

RULE REVIEW

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

As required by section 207 of the State Administrative Procedure Act, the following is a list of rules adopted by the New York State Gaming Commission (including rule making of its legacy agencies, the Division of Lottery and the Racing and Wagering Board) in the calendar years 2020, 2015, 2010, 2005 and 2000, which must be reviewed in calendar year 2025. This list does not include rules that were adopted as consensus or emergency rules, or rules that have been largely amended or repealed. Public comment on the continuation or modification of these rules is invited and will be accepted until Monday, March 24, 2025. Comments may be submitted to Kristen M. Buckley, Acting Secretary of the New York State Gaming Commission, 354 Broadway Center, PO Box 7500, Schenectady, New York 12301-7500 or by electronic mail at gamingrules@gaming.ny.gov.

RULES ADOPTED IN 2020

Horse racing

SGC-07-20-00002-P Voidable claims of lame Thoroughbred horses.

The Commission adopted a rule to reduce the incentive to use the claiming race process as a means to race and sell an unsound Thoroughbred horse. The amendments allow a person who filed a claim to purchase such a horse to void the claim if the horse is lame or bleeds from a nostril (epistaxis) due to the exertions of the claiming race. This rule is needed to promote health and safety of racehorses. The legal basis for the rule is Racing, Pari-mutuel Wagering and Breeding Law ("RWL") §§ 103(2) and 104(1) and (19).

SGC-07-20-00014-P Thoroughbred pick-five and pick-six wagering amendments.

The Commission adopted amendments to its Thoroughbred pick-five and pick-six wagering rules to allow a track to display wagering information about pick-five or pick-six combinations other than will-pays after the penultimate race in the sequence. The revision allows a track to disclose publicly combinations wagered upon, amounts wagered on such combinations, numbers of tickets sold or number of tickets still capable of winning a pick-five or pick-six pool. This rule is needed to enhance bettor interest, wagering handle and the return to government. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-11-20-00012-P Intra-articular injections regulation in Thoroughbred racing.

The Commission adopted rules to amend the restricted time period for the use of corticosteroid joint injections to 14 days from the prior restriction of seven days before a Thoroughbred horse's next race; to amend the restricted time period for the intra-articular injection ("IA") of any substance to a Thoroughbred horse to match the proposal of a 14-day restricted time period for a corticosteroid joint injection ("CJI") before a horse's next race; and to amend, to encompass the reporting of every IA, the requirement that Thoroughbred trainers maintain and submit accurate records to the Commission of every CJI within 48 hours of the treatment. This rule is needed to promote health

and safety of racehorses and enhance the integrity of racing. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00003-P Triple Wager in harness racing.

The Commission amended the triple wager rule in harness racing, which requires the selection of the first three finishers in a single race in the correct order of finish, to reduce from six to five the minimum number of entries in a race for which the triple is permitted to be offered. This rule is needed to enhance bettor interest, wagering handle and the return to government. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00004-P Non-steroidal anti-inflammatory drugs use in Thoroughbred racing.

The Commission adopted amendments to its Thoroughbred racing rules to limit nonsteroidal anti-inflammatory drugs ("NSAIDs") to only one clinical dose during the week before the horse races; limit the administration to the intravenous route; and set forth stricter thresholds for the two most commonly used NSAIDs, flunixin and phenylbutazone. The rule making also reduced the list of NSAIDs that can be administered lawfully within one week before the horse races to only three, by eliminating the NSAIDs that are not widely used and for which the appropriate lab threshold is unclear. This rule is needed to promote health and safety of racehorses and enhance the integrity of racing. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00005-P Furosemide Use and Practice.

The Commission amended its Thoroughbred racing rules to allow a horse eligible for furosemide administrations to be removed from the furosemide list for the limited purpose of running in a race whose conditions forbid the administration of furosemide (commonly known as Lasix) on race day. The rule permits the horse's trainer to request reinstatement to the Lasix list after the race without having to re-apply for the Lasix list with the eligibility criteria (including demonstrating another bleeding episode) being re-established. This rule is needed to promote health and safety of racehorses. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00006-P Jackpot Super-High Five wager for harness racing.

