

# 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 2021. 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 a rule listed on the regulatory agenda and may propose or adopt a rule that is not on the agenda. The Gaming Commission may add, delete or modify without further notice, except as required by the State Administrative Procedure Act, any item or information presented in this 2021 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 standardize the governance of all Gaming Commission administrative hearings.

### Charitable Gaming

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

### Horse Racing

Considering the amendment of rules governing veterinary technicians.

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

Considering adding continuing education requirements for horsepersons in harness racing.

Considering the amendment of rules governing the use of the riding crop in Thoroughbred racing.

Considering the amendment of rules governing the use of the whip in harness 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 updating the per se threshold for furosemide to a higher specific gravity of urine.

Considering environmental thresholds for common contaminants that might be present in a horse.

Considering amendments to equine drug rules.

### Interactive Fantasy Sports

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

### Lottery

Considering administrative fees for the processing of prize payments.

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

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

## Office for People with Developmental Disabilities

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), notice is provided of the following rules that the Office for People With Developmental Disabilities (OPWDD) is considering proposing, but for which a rule making proceeding has not begun. All following references to regulatory provisions are to Title 14 of the New York Code of Rules and Regulations. Please note that the regulatory plans of OPWDD are subject to change. OPWDD reserves the right to add, delete, or modify items appearing on this list. Further, as indicated in SAPA section 202-d (2), OPWDD is not required to propose or adopt any rule listed on a regulatory agenda and may propose or adopt a rule that has not been listed on an 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 an 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 flexibility analysis, pursuant to SAPA sections 202-b and 202-bb, respectively.

The public is welcome to send written comments regarding this regulatory agenda to the agency representative indicated at the end of this list.

The following rules are under consideration for submission as a Notice of Proposed Rulemaking during the calendar year 2021:

### DESCRIPTION OF THE RULE SUBJECT MATTER

#### Title 14 NYCRR (Mental Hygiene)

Advanced Healthcare Directives - to allow an individual with an advanced healthcare directive to authorize his/her health care agent to commence decision-making immediately upon the execution of a health care proxy.

Objection to Services Updates - to streamline and standardize processes for objecting to services pursuant to 14 NYCRR 633.12.