NEW YORK STATE Gaming Commission

MEETING AGENDA

11 August 2026

1. Call to Order and Establishment of Quorum

2. Consideration of Minutes for Meeting of 23 July 2026

3. Report of the Executive Director

4. Interim Report of the Backstretch Fire and Safety Panel

5. Rulemaking

    a. Adoption Consideration: SGC-22-26-00020-P, Lotto Lottery Game

    b. Adoption Consideration: SGC-23-26-00011-P, Millionaire for Life Lottery Game Prize Payment

    c. Adoption Consideration: SGC-23-26-00012-P, Surface Changes in Thoroughbred Racing

    d. Proposal Consideration: Adjustments to Coupling in Thoroughbred Racing

    e. Proposal Consideration: Methods of Furnishing Information in Thoroughbred Racing

    f. Proposal Consideration: Licensing of Non-Managing Owners in Thoroughbred Racing

6. Adjudications

    a. In the Matter of Orlando Quinones

    b. In the Matter of Christopher Elliott

    c. In the Matter of Paul Stafford

e. In the Matter of 2604 Family Deli Grocery

7. New and Old Business

8. Adjournment

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Meeting of
23 July 2026

A meeting of the Commission was conducted in New York, Cortland, and Latham, New York.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:35 p.m. Establishment of a quorum was noted by Secretary Kristen Buckley. In attendance in New York were Chairman Brian O'Dwyer, and Member Jerry Skurnik. Member Peter Moschetti participated in Latham, while Member Martin Mack participated in Cortland. Member John Crotty joined the meeting in Manhattan at 1:43 p.m. Member Marissa Shorenstein appeared by videoconferencing, but as her location was not noticed, her participation was not considered for quorum establishment or voting purposes. Bilaterial oral and visual communication between noticed sites was maintained throughout the meeting.

2. Consideration of Minutes for the Meeting of 18 May 2026

The Commission considered previously circulated draft minutes of the meeting conducted on 18 May 2026. The minutes were accepted as circulated.

3. RESOLUTION: Authority to Release Certain Revenues, per Chapter 127, L. 2026, No. 01–2026

The Commission considered a resolution authorizing and directing staff to advance from tax receipts from a New York City-based gaming facility qualified under New York Racing Pari-Mutuel Wagering and Breeding Law § 1321-a(2) and licensed under Racing Law Article 13, Title 2, amounts necessary to make and continue to make whole beneficiaries of Racing Law § 1355 racing hold harmless payments in accordance with permissions granted by Chapter 127 of the Laws of 2026.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-0

Commissioner Shorenstein indicated she would have voted in favor of the resolution had she been present.

4. Adjournment

Prior to adjournment, Chairman O'Dwyer noted the participation of Commissioners Crotty, Skurnik and himself at the Resorts World New York City's groundbreaking for Phase Two of their integrated resort expansion.

The Chairman adjourned the meeting at 1:46 p.m.

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To: Commissioners

From: Edmund C. Burns

Date: August 4, 2026

Re: Adoption of Proposed Rulemaking for Lotto Game (9 NYCRR § 5008.4)

For Commission consideration is the adoption of an amendment to correct a scrivener's error in one of the prize-level odds in the Lotto lottery game.

The Commission published a Notice of Proposed Rulemaking in the June 3, 2026 State Register, an excerpt of which is attached and contains the text of the proposed rule. The public comment period expired on August 3, 2026. No comments were received.

[redacted].

attachment

cc: Robert Williams, Executive Director
Gweneth Dean, Director, Division of Lottery

same manner as vertical bows. This regulation proposal does not affect that law. Rather it merely removes redundant and obsolete regulations.

New York State Gaming Commission

NOTICE OF ADOPTION

Powerball Lottery Game Features

I.D. No. SGC-07-26-00005-A
Filing No. 430
Filing Date: 2026-05-19
Effective Date: 2026-06-03

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 5016.1; and addition of sections 5016.5 and 5016.6 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19); Tax Law, sections 1604(a) and 1617

Subject: Powerball lottery game features.

Purpose: To add the Double Play and Power Play game features to the Powerball lottery game rules.

Text or summary was published in the February 18, 2026 issue of the Register, I.D. No. SGC-07-26-00005-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, Gaming Commission, 354 Broadway, PO Box 7500, Schenectady, NY 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2031, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Lotto Lottery Game

I.D. No. SGC-22-26-00020-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 5008.4 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19); Tax Law, sections 1604(a) and 1612(a)

Subject: Lotto lottery game.