The Commission adopted rules for a new wager for harness racing, to require the selection of the first five finishers in a single race in the correct order of finish. This rule is needed to enhance bettor interest, wagering handle and the return to government. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00007-P Exercise-induced pulmonary hemorrhage protections for Thoroughbred horses.

The Commission adopted rules to strengthen regulations related to exercise-induced pulmonary hemorrhage (EIPH) in Thoroughbred racing by requiring trainers to maintain a record of serious EIPH episodes and epistaxis (visible bleeding from the horse's nostrils); requiring that a horse that has experienced a serious EIPH episode must be subjected to another endoscopic examination following the horse's next race or workout; requiring trainers to provide such infor-

mation to subsequent owners (or their agents or trainers) within 48 hours of a request for the information, unless the Commission has collected and provided the information itself; and codifying the standard practice of excluding a horse that experiences epistaxis for specific minimum time periods. These rules are needed to promote health and safety of racehorses. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00008-P Rider licensing, health and safety.

The Commission adopted rules to strengthen the health and fitness protections and upgrade the licensing requirements for jockeys, apprentice jockeys, exercise riders and outriders who ride a Thoroughbred horse. The rules require a jockey to demonstrate to the stewards a competence of riding ability including various aspects of riding; set forth mandatory fitness standards for riders; require riders experiencing significant medical issues to obtain a clearance before riding; require every rider to have a baseline concussion assessment that is posted into a record-keeping system; require another concussive assessment when a rider is thrown from a horse or has a possible concussive event; require riders to report certain injuries and not ride until passed as fit to ride by the stewards; authorize the State steward to temporarily license a rider for the sole purpose of allowing the applicant to demonstrate riding proficiency; require steeplechase jockeys to have a commission license, report medical injuries and be subject to fitness requirements to return to ride; and require steeplechase jockeys to start at least 40 races sanctioned by the National Steeplechase Association before participating in a race with pari-mutuel wagering. These rules are needed to promote health and safety of participants in Thoroughbred racing. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00009-P Backstretch housing standards at racetracks.

The Commission adopted rules to extend regulations that set forth standards for housing maintained on the grounds of certain Thoroughbred racetracks to all racetrack housing at Thoroughbred and harness racetracks. These rules are needed to promote health, safety and welfare of participants in racing. The legal basis for the rule is RWL §§ 103 and 104(1) and (19).

SGC-35-20-00010-P Thoroughbred trainers' logs.

The Commission adopted rules to require Thoroughbred trainers to keep a record of equine drug administrations not recorded in veterinary records, including the drug, dose and date and time of administration. This rule is needed to promote health and safety of racehorses. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00011-P Pick-six jackpot wager for harness racing.

The Commission adopted a pick-six jackpot wager for harness racing that is substantively identical to the rule for Thoroughbred racing. The wager, also known as a "jackpot" or "rainbow" wager, appeals to bettors by giving a larger prize when there is only one winning wager from a pool. This rule is needed to enhance bettor interest, wagering handle and the return to government. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

SGC-35-20-00014-P Thoroughbred out-of-competition testing amendments.

The Commission adopted revisions to its Thoroughbred out-of-competition sample collection rule, to conform to the national model rule of the Association of Racing Commissioners International, Inc. This rule is needed to promote health and safety of racehorses and enhance the integrity of racing. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

Lottery

SGC-35-20-00002-P Quick Draw Money Dots feature.

The Commission adopted rules to add a feature called "Money Dots" to the Quick Draw game. This rule is needed to enhance bettor interest, wagering revenue and the return to government. The legal basis for the rule is Tax Law §§ 1601 and 1604 and RWL §§ 103(2) and 104(1) and (19).

Casinos

SGC-07-20-00003-P Spanish 21 casino wager.

