



354 Broadway, P.O. Box 7500, Schenectady, NY 12301-7500
www.gaming.ny.gov

January 27, 2025

Re: **Industry Notification – Pre-proposal Duties of Gaming Operators (9 NYCRR §5402.4)**

To Whom It May Concern:

New York State Gaming Commission staff is considering recommending the proposal of an amendment to an aspect of the self-exclusion rule, 9 NYCRR § 5402.4. The amendment would establish that the Commission's statewide self-exclusion program would be the exclusive one in New York and that licensees would not be permitted to establish or maintain alternative self-exclusion programs.

The current New York statewide self-exclusion program, described in Part 5402 of the Commission's regulations, provides that a person who elects to self-exclude is then prohibited from participating in gambling activity in New York broadly. For example, a person who joins the New York self-exclusion program at a video lottery facility is prohibited from wagering at casinos, with mobile sports wagering licensees, at horse racetracks and with the New York Lottery. Even if a licensee has a well-intentioned private self-exclusion program, maintaining such a program may have the undesirable effect (even if unintended) of diverting a person in need of problem-gambling assistance from the broader statewide program. For example, it may be undesirable for a person with problem-gambling concerns to exclude himself or herself from only one particular mobile sports wagering program, while the person may continue to wager on other sports wagering platforms, at casinos, or on horse racing. Staff is considering the following proposed rulemaking to establish, going forward, that the statewide program is the only permissible self-exclusion program concerning gaming activities in New York State:

§ 5402.4. Duties of gaming operators.

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(h) A gaming operator shall neither establish nor maintain a self-exclusion program available to persons with respect to gaming activities in New York other than the self-exclusion program described in this Part.

This draft proposal has not yet been formally considered by the Commission. Commission staff seek public comment at this time to consider all concerns as the rule is in the developmental phase.

If you wish to provide any informal pre-proposal comments on this potential rulemaking, then please submit your comments in writing to gamingrules@gaming.ny.gov or Kristen M. Buckley at 354 Broadway Center, Schenectady, NY 12305, by February 27, 2025.

Very truly yours,

Kristen M. Buckley
Acting Secretary