Purpose: To correct the published odds in the Lotto game rules.

Text of proposed rule: Section 5008.4 of 9 NYCRR would be amended to read as follows:

§ 5008.4. Prize structure.

(a) Odds, prizes and prize pool. The prize structure shall be as follows:

Matches*	Odds 1 in	Prize	% of prize pool	Level
6	45,057,474.0000	Jackpot	75.00%	1
5 plus bonus number	7,509,579.0000	Second prize	7.25%	2
5	[144,418.9808] *144,414.9808*	Third prize	5.50%	3
4	2,179.8488	Fourth prize	6.25%	4
3	96.1698	Fifth prize	6.00%	5

* The bonus number applies only to the second-prize level.

Overall odds of winning: 1 in 92.0463.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, Gaming Commission, 354 Broadway, Schenectady, New York 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

This proposed rule making will correct the published odds of winning a third prize in the Lotto lottery game, which were stated inaccurately due to a scrivener's error. Because this rule making would make no substantive changes to the design or operation of the Lotto game, the Commission does not anticipate public comment and no person is likely to object to the proposed revision.

Job Impact Statement

A Job Impact Statement is not required for this consensus rule making proposal because the proposed amendments will not adversely affect jobs or employment opportunities.

This proposed rule making will correct a scrivener's error the published odds of winning a third prize in the Lotto lottery game rules. No substantive changes to the design or operation of the Lotto game would be implemented by this proposal.

The proposed amendment will not have an impact on jobs or employment opportunities.

Department of Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Medical Aid in Dying (MAID) Physician Reporting Requirements

I.D. No. HLT-22-26-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 1008 and section 35.7 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2899-o, 2899-p and 2899-q

Subject: Medical Aid in Dying (MAID) Physician Reporting Requirements.

Purpose: To establish reporting requirements for physicians who use MAID so that the department can determine utilization and compliance.

Text of proposed rule: A new Part 1008 is added to read as follows:

Chapter XVI. Medical Aid in Dying

Part 1008. Medical Aid in Dying

Section 1008.1 Reporting requirements for physicians providing medical aid in dying. The terms used in this section shall have the same meanings set forth in Public Health Law section 2899 d.

(a) Physicians and mental health professionals who provide medical aid in dying shall comply with Public Health Law article 28-F.

(b) The attending physician who prescribes medication for medical aid in dying shall report the following information in an electronic format to the department within five days of issuing the prescription:

(1) A unique patient identifier, in a format specified by the department, and the name, practitioner license title, and New York State practitioner license number of the attending physician, consulting physician, and mental health professional.

(2) The terminal illness or condition for which medication for medical aid in dying was prescribed.

(3) The information included in the prescription, including the names of the medications, the strength and dosage form, and an affirmation that

To: Commissioners

From: Edmund C. Burns

Date: August 4, 2026

Re: Adoption of Proposed Rulemaking for Millionaire for Life Lottery Game Amendment (9 NYCRR § 5017.5)

For Commission consideration is the adoption of are amendments to one prize level of the new multi-jurisdictional Millionaire for Life lottery draw game. The Multi-State Lottery Association has determined to amend the game rules for the second-level prize, beginning with drawings on and after September 1, 2026, to adjust the criteria pursuant to which second-level prizes are adjusted when there are multiple winning plays at such level.

The Commission published a Notice of Proposed Rulemaking in the June 10, 2026 State Register, an excerpt of which is attached and contains the text of the proposed rule. The public comment period will expire on August 10, 2026. No comments have been received to date. If any public comment is received before the public comment period expires, such comment will be provided.

[redacted].

attachment

cc: Robert Williams, Executive Director
Gweneth Dean, Director, Division of Lottery

IL Sections 1322 and 1324 set forth the risk-based capital ("RBC") reporting requirements and standards applicable to life insurers, accident and health insurers, corporations organized pursuant to IL Article 43, and certain health maintenance organizations and to property/casualty insurers, respectively.

2. Legislative objectives: To ensure that an insurer's portfolio of invested assets is sufficient to meet its expected liabilities.

3. Needs and benefits: Following extensive research and engagement with industry and other stakeholders, the Department added a new 11 NYCRR 77 in December 2021 to require, until January 1, 2027, that shares of an exchange traded fund ("ETF"), the portfolio of which consists of investments in fixed income securities, cash, and cash equivalents, be treated as bonds for the purpose of a domestic insurer's RBC report if the ETF meets certain criteria. This amendment eliminates the January 1, 2027 sunset date in order to make permanent the current treatment of ETFs for RBC reporting purposes. Department staff can continue monitoring market developments and ETF performance through multiple interest rate and credit cycles, and, if changes are required, can make any necessary amendments in the future.