The Commission adopted a rule detailing the rules of play for the

Spanish 21 wager, an optional wager for the blackjack game, including relevant pay tables. This rule is needed for effective regulation of casinos and to enhance bettor interest, wagering revenue and the return to government. The legal basis for the rule is RWL §§ 104(19), 1307(1) and (2)(g), and 1335(5), (6) and (11).

SGC-35-20-00012-P Casino vendor key employee wagering restrictions.

The Commission adopted a rule to make the wagering restrictions of casino gaming registrants applicable to employees of casino vendor registrants who have responsibility for services to a casino. This rule is needed for effective regulation of casinos and to enhance actual and perceived integrity of gaming operations. The legal basis for the rule is RWL §§ 104(19), 1305(2), 1326(4) and 1336(1).

Other

SGC-07-20-00004-P Use of Social Security Numbers in wagering.

The Commission adopted rules to reduce the instances in which an individual is required to provide a Social Security Number to the Commission and to allow for the substitution of other unique indicators, reducing the exposure by players to potential identity theft and enabling individuals who may not currently possess a Social Security Number to avoid disqualification based on such. This rule is needed to protect the privacy of individuals and comply with requirements of federal law. The legal basis for the rule is RWL §§ 103 and 104(19).

SGC-33-20-00006-P Protection of trade secrets.

The Commission, in compliance with Public Officers Law section 87(4)(a), adopted regulations to prescribe the manner in which the agency will safeguard against any unauthorized access to records containing trade secrets submitted to the agency. This rule is needed to comply with a statutory mandate. The legal basis for the rule is RWL §§ 103(2) and 104(1) and (19).

RULES ADOPTED IN 2015

SGC-49-13-00009 Clenbuterol regulatory threshold and restricted time period

This rule making amended 9 NYCRR § 4043.2(g)(5) to limit the 96-hour restricted time period before a standardbred horse may race after an administration of clenbuterol to only horses that raced during the preceding 30 days and added a new rule, 9 NYCRR § 4043.2(k), which restricts from racing for 14 days a horse that has not raced for 30 or more days. This rule is needed because 14 days allow the anabolic effects of clenbuterol administration, which may occur when the drug is administered regularly for many days, to dissipate before the horse races. The legal basis for the rules is Racing, Pari-Mutuel Wagering and Breeding Law ("RWL") §§ 103, 104 and 122.

SGC-49-13-00011 Regulatory thresholds for 16 drugs

This rule making added a new rule, 9 NYCRR § 4120.3, to supplement the restricted time periods with regulatory thresholds consistent with national standards and to control the use of 16 common equine drugs in a standardbred horse before it races. This rule is needed because the thresholds are designed to keep a horse from racing while a drug is affecting its performance. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-49-13-00014 Depo Medrol threshold and tests required after administration

This rule making added paragraph (17) to 9 NYCRR § 4120.3(a) to create a regulatory threshold for methylprednisolone acetate ("Depo Medrol") in a standardbred horse that demonstrates a joint injection of Depo Medrol within the previous seven days; repealed the 48-hour restricted time period in 9 NYCRR § 4120.2(e)(9); and added a new rule, subdivision (1) of 9 NYCRR § 4120.2, to require a standardbred horse treated with Depo Medrol to test below the regulatory threshold for the drug and be released by the stewards to race. This rule is needed because it allows a time sufficient to allow an evaluation of whether the drug helped the horse to heal and because the long half-life of the drug makes it difficult to regulate with a restricted time period and threshold. The legal basis for the rules is RWL §§ 103, 104 and 122.

SGC-49-13-00015 48-hour restricted time period for flunixin

This rule making repealed subdivision (d) and amended subdivision

(e) of 9 NYCRR § 4120.2 to no longer permit the non-steroidal anti-inflammatory drug (“NSAID”) flunixin to be administered until 24 hours before a standardbred horse races. This rule is needed because it standardized the restricted time period for all NSAIDs, removed an unwanted incentive to use flunixin, and protects horsepersons from exceeding the flunixin threshold. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-49-13-00017 14-day restricted time period for firocoxib

