

# RULE REVIEW

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## New York State Gaming Commission Five-Year Review of Existing Regulations

Pursuant to section 207 of the State Administrative Procedure Act, notice is hereby provided of rules adopted by the New York State Gaming Commission (and its predecessor agencies, the Racing and Wagering Board and the Division of Lottery) for the calendar years 2016, 2011, 2006 and 2001. Public comments on the continuation or modification of these rules are invited and those received by March 8, 2021, will be considered. Please forward comments to Kristen M. Buckley, Secretary of the New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, New York 12301-7500 or by electronic mail at [gamingrules@gaming.ny.gov](mailto:gamingrules@gaming.ny.gov).

The following contains a brief description of each rule, including the statutory authority, and a statement setting forth the justification for the need for each rule and its continuation without further modification.

2016

### Horse Racing

SGC-39-15-00005 Thoroughbred Restricted Time Periods for DMSO and Diclofenac

This rulemaking amended 9 NYCRR § 4043.2(e) to permit non-topical administrations of dimethyl sulfide (DMSO) until 48 hours before a thoroughbred horse's next race. The rule is needed for consistency with previously adopted national thresholds for the substances. A similar amendment was adopted for diclofenac, which was repealed in 2020. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-44-15-00019 Report Required for Gelded Horses

This rulemaking added 9 NYCRR §§ 4007.7 and 4106.10 to require trainers to report promptly when a horse has been gelded. The rule is needed so the betting public and potential claimants know of the changed condition of the horse before it races. The legal basis for the rule is RWL §§ 103, 104, and 301.

SGC-46-15-00004 Drug Testing of Claimed Horses

This rulemaking amended 9 NYCRR §§ 4038.5(a) and 4109.3(a) to remove the Commission's obligation to sample all claimed horses for drug testing and amended 9 NYCRR §§ 4038.17 and 4109.5 to require such sampling if the claimants request a test at their expense on their claim form. The rule is needed to allow the Commission more effective use of limited budgetary funds for equine drug testing. The legal basis for the rule is RWL §§ 103, 104, 301 and 902.

SGC-46-15-00007 Multiple Medication Violation Penalties

This rulemaking added a new Part 4045 to 9 NYCRR to create a minimum supplemental penalty when a thoroughbred trainer accumulates certain levels of points based on severity and recency of equine drug violations, to support a national effort to impose license suspensions that will discourage recidivism. The rule does not prevent the Commission from applying its own penalty enhancements based upon prior equine drug violations and permits a corresponding waiver to avoid double jeopardy. The tabulation of points and the mandatory minimum penalties were amended in May 2019 to conform to national

model rule changes. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-48-15-00006 Per Se Thresholds for Four Substances; Special Penalty Provisions

This rulemaking amended 9 NYCRR §§ 4043.3 and 4120.3 to add Per Se thresholds for albuterol, cobalt and isoflupredone and lower the threshold for ketoprofen to match new national drug thresholds, which is needed for consistency with national equine drug thresholds. A new subdivision (c) was added to enhance penalties for findings of cobalt at high levels which indicate an intent to commit blood-doping; and to issue only a warning for first-time corticosteroid threshold violations incurred by thoroughbred trainers whose contemporaneous records show the administration occurred within the permissible time period for such treatments. The legal basis for the rules is RWL §§ 103, 104, 301 and 902.

SGC-52-15-00007 Prohibiting the Administration of Stanozolol

This rulemaking amended 9 NYCRR §§ 4043.15 and 4120.12 to remove stanozolol from the list of permitted anabolic steroids. When anabolic steroids were prohibited in racing horses, the Commission adopted thresholds for endogenous ones based on natural levels in untreated horses and also included stanozolol, which is not endogenous in a horse, because it could be found for several months based on lawful administrations before the rule was adopted. The rule is needed to eliminate the permissive threshold for stanozolol because the detection time for previously lawful treatments has elapsed. The legal basis for the rules is RWL §§ 103, 104, 301 and 902.

