapplication is permitted only upon achieving financial stability;

(2) failure to satisfy the age requirement, after which reapplication is permitted only upon attaining the requisite age;

(3) if the commission has determined to deny a license or registration application or suspend or revoke a license or registration based upon a pending disposition of a criminal offense, reapplication is permitted upon disposition of the pending charge;

(4) if the commission has determined to deny a license or registration application or suspend or revoke a license or registration based upon the relation of the criminal history of the applicant and the employment position sought with the gaming facility, reapplication is permitted if a different employment position is sought to which the applicant's criminal history might not provide a basis for denial of the application; and

[(4)] (5) any statutory or regulatory provision that is subsequently repealed or modified, after which reapplication is permitted only upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or revocation and justifies the conclusion that the prior determination should not be a basis for denying a license or registration application;

* * *

PART 5304

Casino Key Employee Licensing

* * *

§ 5304.1. Standards for issuance of a casino key employee license.

(a) The specific criteria and standards for casino key employee licensing are set forth in Racing, Pari-mutuel Wagering and Breeding Law sections 1301(8) and 1323(1) through (6).

(b) All applicants for a casino key employee license have to prove, by clear and convincing evidence, his or her financial stability, integrity and responsibility as well as the applicant's good character, honesty and integrity.

[(b)] (c) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1318(1)(c), a casino key employee is disqualified on the basis of any prior felony conviction.

§ 5304.2. Casino key employee license application and disclosure forms.

(a) An applicant for a casino key employee license shall file a multi-jurisdictional personal history disclosure form and other disclosure forms as required by the commission.

(b) Pursuant to the license application form, each applicant for a casino key employee license is required to provide a complete and accurate criminal history, including disclosing all prior arrests and convictions of the applicant.

(c) Subsequent to receiving a completed casino key employee license application, the commission shall provide the applicant with a copy of his or her criminal history information, if any, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1323(4).

(d) Each applicant for a casino key employee license is required to fill out the license form completely and accurately. Incomplete or misleading information supplied on the license form may result in denial of the application.

PART 5305

Gaming Employee Registration

Section

[5305.1 Persons required to register as a gaming employee]

[5305.2] 5305.1 Standards for issuance of a gaming employee registration]

[5305.3] 5305.2 Gaming employee registration forms

[5305.4] 5305.3 Duration of registration

[§ 5305.1. Persons required to register as a gaming employee.]

[A person, as defined in Racing, Pari-Mutuel Wagering and Breeding Law section 1301(22), is required to obtain a gaming employee registration prior to being involved in any gaming licensed activities.]

[§ 5305.2] § 5305.1. Standards for issuance of a gaming employee registration.

(a) [Each applicant for a gaming employee registration shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in sections 5303.1 through 5303.6 of this Subchapter.] The specific criteria and standards for gaming employee registration are set forth in Racing, Pari-Mutuel Wagering and Breeding Law sections 1301(22) and 1324(1) through (5).

(b) Each applicant for a gaming employee registration is required to prove, by clear and convincing evidence, that the applicant is qualified to hold a gaming employee registration.

~~[(b) The] (c) Subsequent to receiving a completed gaming employee registrant application, the commission shall provide [an] the applicant [for a gaming employee registration] with a copy of his or her criminal history information, if any, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1324(5).~~

~~[(c) Subsequent to the registration of a gaming employee, the executive director of the commission may revoke, suspend, limit or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. Notwithstanding, a gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to article 23-A of the Correction Law.]~~

~~(d) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1324(3), a gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction or the commission of any act or acts that would constitute any offense described in Racing, Pari-Mutuel Wagering and Breeding Law section 1318 if the applicant has, in the judgment of the commission, affirmatively demonstrated the applicant's rehabilitation pursuant to article 23-A of the Correction Law.~~

[§ 5305.3.] § 5305.2. Gaming Employee Registration form.

~~(a) A gaming employee registrant shall file a gaming employee registration form the commission supplies and may amend from time to time.~~

~~(b) Pursuant to the registration form, each gaming employee registrant is required to provide a complete and accurate criminal history, including disclosing any prior arrests and convictions of the applicant.~~

~~(c) Each gaming employee registrant is required to fill out the registration form completely and accurately. Incomplete or misleading information supplied on the registration form may result in the denial of the application.~~

[§ 5305.4.] § 5305.3. Duration of registration.