This rule making added a new rule, subdivision (m) of 9 NYCRR § 4120.2, to restrict the administration of the NSAID firocoxib within 14 days before a standardbred horse race. This rule is needed to protect horsepersons from exceeding the firocoxib threshold and because a higher threshold would fail to identify administrations that are efficacious on race day. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-49-13-00018 DMSO threshold and restricted time period

This rule making added paragraph (23) to 9 NYCRR § 4120.3(a) to establish a regulatory threshold that is consistent with national standards, and clarified subdivision (a) and amended subdivision (e) of 9 NYCRR § 4120.2 to increase the time restriction after an administration of dimethyl sulfoxide (i.e., DMSO) to 48 hours before a standardbred horse races to be consistent with this new threshold. This rule is needed for consistency with national standards. The legal basis for the rules is RWL §§ 103, 104 and 122. 9 NYCRR § 4120.3(a)(23) has been renumbered § 4120.3(a)(8).

SGC-37-14-00005 Depo Medrol tests required after administration

This rule making added a new rule, subdivision (k) of 9 NYCRR § 4043.2, to require a thoroughbred horse treated with Depo Medrol to test below the regulatory threshold for this drug and be released by the stewards to race. This rule is needed because the long half-life of the drug makes it difficult to regulate with a restricted time period and threshold. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-37-14-00007 Reporting corticosteroid joint injections

This rule making added a new rule, 9 NYCRR § 4120.4(b), to require corticosteroid joint injections be reported to the Commission and claimants of a standardbred horse. This rule is needed because this information helps limit the debilitating effects of repetitive corticosteroid treatments. The legal basis for the rule is RWL §§ 103 and 104.

SGC-19-15-00017 Thoroughbred superfecta wager

This rule making added a new rule, 9 NYCRR § 4011.22, to describe and allow expressly the superfecta wager on thoroughbred races and to permit the wager with coupled horses in the race by assigning the best finish of the coupled horses to the wager. This rule is necessary to make the wager easier for racetracks to offer and increases bettor interest, wagering handle and the return to government. The legal basis for the rule is RWL §§ 103 and 104.

SGC-20-15-00003 Thoroughbred coupled entries

This rule making amended 9 NYCRR § 4025.10 to permit coupled entries in thoroughbred races with stakes of a minimum purse of \$50,000 rather than \$1,000,000, provided that the racetrack adequately informs the public of the common ownership. This rule is necessary to increase the opportunity for the racetracks to offer this wager, wagering handle and the return to government. The legal basis for the rule is RWL §§ 103 and 104.

SGC-20-15-00012 Definitions for casino gaming rules

This rule making added a new rule, 9 NYCRR § 5300.1, to define terms for the casino gaming regulations in subchapter B of Chapter IV of the Gaming Commission’s rules. This rule is needed for effective regulation of casinos. Subsequent rule making has added definitions of credit slip, dealer, drop box, fill, gaming cheat, hand, match-play coupon, pit, promotional gaming chip and coupon, shift, and supervisor; and the initial subdivisions (a)-(m) have been renumbered by subsequent rule making to maintain in alphabetical order all the terms defined now in subdivisions (a) – (y) of 9 NYCRR § 5300.1. The legal basis for the rule is RWL §§ 104 and 1307.

SGC-29-15-00013 Gaming facility license application

This rule making added a new Part 5301 (§§ 5301.1 to 5301.10) to

9 NYCRR to prescribe the form and process for gaming facility license applications. These rules are necessary to implement gaming facility licensing prescribed in statute. The legal basis for the rules is RWL §§ 104, 1305, 1306, 1307, 1311, 1312, 1313, 1315, 1316, 1317 and 1318.

SGC-29-15-00014 Minority- and Women-Owned Business and Workforce Diversity

This rule making added a new Part 5311 (§§ 5311.1 to 5311.8) to 9 NYCRR to establish a utilization plan for MWBE in the construction and operation of commercial casinos and a new Part 5312 (§§ 5312.1 to 5312.5) to 9 NYCRR to require gaming facilities to ensure a diverse workplace. These rules are needed for effective regulation of casinos. The legal basis for the rules is RWL §§ 104, 1307, 1316 and 1320.