SGC-01-16-00006 Commission Authority to Implement Jockey Injury Compensation Fund Plan

This rulemaking added Part 4046 to 9 NYCRR to authorize the Commission to select an insurance carrier that the Jockey Injury Compensation Fund (JICF) must accept to provide a workers' compensation insurance benefit to jockeys and other thoroughbred riders if the JICF fails to submit a timely annual plan for coverage. This is needed to ensure that JICF's statutory duty to provide insurance coverage to such employees is met. The statutory basis for the rules is RWL §§ 104 and 221.

SGC-07-16-00001 Cellular Phones Permitted in Harness Paddock

This rulemaking amended 9 NYCRR § 4101.14 to make permanent that horsepersons in the harness paddock may use their cellular phones. The rule is needed to allow them to transact business and personal affairs while required to remain in the paddock until all their horses have raced. The statutory basis for this rule is RWL §§ 104 and 301.

SGC-07-16-00011 Thoroughbred Pick-Four, -Five and -Six Wagers

This rulemaking added 9 NYCRR § 4011.25 to establish a pick-five wager in thoroughbred racing, amended 9 NYCRR §§ 4011.23 and 4011.26 to make the rules for pick-four and pick-six wagers parallel the pick-five wager rules, and renumbered the pick-n (including WIN-3) wagers in serial order at §§ 4011.23 to 4011.26. The rules are needed to codify the pick-five wager, previously conducted by reference to provisions not stated in the Commission rules, and to simplify

the administration of pick-n wagers. The statutory basis for the rules is RWL §§ 103 and 104.

#### SGC-22-16-00004 Altering the Use of Hopples

This rulemaking amended 9 NYCRR §§ 4413.5 and 4117.3 of 9 NYCRR to remove the requirement that a harness trainer must be granted permission by the judges or requalify when putting on or taking off hobbles without a prior performance line. The rule is needed because it is unnecessary to require the trainer to get permission from the judges since horses can change this equipment and the bettors can handicap this without difficulty. The statutory basis for the rules is RWL §§ 103, 104 and 301.

#### SGC-22-16-00005 Decoupling Harness Horses in Major Races

This rulemaking amended 9 NYCRR § 4111.15 to permit the uncoupling of harness horses with the same trainer but different owners in stakes races with a purse at least \$25,000, and to uncouple horses with common ownership in stakes races with a purse at least \$100,000. This rule is needed to increase the number of horses entered in such races and betting handle when the size of the purse and possibility of qualifying for another stage of the stakes program outweigh the risk of possible collusion. The statutory basis for the rules is RWL §§ 103, 104 and 301.

#### SGC-37-16-00007 Continuing Education for Thoroughbred Trainers

This rulemaking amended 9 NYCRR § 4002.8 to require thoroughbred trainers and assistant trainers, except for those who rarely participate in New York, to complete four hours of Commission-approved continuing education each calendar year to maintain license eligibility. The rule implements a national movement to enhance their competence. The statutory basis for the rules is RWL §§ 103 and 104.

#### Horse Racing, Charitable Gaming and Lottery

##### SGC-12-16-00009 Sanctions for Underage Wagering

This rulemaking amended 9 NYCRR §§ 4003.39, 4122.6, 4404.10, 4602.1, 4622.2, 4622.3, 5001.27, 5007.5, 5007.13, 5013.3 and 5117.1 to establish requirements and substantial penalties for racetracks, off-track betting branches, charitable organizations, lottery sales agents and video lottery facilities to prevent play by underage persons. The rules are needed to protect minors from possible harm from participating in wagering activities. The statutory basis for the rules is RWL §§ 104, 108 and 116; Tax Law §§ 1601, 1604, 1610 and 1612; and General Municipal Law §§ 195-a and 486.

#### Lottery

##### SGC-52-15-00005 Updates to Lottery Subscription Program

This rulemaking amended 9 NYCRR §§ 5005.1 through 5005.8 of 9 NYCRR to reflect the use of electronic technology in the Commission's lottery subscription program. This is needed to include such electronic transactions, communications and accounts in the rules. The statutory basis for the rules is RWL § 104 and Tax Law §§ 1601, 1604 and 1612.