~~(a) Gaming employee registrations shall remain valid as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6).~~

~~(b) Each gaming employee registration shall indicate an expiration date.~~

* * *

PART 5306

Non-Gaming Employee Registration

* * *

§ 5306.2. Standards for issuance of a non-gaming employee registration.

(a) Each applicant for a non-gaming employee registration shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in sections 5303.1 through 5303.6 of this Subchapter.

(b) Subsequent to the registration of a non-gaming employee[, the executive director of] the commission may revoke, suspend, limit or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of the criteria contained in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. [Notwithstanding, a non-gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to article 23-A of the Correction Law.]

(c) Notwithstanding subdivision (b) of this section, a non-gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction [provided that the registrant has] or the commission of any act or acts that would constitute any offense described in Racing, Pari-Mutuel Wagering and Breeding Law section 1318 if the applicant has, in the judgment of the commission, affirmatively demonstrated [registrant's] the applicant's rehabilitation[,] pursuant to article 23-A of the Correction Law.

§ 5306.3. Non-gaming employee registration forms.

(a) A non-gaming employee registration applicant shall be required to file a non-gaming employee registration form that the commission supplies and may amend from time to time.

(b) Pursuant to the registration form, each non-gaming employee registrant is required to provide a complete and accurate criminal history, including disclosing any prior arrests and convictions of the applicant.

(c) Each non-gaming employee registrant is required to fill out the registration form completely and accurately. Incomplete or misleading information supplied on the registration form may result in the denial of the application.

§ 5306.4. Duration of registration.

(a) Non-gaming registrations shall remain valid [as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6)] for five years unless suspended or revoked. If a non-gaming registrant has not been employed in any position within a gaming facility for a period of three years, the registration of that non-gaming registrant shall lapse.

PART 5307

Vendor Licensing and Registration

* * *

§ 5307.3. Registration of other vendors.

* * *

(b) Notwithstanding the requirements set forth in this Part, entities engaged in the following fields of commerce that provide goods or services to a gaming facility applicant or licensee, shall not be required to be licensed or registered as a vendor:

- (1) insurance companies and insurance agencies;
- (2) television, radio newspaper, internet or other similar media outlets used for advertising purposes;
- (3) governmental entities performing traditional governmental functions;
- (4) providers of professional [legal, accounting and financial services] services including accountants, attorneys, engineers and architects, when acting in their respective professional capacities;
- (5) physicians;
- (6) utility companies;
- (7) telecommunication companies;
- (8) training seminars, publication subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee;
- (9) non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;
- (10) professional sports teams, sports figures, entertainers and/or celebrity appearances;
- (11) shipping services;
- (12) state and Federally chartered banks or savings and loan associations where funds are deposited by gaming facility licensees, notwithstanding those sources or transactions provided to a gaming facility licensee that require commission approval;
- (13) any person not otherwise exempt under this subsection who or that is licensed by a Federal or state agency if the commission determines that such agency's licensing requirements are substantially similar to those of the commission;

[(11)] (14) any other person who, by submission of a written petition, demonstrates to the commission that registration as a non-gaming vendor is not necessary to protect the public interest. For the purposes of this paragraph, the gaming facility may submit a written petition on behalf of the person seeking exemption.

(c) The commission may request information or assurances from any person listed in subdivision (b) of this section to determine the validity of such person's exempt status.

§ 5307.5. Vendor application and disclosure forms.

* * *

(d) No owner, manager, supervisory personnel or employee of a casino vendor enterprise licensee or ancillary casino vendor enterprise licensee that provides services to the gaming facility is permitted to wager at any gaming facility to which such licensee provides services.

[(d) Employees] (e) Any employee of a vendor registrant [are] who will perform services at a gaming facility is required to [fill out] complete a non-gaming employee application form and comply with the standards of a non-gaming employee as set forth in Part 5306 of this Subchapter.



