

REGULATORY AGENDA

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 2023. 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 2023 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.

Commercial Casinos

Considering amendments to the rule concerning the content of applications to develop and operate a gaming facility, in order to conform to the request for applications released by the Gaming Facility Location Board on January 3, 2023.

Considering rules to govern the conduct of community advisory committees established by statute to receive public comment and approve or disapprove of commercial casino applications.

Considering rules concerning the term of gaming facility licenses that may be awarded pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Article 13, Title 2-A.

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.

Horse Racing

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

Considering amendments to the pick-five wagering in Thoroughbred racing.

Considering amendments to the pick-four wagering in Thoroughbred and harness racing.

Considering amendments to harness racing rules concerning duties of racing officials.

Considering amendments to harness racing rules concerning the appealability of disqualification judgments by track judges.

Considering amendments to the Thoroughbred racing claiming rules suggested by the New York Racing Association, Inc.

Considering rules to establish deadlines to request a split or residual sample after notification of a positive test result.

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.

Considering regulation of advertising of lottery courier services.

Considering regulation of lottery courier service purchase location.

Information may be obtained, and written comments may be submitted, concerning 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) 388-3332, 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 2023:

DESCRIPTION OF THE RULE SUBJECT MATTER

Title 14 NYCRR (Mental Hygiene)

Health Care Proxy revisions - to amend 14 NYCRR 633.20 to add Nurse Practitioners and Physician Assistants as authorized to perform specified functions.

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

Life Safety Code - to implement updates in Life Safety and Emergency Planning.