##### SGC-52-15-00006 Manner of Paying Lottery Prizes

This rulemaking amended 9 NYCRR § 5002.5 to authorize alternative means than checks to pay lottery prizes, such as a Commission-issued debit card. This rule is needed to add flexibility and consistency to the manner in which the Commission makes lottery prize payments. Section 5002.5 has been amended to add provisions for the means of payment of lottery prizes of \$600 or less to a courier customer. The statutory basis for the rules is RWL § 104 and Tax Law §§ 1601, 1604, 1612 and 1617.

##### SGC-52-15-00008 Suspension and Revocation of Lottery Agent License

This rulemaking amended 9 NYCRR § 5001.19 to codify the rules for the suspension or revocation of a lottery sales agent license based on poor sales, and the licensee's duty to surrender lottery equipment, tickets and other materials when suspended temporarily by the Commission. The rules provide clear guidance to lottery sales agents and encourage better performance of their duties and obligations. The statutory basis for the rule is RWL §§ 103 and 104 and Tax Law §§ 1601, 1604, 1605 and 1607.

#### Lottery and Casino Gaming

##### SGC-23-16-00014 Independent Testing of Gaming Equipment

This rulemaking added Part 5318 to 9 NYCRR to require that licensed gaming and video lottery facilities operate slot machines, video lottery gaming system or other gaming equipment only that has been certified by a Commission-approved independent testing laboratory to meet standards set forth in the rules. The rules are needed to promote the credibility and integrity of casino gaming in New York. The statutory basis for the rules is RWL §§ 103, 1303, 1326 and 1335 and Tax Law § 1617-a.

#### Casino Gaming

##### SGC-12-16-00002 Problem Gambling and Patron Self-Exclusion

This rulemaking added Parts 5325 and 5326 to 9 NYCRR and amended 9 NYCRR § 5301.1 to require that each gaming facility submit a problem gambler program including employee awareness training, report the casino's progress and results regularly to the Commission, and establish and advertise a process for individuals to be self-excluded from gaming activities. The rules are needed to protect individuals who are prone to problem gambling and to elevate the responsibility and reputation of the gaming facilities. Part 5326 has been repealed and replaced by a new Part 5402. The statutory basis for the rules is RWL §§ 104, 1307, 1344, 1345, 1362 and 1363.

##### SGC-19-16-00013 Surveillance Standards for Gaming Facilities

This rulemaking added Part 5314 to 9 NYCRR to require that each gaming facility receive Commission approval for and implement a comprehensive video surveillance system that meets the industry best practices for equipment, training, operational independence and record retention. The rules are needed to assure transparent, credible and secure gaming operations. The statutory basis for the rules is RWL §§ 104, 1307 and 1331.

##### SGC-28-16-00006 Patron Exclusion by Commission from Gaming Facilities

This rulemaking added Part 5327 to 9 NYCRR to establish the criteria and procedures for the patron exclusion program at each gaming facility through the creation and publication of a Commission list of excluded patrons, enforcement and compliance by the gaming facility, and a process for excluded patrons to seek redress. The rules are needed to ensure that persons who presence would be inimical to casino gaming in New York are excluded from the facilities. The statutory basis for the rules is RWL §§ 104, 1307 and 1324.

##### SGC-28-16-00007 Definition of Terms for Casino Gaming

This rulemaking amended 9 NYCRR § 5300.1 to provide definitions for the terms used frequently in Subchapter B, Casino Gaming, of Chapter IV, Division of Gaming, of the Commission's rules (Subtitle T of 9 NYCRR). The rule simplifies the substantive rules in the Subchapter. The statutory basis for the rule is RWL §§ 104 and 1307.