4. Costs: The rule will not impose any additional costs upon insurers or on the Department of Financial Services ("Department").

5. Local government mandates: The rule does not impose any program, service, duty, or responsibility upon a county, city, town, village, school district, fire district, or other special district.

6. Paperwork: No additional paperwork should result from the rule.

7. Duplication: The rule does not duplicate, overlap, or conflict with any existing New York or federal laws, rules, or other legal requirements.

8. Alternatives: The Department considered allowing the sunset to take effect, which would effectively repeal the rule and eliminate the current favorable RBC treatment for ETFs. However, doing so would set New York further apart from most other jurisdictions and would be viewed unfavorably by insurers as it would limit their investment options. In the absence of any data indicating that the more favorable RBC treatment for ETFs has negatively affected insurers, this approach was rejected.

Another alternative the Department considered was to amend 11 NYCRR 77 to liberalize some of the standards that an ETF must meet in order to qualify for favorable RBC treatment. For example, the Department considered lowering the required level of assets under management ("AUM") from $1 billion to $100 million and allowing for actively managed ETFs in addition to indexed ETFs. However, the Department decided not to make this change. A reduction of the AUM threshold would expose insurers to smaller funds, which are inherently more volatile, and would constrain an insurer's ability to diversify its portfolio. In addition, actively managed ETFs have higher expense ratios, which can reduce an insurer's total investment return. The Department rejected this alternative because these additional costs adversely affect the financial condition of insurers.

9. Federal standards: There are no minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The rule will take effect immediately upon publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

The Department of Financial Services finds that this amendment will not have any adverse economic impact or impose compliance requirements on small businesses or local governments. The amendment simply eliminates the January 1, 2027 sunset date, thereby making permanent the regulation's treatment of the shares of an exchange traded fund ("ETF"), the portfolio of which consists of fixed income securities, cash, and cash equivalents, as bonds for the purpose of an authorized insurer's risk-based capital report if the ETF meets certain criteria. This amendment does not apply to local governments. The amendment applies uniformly to all insurers affected by the rule, including any insurer that is a small business.

Rural Area Flexibility Analysis

The Department of Financial Services finds that the amendment will not have any adverse impact or impose compliance requirements on rural areas. The amendment simply eliminates the January 1, 2027 sunset date, thereby making permanent the regulation's treatment of the shares of an exchange traded fund ("ETF"), the portfolio of which consists of fixed income securities, cash, and cash equivalents, as bonds for the purpose of an authorized insurer's risk-based capital report if the ETF meets certain criteria. The amendment applies uniformly to insurers that are located in both rural and non-rural areas of New York State and should not have any adverse impact on rural areas.

Job Impact Statement

The Department of Financial Services finds that this amendment will not have a substantial adverse impact on jobs and employment opportunities. The amendment simply eliminates the January 1, 2027 sunset date, thereby making permanent the regulation's treatment of the shares of an exchange traded fund ("ETF"), the portfolio of which consists of fixed income securities, cash, and cash equivalents, as bonds for the purpose of an authorized insurer's risk-based capital report if the ETF meets certain criteria. Therefore, the amendment should not have a substantial adverse impact on jobs or employment opportunities in New York State.

New York State Gaming Commission

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the NYS Gaming Commission publishes a new notice of proposed rule making in the NYS *Register.*

Voluntary Self-Exclusion Duties of Operators

I.D. No.	Proposed	Expiration Date
SGC-20-25-00001-P	May 21, 2025	May 21, 2026

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Millionaire for Life Lottery Game Prize Payment

I.D. No. SGC-23-26-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 5017.5 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19); Tax Law, sections 1604(a) and 1617

Subject: Millionaire for Life lottery game prize payment.

Purpose: To adjust payments for a certain prize level in a multi-jurisdiction game.

Text of proposed rule: Section 5017.5(b) of 9 NYCRR would be amended to read as follows:

§ 5017.5. Payment of prizes.

* * *

(b) Second-prize payment options. A player may elect an annuity option or a lump-sum option, according to the provisions of section 5002.14 of this Title, unless this subdivision otherwise provides that the annuity option is not available

(1) If there are [20] *seven* or fewer second-prize-winning plays among all selling lotteries for a drawing, the second-prize value for each such play shall be $100,000 per year for life, paid in annual installments, or a single lump-sum cash payment (as described in section 5002.14 of this Title) *in an amount as determined by the party lotteries*.

