

# REGULATORY AGENDA

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## New York State Gaming Commission

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), the Gaming Commission presents its regulatory agenda for calendar year 2018. All section and part references are to Title 9 of the New York Code of Rules and Regulations. As indicated in SAPA section 202-d(2), the Gaming Commission is not required to propose or adopt any rule listed on the regulatory agenda and may propose or adopt a rule that is not on the agenda. The Gaming Commission reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein relating to the 2018 Regulatory Agenda.

Publication of this notice is intended to further assure that small businesses, local governments and public and private interests in rural areas are given opportunity to participate in the rule making process, as provided by sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural area flexibility analysis, pursuant to SAPA sections 202-b and 202-bb, respectively.

The public may submit written comments in regard to this regulatory agenda to the agency representative indicated at the end of this agenda.

### Administration

Considering the adoption of hearing rules and procedures to centralize the governance of all Gaming Commission administrative hearings.

Considering the establishment of statewide exclusion and self-exclusion lists that would encompass all forms of wagering to include commercial casinos, pari-mutuel wagering and video lottery under a single rule. Currently, there are several separate exclusion rules governing different types of gaming. The Commission is considering the adoption of a single rule that would apply to all areas of gaming.

Considering the addition of new sections to address trade secret designation and trade secrets received in conjunction with procurement and contract monitoring activities. These amendments would provide for agency procedures to safeguard trade secrets that are submitted to the Gaming Commission in the course of licensing and regulatory supervision of gaming entities.

Considering technical amendments to various Commission rules to correct cross-references or make other non-substantive changes.

### Charitable Gaming

Considering the use of electronic funds transfers in connection with bell jar games.

Considering harmonizing games rules for charitable games of chance with rules for games at commercial casinos, where advisable.

Considering amendments to various charitable gaming regulations to implement aspects of recent legislation, including regulation of internet raffle sales by authorized organizations.

### Commercial Casinos

Considering the addition of a new rule requiring gaming facility licensees to notify the Commission in the event the licensee is penalized for casino-related infractions in another jurisdiction.

Considering the addition of rules to add fees and payments for the

transmission of monies owed to the State, such as taxes, fines and gaming machine license fees by commercial casinos.

Considering the amendment of Part 5317, which concerns monitoring and control systems and validation in regard to casino games, to reflect state-of-the-art developments in monitoring technology for gaming devices.

Considering the amendment of Part 5318, which concerns independent testing laboratories for casino games, to update technical requirements for testing and certification of gaming devices, such as updates in technology and limitation to the current testing process.

Considering the amendment of Part 5319, which concerns standards for gaming devices at casinos, to update technical requirements for testing and certification of gaming devices, such as updates in technology and limitation to the current testing process.

Considering the amendment of Part 5320, which concerns slot tournaments and progressive gaming devices, to update technical requirements for testing and certification of gaming devices, such as updates in technology and limitation to the current testing process.

Considering the amendment of Part 5324, which concerns casino table games, to add new table games and bets.

Considering regulating the wagering of employees of casino vendor registrants who have responsibility for services to a casino.

Considering the adoption of rules to regulate sports wagering at casinos, should a change in federal law allow such activity.

### Horse Racing

Considering the amendment of rules governing veterinary technicians.

Considering the amendment of rules concerning show wagering in Thoroughbred racing.

Considering the amendment of the pick-four, pick-five and pick-six rules in Thoroughbred racing.

Considering the amendment of the pick-four, pick-five and pick-six rules in harness racing.

Considering adding a trainer medication log rule to require Thoroughbred trainers to keep a record of medications administered by the trainer when no veterinarian makes a record of the administrations.

Considering the amendment of Part 4045 to conform the minimum penalty enhancement rule to recent changes to the national model, a Thoroughbred rule that creates an additional penalty when a horseperson, typically the trainer, repeatedly commits equine drug violations.

Considering adding continuing education requirements for horsepersons in Standardbred racing.

Considering the amendment of Section 4043.2(b) for exercise-induced pulmonary hemorrhage (EIPH) in Thoroughbred horses. The amendment would require Thoroughbred trainers to maintain a record of EIPH episodes of grade four, defined with the universal one-to-four grading system, or epistaxis (visible bleeding from the nose). Trainers would be required to provide such information to subsequent owners within 48 hours of the request for the information, unless the Commission has collected and provided the information itself. The rules would require an endoscopic examination after a serious EIPH episode, when the horse next works out or races.

Considering the amendment of Section 4012.5 in regard to out-of-competition testing in Thoroughbred racing to conform to the national Model Rule of the Association of Racing Commissioners International, Inc. (ARCI) as amended on December 9, 2016. The amendments would add rebuttable presumptions regarding the jurisdiction of the Commission, codify the sample collection procedure and protect the privacy interests of horsepersons.

Considering the amendment of Part 4043 in Thoroughbred racing rules and Part 4120 in harness racing rules to adopt substance prohibitions comparable to the World Anti-Doping Agency prohibited substances, unless the horse has a restricted therapeutic use exemption appropriate for horse racing. The rule would require that no drug may be administered to a horse engaged in horse racing activities unless recommended by an attending veterinarian in a valid veterinarian-client-patient relationship. The rule would also prohibit the experimental use of any substance that could materially affect performance of a racehorse absent a valid therapeutic, evidence-based treatment plan. These proposals conform to the national ARCI model rules as amended on December 9, 2016.

Considering the amendment of 4012.6 to allow a licensee to request and pay for the collection of an extra blood sample for equine drug testing to ensure an opportunity to conduct additional tests if the sample collected for the Commission's own test is reported positive. The Commission would continue, voluntarily, to make the remaining residue from the samples the Commission collects available for duplicate retesting.

Considering rules in regard to safety helmets and vests for use in Thoroughbred racing.

Considering rules to formalize practice that race-day furosemide (a/k/a Lasix) administration to race horses is provided by independent, third-party veterinarians who are not caring for the horses of a trainer or owner who participates at the race meeting.

Considering amending existing Thoroughbred regulations to adjust the timing when permissible to use an ultrasonic, diathermy or other electro/medical equipment treatment on a horse.

Considering allowing a claimant to void a claim of a Thoroughbred horse that is discovered to have become lame or experienced epistaxis due to EIPH in a claiming race.

#### Interactive Fantasy Sports

Considering the adoption of regulations implementing Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law.

#### Lottery

Considering regulations for the licensing and regulation of couriers to purchase tickets on behalf of customers.

*Information may be obtained, and written comments may be submitted, regarding any of the above proposed amendments by contacting: Kristen Buckley, State Gaming Commission, One Broadway Plaza, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3407, or e-mail: gamingrules@gaming.ny.gov*

This agenda is posted on the Commission's website at <https://www.gaming.ny.gov/proposedrules.php>