##### SGC-28-16-00008 Regulation of Table Game Equipment

This rulemaking added Part 5322 to 9 NYCRR to regulate casino gaming table devices and chips with rules based on industry best practices for such equipment, including the dice, pai gow tiles, playing cards, and automated card shuffling and dealing devices, and for its inspection, use, storage and secure disposal. The rules are needed to promote the credibility and integrity of casino gaming in New York. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

##### SGC-28-16-00009 Regulation of Junkets

This rulemaking added Part 5308 to 9 NYCRR to require that a junket representative who works for the gaming facility be licensed as a casino key employee, and to establish for junket enterprises and other junket enterprise representatives a license category of ancillary casino vendor. The rules require the casino to file with the Commission all junket operator agreements and quarterly reports concerning the operation of any junket enterprise or representative engaged on its premises. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1328.

##### SGC-28-16-00010 Registration of Casino Labor Organizations

This rulemaking added Part 5310 to 9 NYCRR to require that of-

ficers, agents and principal employees of a labor union that represents casino employees register with the Commission, that the Commission shall not register those who fail to meet statutory registration criteria, and that the union must file biennial registration statements with the Commission. The rules are needed to fulfill the statutory directives related to such unions and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1330.

#### SGC-28-16-00011 Conduct of Casino Table Games

This rulemaking added Part 5323 to 9 NYCRR to set forth the practices and procedures that casinos must follow for the conduct and operation of table games to meet industry best practices for conducting table games, including a plan for table game staffing and a dealer training program. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

#### SGC-28-16-00012 Registration of Casino Lobbyists

This rulemaking added Part 5309 to 9 NYCRR to provide specific licensing procedures and requirements for the registration of casino lobbyists. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1329.

#### SGC-32-16-00001 Casino License and Registration Applications

This rulemaking amended Parts 5303 through 5307 of 9 NYCRR to update the information which is required for the license and registration applications filed by gaming facility employees and vendors, including in the process of reapplying after a denial or revocation, and to clarify the vendor license categories and vendors which do not need a license. The rules are needed to clarify and simplify the license and registration application process for gaming facility employees and vendors. The statutory basis for the rules is RWL §§ 104, 1307, 1322, 1323, 1325, 1326 and 1327.

#### SGC-37-16-00016 Accounting Standards for Casinos

This rulemaking added Part 5315 to 9 NYCRR to establish specific financial and accounting controls and standards for casinos, including for internal audit departments, an annual independent audit, an online monitoring and control system, keeping accounting and financial records, and an anti-money laundering program. The rules are needed to fulfill the statutory directives related to internal controls, reporting, and accounting best practices and to assure public confidence and trust in the credibility and integrity of the casino industry. Section 5315.3 (gross gaming revenue tax) has been repealed. The statutory basis for the rules is RWL §§ 104, 1307, 1334, 1351, 1353 and 1354.

#### SGC-37-16-00017 Conduct of Casino Electronic Games and Devices

This rulemaking added Part 5321 to 9 NYCRR to set forth the practices and procedures that casinos shall follow for the conduct and operation of electronic gaming devices and equipment to meet industry best practices for possession, transport, approval of, off-premise storage, slot machine layout and density, live gaming device testing, remote access to internal controls systems, notification of the Commission of RAM clears, and other specific requirements for such games and devices. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

#### SGC-37-16-00018 Regulation of Slot Tournaments and Progressive Games

This rulemaking added Part 5320 to 9 NYCRR to prescribe the technical standards for the certification of slot tournaments and progressive gaming devices. The rules are needed to ensure proper hardware, software and testing of tournament gaming devices and the technical competence of the progressive wagering and multi-site systems. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

#### SGC-37-16-00019 Rules for Casino Table Games

This rulemaking added Part 5324 to 9 NYCRR to set forth the rules applicable to all table games including card shuffling, opening a table for gaming and dealing methods. The rules set forth general provisions for each blackjack and table poker game and the rules and payout odds for all wheel games, baccarat, casino war, poker and poker room games, and tile and dice games such as craps and mini-craps. The rules are needed to ensure fair odds and consistency among the casinos for their patrons. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

#### SGC-37-16-00020 Standards for Casino Monitoring, Control and Validation Systems

This rulemaking added Part 5317 to 9 NYCRR to prescribe the technical standards for the operation and certification of online monitoring and control and validation systems at casinos. The rules are needed to fulfill the statutory directives related to the technical and testing standards for all gaming devices and associated equipment and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