(2) If there are [21] *eight* or more second-prize-winning plays among all selling lotteries for a specific drawing, no annuity option shall be available. The second-prize liability shall be capped at an amount as determined by the party lotteries and shall be split equally among all second-prize-winning plays and shall be paid in a single lump-sum cash payment, provided, however, in no event shall the payout for any second-prize-winning play be less than [the lowest tier] *any lower-tier* prize amount for that drawing.

(3) If paid in a lump-sum payment, a second-level prize amount shall be rounded down to the nearest whole dollar.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, NYS Gaming Commission, 354 Broadway, PO Box 7500, Schenectady, NY 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: The New York State Gaming Commission ("Commission") is authorized to promulgate the proposed rule by Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Section 104(19) and Tax Law sections 1604(a) and 1617.

Racing Law section 104(19) authorizes the Commission to promulgate

any rules and regulations that it deems necessary to carry out its responsibilities.

Tax Law section 1604(a) authorizes the Commission to promulgate rules and regulations governing the operation of the State Lottery for Education, including, specifically, the type of lottery to be conducted and the numbers and sizes of prizes.

Tax Law section 1617 authorizes the Commission to enter into agreements to offer multi-jurisdiction lottery games.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the Legislature's stated goals to operate in an "evolving and increasingly competitive market place" and ensure that gaming activity will be of the highest quality and that the best interests of the public will be served (Racing, Pari-Mutuel Wagering and Breeding Law section 100) and carry out the mandate of Article I, Section 9(1) of the New York State Constitution to operate the New York State Lottery for Education (Tax Law section 1601).

3. NEEDS AND BENEFITS: This rule making will permit the Commission to continue to offer this multi-jurisdiction lottery game to increase lottery revenue for education. The Commission operates and administers this multi-jurisdiction lottery game as a member of the Multi-State Lottery Association ("MUSL"), a group comprising government lotteries from other jurisdictions. MUSL has determined to amend the game rules concerning payment of second-level prizes. On and after September 1, 2026, if there will be one to seven second-prize-winning plays, the annuitized second-prize value will be $100,000 per year for life, and the cash option will be an amount established by all of the participating lotteries. If there will be eight or more second-prize-winning plays, the second-prize liability will be capped by the party lotteries and will be split equally among all second-prize-winning plays, to be paid in one lump-sum cash payment, without an annuitized payment option, provided that the minimum prize value for this category will not be less than any lower tier prize paid in the applicable drawing. Currently, the equal prize split, with no annuitized option, occurs when there are 21 or more second-prize-winning plays.

4. COSTS:

(a) Costs to regulated parties for the implementation and continuing compliance with the rule: No additional operating costs are anticipated as a result of the proposed rule. Existing lottery sales agents will be able to sell tickets for this game in the same manner.

(b) Costs to the regulating agency, the State, and local governments for the implementation and continued administration of the rule: No additional operating costs are anticipated as a result of the proposed rule. The Commission can administer this game using existing resources.

(c) The information, including the source or sources of such information, and methodology upon which the cost estimate is based: The cost estimates are based on the Commission's experience with operating the State Lottery for Education since its inception.

5. LOCAL GOVERNMENT MANDATES: None. The Commission is the only governmental entity authorized to regulate the State Lottery for Education.

6. PAPERWORK: The proposed rule imposes no changes in paperwork requirements.

7. DUPLICATION: The proposed rules do not duplicate any existing State or federal requirements of the same or similar subject matter.

8. ALTERNATIVES: The alternative to this amendment is to cease participation in this multi-jurisdiction game, because all participating lotteries must abide by the same MUSL game rules. This alternative was rejected because this game generates revenue for State education that would be forgone if the State were to cease offering it.

9. FEDERAL STANDARDS: There are no federal standards applicable to the sale of State lottery tickets within the State.

10. COMPLIANCE SCHEDULE: The Commission anticipates that affected parties will be able to achieve compliance with these rules upon publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed rule does not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule would amend certain aspects of the Millionaire for Life lottery game. The proposed rule will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses, local governments, rural areas or employment opportunities. Recordkeeping requirements would be similar to what is required for any other lottery game offered.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Surface Changes in Thoroughbred Racing

I.D. No. SGC-23-26-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 4011.24, 4011.25, 4011.26, 4011.27 and 4011.28 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 205, 208(4) and 235(1)

Subject: Surface changes in Thoroughbred racing.