SGC-29-15-00015 Gaming facility employee and vendor licensing

This rule making created new Parts 5303 through 5307 to 9 NYCRR for the licensing and registration of gaming facility employees and vendors. Sections 5303.1 through 5303.10 set forth the minimum requirements and application procedure, background investigation, license criteria, fees, reapplication process, license discipline and wagering restrictions for all applicants. Part 5304 has rules specific for key casino employees, Part 5305 for gaming employees, Part 5306 for non-gaming employees and Part 5307 for vendors. These rules are necessary to implement occupational licensing prescribed in statute. The legal basis for the rules is RWL §§ 104, 1307, 1322, 1323, 1324, 1325, 1326 and 1327.

SGC-29-15-00026 Powerball and other Lottery draw game rules

This rule making amended §§ 5004.9, 5007.2, 5007.13, 5007.15, 5007.16, 5009.2 and 5010.2 of 9 NYCRR to use the term Quick Pick for the random-selection tickets and to change how many numbers are in the fields from which a player selects numbers to play Powerball, a multi-jurisdictional lottery game offered in New York, because innovative games generate more revenue. These rules are needed for New York to continue to participate in the Powerball game. The legal basis for the rule is RWL § 104 and Tax Law §§ 1601, 1604, 1612 and 1617.

SGC-33-15-00013 Numbers and Win-4 Lottery wagers

This rule making amended 9 NYCRR §§ 5009.2 and 5010.2 to allow a Close Enough type of wager for the New York’s Numbers and Win-4 Lottery games because innovative games generate more revenue. These rules are needed to enhance bettor interest, wagering revenue and the return to government. The legal basis for the rule is RWL §§ 103 and 104 and Tax Law §§ 1601, 1604 and 1612.

SGC-29-15-00001 Video lottery gaming facility closing hours

This rule making amended 9 NYCRR § 5118.9 to remove the 4:00 a.m. restriction that was rendered obsolete by an amendment to Tax Law § 1617-a(b). This rule is necessary for the effective regulation of video lottery gaming. The legal basis for the rule is RWL §§ 103 and 104 and Tax Law § 1617-a(b).

SCG-40-15-00003 Standardbred races for New York-bred horses

This rule making added subdivision (c) to § 4108.8 of 9 NYCRR to permit standardbred racetracks to offer races with entries limited to only New York-bred horses, which is rule making required by an amendment to RWL § 307-a. This rule is necessary to implement the statute. The legal basis for the rules is RWL §§ 103, 104 and 307-a.

RULES ADOPTED IN 2010

Rules adopted by the Division of Lottery:

LTR-19-10-00013. Multi-state Powerball game and payment of prizes

This rule making to 21 NYCRR added a new § 2806.13 to permit New York to offer the multi-state Powerball lottery game and amended §§ 2803.12, 2806.2, 2806.7 and 2806.11 to codify an agreement of Mega Millions state lottery jurisdictions like New York with the Multi-State Lottery Association and permit the sale of Powerball and Mega Million lottery tickets in all such states, define Quick Pick to be consistent with the Powerball game, and require that prize winners cooperate in publicity events. Joining the Powerball game increases Lot-

tery revenue and aid to education in New York. These rules have been renumbered as 9 NYCRR §§ 5007.13 and 5002.12, 5007.2, 5007.7 and 5007.11. The legal basis for the rules is Tax Law §§ 1601, 1604, 1612 and 1617.

Rules adopted by the Racing and Wagering Board:

RWB-16-10-00034 Uncoupling of entries with common thoroughbred trainers

This rule making amended 9 NYCRR §§ 4025.10(d) and 4035.2(e) to allow horses with a common trainer to compete in the same race as separate betting interests, and to permit the stewards to disqualify each horse of the trainer that finished ahead of an uncoupled horse committing a racing violation in the race that was disqualified, respectively. These rules are necessary because the uncoupling of entries increases better interest, handle and the return to government and the authority to disqualify other horses of the trainer protects the integrity of the races. The legal basis for the rules is RWL §§ 101 and 231.