#### SGC-37-16-00021 Standards for Casino Gaming Devices

This rulemaking added Part 5319 to 9 NYCRR to prescribe the technical standards for the operation and certification of casino gaming devices, e.g., for electrical and mechanical safeguards, circuit boards, video monitor and touch screens, random number generator specifications and tests. The rules are needed to fulfill the statutory directives related to the technical and testing standards for all gaming devices and associated equipment and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

#### SGC-37-16-00022 Practices and Procedures for Casino Cages and Counts

This rulemaking added Part 5316 to 9 NYCRR to regulate the procedures for cage and count standards including standards and accounting controls for the cashiers' and satellite cages, count room characteristics, procedures for transporting and storing and counting the contents of drop boxes, secure delivery stations, and kiosk critical memory, error detection, voucher validation and issuance and redemption and other functions. The rules are needed to fulfill the statutory directives related to casino cages and counts and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

#### SGC-42-16-00002 Casino Alcoholic Beverage Licenses

This rulemaking added Part 5328 to 9 NYCRR to regulate the presence and sale of alcoholic beverages on the premises of casinos. The rules require casinos and their vendors who sell alcohol at the casino to obtain a license from the Commission. The rules establish application standards and requirements, the licensing criteria of the Commission, procedures related to the license, limitations on the service of alcohol to patrons, and procedures for special events and serving complimentary alcohol. The rules are needed to fulfill the statutory directives related to serving alcohol to patrons at casinos. The statutory basis for the rules is RWL §§ 104, 1307 and 1340.

#### SGC-42-16-00003 Confidentiality of Information and Restrictions on Employee Wagering

This rulemaking amended Part 5300 of 9 NYCRR to prescribe that the Commission post on its website its confidentiality restrictions concerning information disclosed by applicants, registrants or licensees; and to prohibit casino employees from wagering where they work or at any gaming facility that is owned or operated by the gaming facility that employs the employee or its affiliates. The rules are needed to fulfill the statutory directives related to information confidentiality and employee wagering and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1336.

#### SGC-42-16-00004 Casino Electronic Table Games Systems

This rulemaking added 9 NYCRR §§ 5317.41 and 5319.60 to 9 NYCRR to prescribe the technical standards for the testing and certifi-



cation of electronic table games that operate independently from an external gaming system, including requiring application-level firewalls, Commission pre-approval of procedures for remote access, and disclosure of what cannot be met by manual intervention by a live dealer. The rules add communication protocols, system integrity, random number generation, maintenance of critical memory, and player interface terminal requirements for all electronic table games. The rules are needed to ensure that best industry practices are followed by casinos in New York. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

2011

#### Horse Racing

##### RWB-35-11-00002 Inspection of Harness Sulkies

This rulemaking amended 9 NYCRR § 4116.10 to require that a harness sulky that has been involved in a training or racing accident will be removed from service until it has been inspected and cleared for use by its manufacturer or an authorized representative. This rule is needed to ensure the mechanical safety of sulkies in harness training and racing. The legal basis for the rule is RWL §§ 103, 104 and 301.

##### RWB-35-11-00006 Financial Reporting for Thoroughbred Horsepersons' Organization

This rulemaking amended 9 NYCRR § 4003.51 to change the filing deadline for the annual financial report of each thoroughbred horsepersons' organization from April 15 to 105 days following the end of its fiscal year. The rule is needed for organizations that do not use calendar year accounting. The legal basis for the rule is RWL §§ 103, 104, 228 and 231.

##### RWB-35-11-00008 Advanced Deposit Wagering Accounts

This rulemaking amended 9 NYCRR § 5300.4 to permit electronic signatures for online applications to open an advanced deposit wagering account and to establish the requirements for verifying the identity of the account applicant. The rule is needed to make it easier to open such accounts and to allow New York State wagering facilities to compete with outside internet wagering sites. The legal basis for the rule is RWL §§ 103, 104, 227, 301, 305, 401, 405, 520 and 1002.