Purpose: To promote pari-mutuel wagering by addressing any type of surface change in certain wagers.

Text of proposed rule: Sections 4011.24, 4011.25, 4011.26, 4011.27 and 4011.28 of 9 NYCRR would be amended to read as follows:

§ 4011.24. Pick-four pools.

* * *

(i) Surface transfers. When the condition of a [turf] course warrants a change of racing surface to a [non-turf] course *with a different surface* in any of the pick-four races, and such change has not been known to the public before the close of wagering for the pick-four pool, such changed race shall be deemed an all win race for pick-four wagering purposes. An all-win race means the winning horse of that race is assigned to each pick-four ticket holder as such ticket holder's selection for that race. If there is a surface transfer in one or more of the pick-four races, then those who selected the winners in the greatest number of races without a surface transfer shall share the net pool. If there are no wagers selecting the winner of at least one of the races without a surface transfer, then the entire pool for such program shall be refunded. If any of the designated races is cancelled or declared "no race," then the pick-four pool will be determined by the winners of the remaining race or races. For racetrack operators that have selected the pick-four wagering option pursuant to either subdivision (g)(2) or (3) of this section, except for pick-four pools in which a final distribution is to be made, a pick-four pool with a surface transfer or transfers shall be handled as follows:

(1) If there was a surface change to a [non-turf] course *with a different surface* in only one of the pick-four races, then the bettors who selected the winners of the three pick-four races for which there were no surface changes shall share that day's net pool for such wager as well as any carryover. If there are no such wagers and the track operator has selected the pick-four wagering option pursuant to subdivision (g)(3) of this section, 25 percent of the net pick-four pool, excluding any carryover from previous programs, shall be distributed, less breaks, as a single price pool to those who selected the first-place finisher in the greatest number of pick-four races, and 75 percent shall be added to the carryover.

(2) If there was a surface change to a [non-turf] course *with a different surface* in more than one of the pick-four races, then the bettors who selected the winners of all the other pick-four races shall share that day's net pool for such wager but shall not share any carryover (any such previous carryover to be carried over to the next performance's pick-four wager pool). If there are no such wagers and the track operator has selected the pick-four wagering option pursuant to subdivision (g)(3) of this section, 25 percent of the net pick-four pool, excluding any carryover from previous programs, shall be distributed, less breaks, as a single price pool to those who selected the first-place finisher in the greatest number of pick-four races, and 75 percent shall be added to the carryover.

§ 4011.25. Pick-five pools.

* * *

(i) Surface transfer. When the condition of a [turf] course warrants a change of racing surface to a [non-turf] course *with a different surface* in any of the pick-five races, and such change has not been known to the public before the close of wagering for the pick-five pool, then such changed race shall be deemed an all win race for pick-five wagering purposes. An all-win race means the winning horse of that race is assigned to each pick-five bettor as such bettor's selection for that race. Except for pick-five pools in which a final distribution is to be made, a pick-five pool with surface transfer(s) shall be handled as follows:

(1) If there was a surface change to a [non-turf] course *with a different surface* in only one of the pick-five races, then the bettors who selected the winners of the four pick-five races for which there were no surface changes shall share that day's net pool for such wager as well as any

NEW YORK STATE | Gaming Commission

KATHY HOCHUL
Governor

To: Commissioners

From: Edmund C. Burns

Date: August 4, 2026

Re: Adoption of Proposed Rulemaking for Surface Changes in Thoroughbred Racing (9 NYCRR § 4011.24, 4011.25, 4011.26, 4011.27 and 4011.28)

For Commission consideration is the adoption of amendments to Thoroughbred wagering rules to accommodate race changes to novel racing surfaces. Racing is anticipated to return to Belmont Park on September 18, 2026, with the addition of a racing surface, other than dirt, not previously utilized. Present wagering rules address the wagering consequences of surface changes from turf to a non-turf surface, but do not address surface changes from a dirt surface to a novel non-dirt surface. To accommodate this novel racing-surface technology, the Commission proposed amending the wagering surface-changes rules to accommodate appropriately the wagering consequences of surface changes to a course of any surface.

The Commission published a Notice of Proposed Rulemaking in the June 10, 2025 State Register, an excerpt of which is attached and contains the text of the proposed rule. The public comment period will expire on August 10, 2026. No comments have been received to date. If any public comment is received before the public comment period expires, such comment will be provided.

[redacted].

attachment

cc: Robert Williams, Executive Director
Sarah Klein, Director, Division of Horse Racing and Pari-Mutuel Wagering

any rules and regulations that it deems necessary to carry out its responsibilities.

