

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 Account Wagering in Horse Racing

PART 5402

Self-Exclusion

Section

5402.1 Definitions

5402.2 Request for self-exclusion

5402.3 Self-exclusion list

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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 or video lottery gaming pursuant to Tax Law section 1617-a 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 or video lottery gaming pursuant to Tax Law section 1617-a.

§ 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) a copy of a current government-issued photo identification, such as a driver's license or passport; and

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

(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 paragraphs (1) through (6) of subdivision (b) of this section and any material change in any of the information set forth in paragraph (7) of 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 or to law enforcement or as may be required by a validly issued court order.

(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, including lottery, conducted during 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 and article 34 of the Tax 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 or article 34 of the Tax 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 or article 34 of the Tax Law.

(h) A self-excluded person shall be removed from any lottery subscription program described in Part 5005 of subchapter A of Chapter III of this subtitle. The commission shall not accept any new lottery subscription deposits from such self-excluded person, but such self-excluded person shall be allowed to withdraw any amounts from such person's account as of the date of the self-exclusion.

§ 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, present in areas

accessible only through a gaming floor 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 in a conspicuous manner 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, in areas accessible only through a gaming floor 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, 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 or as may be required by a validly issued court order;

(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.

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Parts 4044, 4123, 4237, 4411 and 5326 of 9 NYCRR would be repealed.

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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].

* * *

Subdivision (b) of section 5325.6 of 9 NYCRR would be amended as follows:

§ 5325.6. Advertising.

* * *

(b) Advertisements shall contain a problem gambling assistance message comparable to one of the following:

- (1) If you or someone you know has a gambling problem, help is available. Call (877-8-HOPENY) or text HOPENY [(46769)] (467369);
- (2) Gambling Problem? Call (877-8-HOPENY) or text HOPENY [(46769)] (467369); or
- (3) any other message approved in writing by the commission.