#### Charitable Gaming

##### RWB-35-22-00003 Conduct of Games of Chance by Non-Domiciliary

This rulemaking amended 9 NYCRR § 5306.11 to allow municipalities, in circumstances of hardship or necessity, to license an organization not domiciled within the municipality and to allow it to conduct charitable gaming at a location inside the territorial limits of the municipality. The rule is needed to allow licensed organizations which conduct bingo in another municipality to sell raffle and bell jar tickets at the bingo events. 9 NYCRR § 5306.11 has been renumbered § 4603.11. The legal basis for the rule is General Municipal Law § 188-a.

#### Lottery

##### LTR-43-10-00008 Lotto

This rulemaking repealed 21 NYCRR §§ 2804.14 and 2804.15 and Part 2817 of 21 NYCRR and replaced them with new versions to revise the rules governing the Lotto game, a former flagship game with lagging popularity. The rule is needed to allow the Commission to have additional variations of the game that are more appealing and restore interest and sales of the Lotto games. 21 NYCRR §§ 2804.14 and 2804.15 have been renumbered 9 NYCRR §§ 5008.14 and 5008.15. Part 2817 of 21 NYCRR has been renumbered Part 5008 of 9 NYCRR. Sections 5008.5(e, f) and 5008.12 (e) have been amended. The legal basis for the rules is Tax Law §§ 1601, 1604 and 1612.

##### LTR-42-11-00010 Jackpot Prizes for Multi-Jurisdictional and Lotto Games

This rulemaking amended 21 NYCRR §§ 2806.2, 2806.4, 2806.7, 2806.13, 2817.2 and 2817.10 to facilitate price changes as approved by the consortium of states that participate in Powerball and Mega Millions games with New York and to bring more consistency to the Lotto game and these other jackpot draw games. The rules are needed to enhance the market share for such games. 21 NYCRR §§ 2806.2,

2806.4, 2806.7, 2806.13, 2817.2 and 2817.10 have been renumbered 9 NYCRR §§ 5006.2, 5006.4, 5006.7, 5006.13, 5008.2 and 5008.10. The legal basis for the rules is Tax Law §§ 1601, 1604, 1612 and 1617.

##### LTR-42-11-00011 Powerball Game Design and Quick Draw Definition

This rulemaking amended 21 NYCRR § 2806.13, to conform the regulation of the multi-state Powerball game in New York to changes to the official Powerball game rules by the consortium of participating states, and § 2835.1, to remove limitations on when the Commission may permit draws to occur in the Quick Draw game. The rules are needed to enhance revenues from Lottery games in New York. 21 NYCRR §§ 2806.13 and 2835.1 have been renumbered 9 NYCRR §§ 5007.13 and 5013.1. The legal basis for the rules is Tax Law §§ 1601, 1604, 1612 and 1617.

2006

#### Horse Racing

##### RWB-40-05-00001 Adjustments to Restricted Time Periods

This rulemaking amended 9 NYCRR §§ 4043.2 and 4120.2 of 9 NYCRR to reflect that the use of many substances governed by a general restricted time period of one-week before racing could be permitting closer to the horse's race, including a new 96-hour restricted time period to allow certain drugs to be administered closer to race time and permitting sulfa expectorants, omeprazole, cimetidine, ranitidine and sucralfate to be administered until 24 hours before racing. The rules are needed to more closely conform the restricted time periods to the medication needs of the horses and the effects of the substances on race integrity. Some restrictions have been changed since 2006 including the repeal of the rule permitting a non-steroidal anti-inflammatory drug until 24 hours before racing and changing the restricted time periods for clenbuterol and joint injections from 96-hours to 14 days before a horse's next thoroughbred race. The statutory basis for the rules is RWL §§ 103, 104, 301 and 902.