Gaming Commission

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John A. Crotty, Commissioner
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John J. Poklemba, Commissioner
Barry Sample, Commissioner
Todd R. Snyder, Commissioner

Robert Williams, Executive Director
Edmund C. Burns, General Counsel

To: Commissioners
From: Edmund C. Burns
Date: April 17, 2017
Re: Proposed Rulemaking for Mega Millions Game (9 NYCRR §§ 5007.1, 5007.2, 5007.4 and 5007.7)

For Commission consideration is a change for the Mega Millions game intended to be effective nationwide with sales effective on October 28, 2017 for the drawing on October 31, 2017.

Mega Millions is a multi-state lottery game that New York offers pursuant to an agreement among various state lotteries, as authorized by Tax Law Sections 1617, 1612(a)(3) and 1604(a). Mega Millions awards prizes to holders of tickets matching specified combinations of numbers randomly selected in regularly scheduled drawings. Players select five numbers from one set and one number from a second set. The cost of a ticket will increase from \$1 to \$2. Other rules change are intended to create larger jackpot amounts. This will be accomplished by decreasing the size of the first set of numbers from which a player chooses (from 75 to 70), while increasing the size of the second set of numbers (from 15 to 25). The percentage amount of the prize pool allocated to each prize level will also change. Finally, the set prize amounts for various non-jackpot prizes will increase as follows: a third-level prize will increase from \$5,000 to \$10,000; a fifth-level prize will increase from \$50 to \$200, a sixth-level or seventh-level prize will increase from \$5 to \$10, an eighth-level prize will increase from \$2 to \$4; and a ninth-level prize will increase from \$1 to \$2.

Without these rules changes, the Division of Lottery would need to remove the Mega Millions game from its portfolio of offerings.

The text of the proposed amendments is attached.



attachment

Commissioners
April 17, 2017
Page 2

cc: Robert Williams, Executive Director
Gweneth Dean, Director, Division of Lottery

Sections 5007.1, 5007.2, 5007.4 and 5007.7 of title 9 of NYCRR would be amended to read as follows:

§ 5007.1. Mega Millions purpose.

* * *

(b) During each Mega Millions drawing, six Mega Millions winning numbers will be selected from two fields of numbers in the following manner: five winning numbers from a field of one through [75] 70 numbers[,] and one winning number from a field of one through [15] 25 numbers.

* * *

§ 5007.2. Mega Millions definitions.

(a) The following definitions shall apply to Mega Millions.

* * *

(7) *Mega Millions play area* is, for the on-line Mega Millions game, the areas on a Mega Millions play slip identified by an alpha character, A through E, containing two separate fields—one field [of 75] 70 and a second field of [15] 25—both containing one- or two-digit numbers each. This is the area where the player, or computer if the player is using the quick pick option, will select five one- or two-digit numbers from the first field and will select one one- or two-digit [numbers] number from the second field.

* * *

(10) *Mega Millions winning numbers* are, for the on-line Mega Millions game, five one- or two-digit numbers, from one through [75] 70 and one one- or two-digit number from one through [15] 25, randomly selected at each Mega Millions drawing, which shall be used to determine winning Mega Millions plays contained on Mega Millions tickets.

* * *

§ 5007.4. Ticket price.

(a) Mega Millions tickets may be purchased for [\$1] \$2 per play at the discretion of the purchaser, in accordance with the number of game panels and inclusive drawings. The purchaser receives one play for each [\$1] \$2 wagered in Mega Millions. Tickets may contain multiple plays. The commission may authorize the sale of Mega Millions tickets at a different purchase price. Such a change in the purchase price shall be announced publicly by the commission prior to the effective date of such change.

* * *

§ 5007.7. Prize structure.

(a) For the Mega Millions game[—] the prize structure shall; be a matrix of [5/75] 5/70 and [1/15] 1/25 with [50] an approximately 49.8 percent anticipated prize fund.