RULES ADOPTED IN 2005

No rules were adopted by the Division of Lottery.

Rules adopted by the Racing and Wagering Board:

RWB-48-04-00011 Programming and naming of jockeys entered to ride

This rule making amended 9 NYCRR § 4025.33 to allow the race secretary to find an unassigned, replacement jockey on an “also eligible” list when another jockey was listed for two horses in the same race, rather than requiring that a back-up jockey be listed in the printed program for every horse. This rule is needed to assist the wagering public in receiving adequate electronic notice of the substitution and the list is an efficient means to find and assign the jockey. The legal basis for the rule is RWL §§ 103, 104 and 218.

RWB-09-05-00001 Drug rules for reserpine, fluphenazine, EPO and rhEPO

This rule making amended 9 NYCRR §§ 4043.6, 4043.7, 4038.18, 4120.10, 4120.11, 4109.7 and 4113.3 to use antibody tests to disqualify horses that recently were given the tranquilizers reserpine or fluphenazine, and to prohibit the use of the blood-doping agents erythropoietin (EPO) and darbepoietin (rhEPO), which stimulate the horse to produce more red blood cells, deliver more oxygen to its muscles and improve race performance. These rules are needed to promote fair racing. The legal basis for the rules is RWL §§ 103, 104 and 301.

RWB-10-05-00003 Definition of bingo “occasion”

This rule making amended 9 NYCRR § 5800.1(q) to define a single bingo occasion, for an organization that conducts more than one bingo occasion, as limited to no more than 10 games. This rule is needed to provide clear guidance to organizations licensed to conduct bingo, players, inspectors and municipal clerks who issue the bingo licenses; allows for ample time for inspection and supervision by inspectors; and preserves certain traditional social elements of bingo. This rule has been renumbered by subsequent rule making as 9 NYCRR § 4800.1(q). The legal basis for the rule is Executive Law § 435.

RULES ADOPTED IN 2000

No rules were adopted by the Division of Lottery.

Rules adopted by the Racing and Wagering Board:

RWB-47-99-00001 Bell jar ticket art approval rule

This rule making amended 9 NYCRR § 5608.4 to allow a manufacturer of bell jar tickets to submit an artist’s rendition of the bell jar ticket, payout cards and flare when seeking commission approval for a new bell jar game, rather than the previous, costly requirement that the manufacturer produce and submit exemplars of these items. This rule is needed to make regulation more efficient. This rule has been renumbered by subsequent rule making as § 4608.4. The legal basis for the rule is General Municipal Law §§ 186 and 188-a(1).

RWB-15-00-00005 Games of chance and bingo regulations

This rule making amended §§ 5600.1, 5602.1, 5603.7, 5607.13, 5611.1, 5611.2, 5623.1, 5814.6, 5815.11 and Parts 5608, 5620, 5622, 5624, and 5820 of 9 NYCRR to give force and effect to comprehensive bell jar game statutory changes to Articles 9-A and 14-H of the General Municipal Law and strengthen the commission’s enforcement

capabilities. These rules have been renumbered by subsequent rule making as §§ 4600.1, 4602.1, 4603.7, 4607.13, 4611.1, 4611.2, 4623.1, 4814.6, 4815.11 and Parts 4608, 4620, 4622, 4624, and 4820 of 9 NYCRR. These rules are needed for the effective regulation of charitable gaming. The legal basis for the rules is Executive Law § 435 and General Municipal Law §§ 186 and 188-a.

RWB-38-00-00001 Occupational license renewal dates

This rule making amended 9 NYCRR §§ 4002.7, 4101.24(d) and 4205.1(j) to base the renewal date for standardbred, thoroughbred and quarter horse occupational licenses on the birthdate of the licensee rather than a calendar year basis. These rules are needed to distribute the workload of processing license applications throughout the year. The legal basis for the rules is RWL §§ 103, 104, 213, 309 and 409.