##### RWB-03-06-00007 Paying Wager When Horse Obstructed in Gate Wins

This rulemaking amended 9 NYCRR §§ 4009.21 and 4115.10 of 9 NYCRR to permit winning wagers to be paid when a horse that was obstructed or interfered with at the start of the race, and could be declared a non-starter, wins the race notwithstanding its slow start from the starting gate. The rules are needed to pay winning wagers when the problem at the starting gate caused no harm to bettors. The statutory basis for the rules is RWL §§ 103, 104 and 301.

##### RWB-06-06-00008 Increasing the Number of Races in Parlay Wagers

This rulemaking amended 9 NYCRR §§ 4010.6 and 4122.28 of 9 NYCRR to increase from six to eight the number of races that may be offered in a parlay wager, a single bet where a bettor's winning wagers from a race are rolled into the next race's wager until the bet is lost or the bettor wins for correctly selecting all the races in the parlay. The rules are needed to allow the wager to be expanded to the limits of the totalizator system, which previously could not compute more than six races in a parlay wager. The statutory basis for the rules is RWL §§ 103, 104 and 235.

##### RWB-23-06-00007 Horsepersons' Contract Required for Track License

This rulemaking amended 9 NYCRR §§ 4003.13 and 4101.8 of 9 NYCRR to require that a racetrack have a contract with its horseperson organization before the Commission will assign race dates and approve its track license for the calendar year. The rules are needed to promote good faith negotiations between the racetracks and horseperson organizations to reach a contract agreement. The statutory basis for the rules is RWL §§ 103, 104, 205, 210, 248 and 307.

##### RWB-23-06-00008 Claiming of Horses

This rulemaking amended 9 NYCRR §§ 4038.1, 4038.4, 4038.6, 4038.17, 4038.19 and 4038.19 of 9 NYCRR to change the thoroughbred claiming procedures to permit an owner who started in the previous race meet to be eligible to claim, to permit a claimed horse to compete at other New York racetracks during the 30 days after a claim, to restrict opening the claim box until the race is made official, to permit a claimant to void the claim based on a positive drug test result

from the previous race which was unknown before the claiming race, and to make claims voidable based on misrepresentations of a horse's age or sex in the race program. Other amendments made by this rulemaking to Part 4038 of 9 NYCRR were subsequently amended or repealed. The statutory basis for the rules is RWL §§ 103, 104, 205, 210 and 902.

#### Lottery

##### LTR-08-06-00001 Mega Millions Lottery Game

This rulemaking amended Part 2806 of 9 NYCRR to conform the terms and conditions of the Mega Millions jackpot lottery game to requirements necessary to admit California as another state that participates in this multi-state lottery game. This rule is needed to help sales of Mega Millions lottery tickets compete with the sales of large jackpot lottery products in neighboring states. Part 2806 has been renumbered 5007 by subsequent rulemaking. The Mega Millions game has since been amended in some ways. The statutory basis for the rules is Tax Law § 1607.

#### 2001

#### Horse Racing

##### RWB-34-01-00004 Decoupling Thoroughbred Horses in Major Races

This rulemaking amended 9 NYCRR § 4025.10 of 9 NYCRR to permit the uncoupling of thoroughbred horses with the common ownership or training in races with a purse at least \$1,000,000. This rule is needed to increase the number of horses entered in such races and betting handle when the size of the purse and collateral benefits of winning such premier contests outweigh the risk of possible collusion. The statutory basis for the rules is RWL §§ 103 and 104.

#### Lottery

##### LTR-34-01-00003 Modification of Lotto Games

This rulemaking amended 21 NYCRR §§ 2817.1, 2317.2, 2817.6, 2817.9 and 2817.10 to improve the Lotto game, including by increasing the field of numbers from 51 to 59, streamlining the prize levels, and to carry forward money from the previous draw for second prize. The rule is needed to preserve Lotto's earning capacity. The Lotto game has since been amended in some ways. 21 NYCRR §§ 2817.1, 2317.2, 2817.6, 2817.9 and 2817.10 have been renumbered 9 NYCRR §§ 5008.1, 5008.2, 5008.6, 5008.9 and 5008.10. The legal basis for the rules is Tax Law § 1604.