[Match Field 1	Match Field 2	Odds 1 in	Prize	% of Sales	Level]
[5	1	258,890,850	JACKPOT	32.577%	1]
[5	0	18,492,204	\$1,000,000	5.408%	2]
[4	1	739,688	\$5,000	0.676%	3]
[4	0	52,835	\$500	0.946%	4]
[3	1	10,720	\$50	0.466%	5]
[3	0	766	\$5	0.653%	6]
[2	1	473	\$5	1.057%	7]
[1	1	56	\$2	3.542%	8]
[0	1	21	\$1	4.675%	9]
[Total		14.71		50.000%	

<u>Match Field 1</u>	<u>Match Field 2</u>	<u>Odds 1 in</u>	<u>Prize</u>	<u>% of Sales</u>	<u>Level</u>
<u>5</u>	<u>1</u>	<u>302,575,350</u>	<u>Jackpot</u>	<u>37.6%</u>	<u>1</u>
<u>5</u>	<u>0</u>	<u>12,607,306</u>	<u>\$1,000,000</u>	<u>4.0%</u>	<u>2</u>
<u>4</u>	<u>1</u>	<u>931,001</u>	<u>\$10,000</u>	<u>0.5%</u>	<u>3</u>
<u>4</u>	<u>0</u>	<u>38,792</u>	<u>\$500</u>	<u>0.6%</u>	<u>4</u>
<u>3</u>	<u>1</u>	<u>14,547</u>	<u>\$200</u>	<u>0.7%</u>	<u>5</u>
<u>3</u>	<u>0</u>	<u>606</u>	<u>\$10</u>	<u>0.8%</u>	<u>6</u>
<u>2</u>	<u>1</u>	<u>693</u>	<u>\$10</u>	<u>0.7%</u>	<u>7</u>
<u>1</u>	<u>1</u>	<u>89</u>	<u>\$4</u>	<u>2.2%</u>	<u>8</u>
<u>0</u>	<u>1</u>	<u>37</u>	<u>\$2</u>	<u>2.7%</u>	<u>9</u>
<u>Total</u>		<u>24.0</u>		<u>49.8%</u>	

(b) *Jackpot prize payments.* For the Mega Millions game:

* * *

(4) Purchasers in New York must select either an annuity jackpot prize or lump sum jackpot prize. A jackpot prize shall be paid, at the election of a player made no later than 60 days after the player becomes entitled to the prize, with either an annuity or lump sum payment. If the payment election is not made by a player within 60 days after the player becomes entitled to the prize, then the prize shall be paid as an annuity prize. An election to take a lump sum payment may be made at the time of

the prize claim or within 60 days after the player becomes entitled to the prize. An election made after the winner becomes entitled to the prize is final and cannot be revoked. Withdrawn or otherwise changed without the approval of the commission.

* * *

(ii) Lump sum option jackpot prizes shall be paid in a single payment upon completion of internal validation procedures. The lump sum option amount offered shall be the amount determined by multiplying the annuitized prize amount by a discount value set by Mega Millions finance committee prior to each drawing (the ["lump sum equivalent jackpot prize"] lump sum equivalent jackpot prize), divided by the number of total jackpot prize winners for the Mega Millions game.

(c) *Second- through ninth-level prizes.*

(1) Mega Millions panels matching five of the five Mega Millions winning numbers drawn for Field 1, but not matching the Mega Millions winning number drawn for field 2 shall be entitled to receive a second prize of \$1,000,000.

(2) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for field 1 and the Mega Millions winning number drawn for field 2 shall be entitled to receive a third prize of [~~\$5,000~~] \$10,000 .

(3) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for field 1 but not matching the Mega Millions winning number drawn for field 2 shall be entitled to receive a fourth prize of \$500.

(4) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for field 1 and the Mega Millions winning number drawn for field 2 shall be entitled to receive a fifth prize of [~~\$50~~] \$200 .

(5) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for field 1 but not matching the Mega Millions winning number drawn for field 2 shall be entitled to receive a sixth prize of [~~\$5~~] \$10.

(6) Mega Millions Panels matching two of the five Mega Millions winning numbers drawn for field 1 and the Mega Millions winning number drawn for field 2 shall be entitled to receive a seventh prize of [~~\$5~~] \$10.

(7) Mega Millions panels matching one of the five Mega Millions winning numbers drawn for field 1 and the Mega Millions winning number drawn for field 2 shall be entitled to receive an eighth prize of [~~\$2~~] \$4.

(8) Mega Millions panels matching no numbers of the five Mega Millions winning numbers drawn for field 1 but matching the Mega Millions winning number drawn for field 2 shall be entitled to receive a ninth prize of [~~\$1~~] \$2.

* * *