Tax Law section 1604(a) authorizes the Commission to promulgate rules and regulations governing the operation of the State Lottery for Education, including, specifically, the type of lottery to be conducted and the numbers and sizes of prizes.

Tax Law section 1617 authorizes the Commission to enter into agreements to offer multi-jurisdiction lottery games.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the Legislature's stated goals to operate in an "evolving and increasingly competitive market place" and ensure that gaming activity will be of the highest quality and that the best interests of the public will be served (Racing, Pari-Mutuel Wagering and Breeding Law section 100) and carry out the mandate of Article I, Section 9(1) of the New York State Constitution to operate the New York State Lottery for Education (Tax Law section 1601).

3. NEEDS AND BENEFITS: This rule making will permit the Commission to continue to offer this multi-jurisdiction lottery game to increase lottery revenue for education. The Commission operates and administers this multi-jurisdiction lottery game as a member of the Multi-State Lottery Association ("MUSL"), a group comprising government lotteries from other jurisdictions. MUSL has determined to amend the game rules concerning payment of second-level prizes. On and after September 1, 2026, if there will be one to seven second-prize-winning plays, the annuitized second-prize value will be $100,000 per year for life, and the cash option will be an amount established by all of the participating lotteries. If there will be eight or more second-prize-winning plays, the second-prize liability will be capped by the party lotteries and will be split equally among all second-prize-winning plays, to be paid in one lump-sum cash payment, without an annuitized payment option, provided that the minimum prize value for this category will not be less than any lower tier prize paid in the applicable drawing. Currently, the equal prize split, with no annuitized option, occurs when there are 21 or more second-prize-winning plays.

4. COSTS:

(a) Costs to regulated parties for the implementation and continuing compliance with the rule: No additional operating costs are anticipated as a result of the proposed rule. Existing lottery sales agents will be able to sell tickets for this game in the same manner.

(b) Costs to the regulating agency, the State, and local governments for the implementation and continued administration of the rule: No additional operating costs are anticipated as a result of the proposed rule. The Commission can administer this game using existing resources.

(c) The information, including the source or sources of such information, and methodology upon which the cost estimate is based: The cost estimates are based on the Commission's experience with operating the State Lottery for Education since its inception.

5. LOCAL GOVERNMENT MANDATES: None. The Commission is the only governmental entity authorized to regulate the State Lottery for Education.

6. PAPERWORK: The proposed rule imposes no changes in paperwork requirements.

7. DUPLICATION: The proposed rules do not duplicate any existing State or federal requirements of the same or similar subject matter.

8. ALTERNATIVES: The alternative to this amendment is to cease participation in this multi-jurisdiction game, because all participating lotteries must abide by the same MUSL game rules. This alternative was rejected because this game generates revenue for State education that would be forgone if the State were to cease offering it.

9. FEDERAL STANDARDS: There are no federal standards applicable to the sale of State lottery tickets within the State.

10. COMPLIANCE SCHEDULE: The Commission anticipates that affected parties will be able to achieve compliance with these rules upon publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed rule does not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule would amend certain aspects of the Millionaire for Life lottery game. The proposed rule will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses, local governments, rural areas or employment opportunities. Recordkeeping requirements would be similar to what is required for any other lottery game offered.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Surface Changes in Thoroughbred Racing

I.D. No. SGC-23-26-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 4011.24, 4011.25, 4011.26, 4011.27 and 4011.28 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 205, 208(4) and 235(1)

Subject: Surface changes in Thoroughbred racing.

Purpose: To promote pari-mutuel wagering by addressing any type of surface change in certain wagers.

Text of proposed rule: Sections 4011.24, 4011.25, 4011.26, 4011.27 and 4011.28 of 9 NYCRR would be amended to read as follows:

§ 4011.24. Pick-four pools.

* * *

(i) Surface transfers. When the condition of a [turf] course warrants a change of racing surface to a [non-turf] course *with a different surface* in any of the pick-four races, and such change has not been known to the public before the close of wagering for the pick-four pool, such changed race shall be deemed an all win race for pick-four wagering purposes. An all-win race means the winning horse of that race is assigned to each pick-four ticket holder as such ticket holder's selection for that race. If there is a surface transfer in one or more of the pick-four races, then those who selected the winners in the greatest number of races without a surface transfer shall share the net pool. If there are no wagers selecting the winner of at least one of the races without a surface transfer, then the entire pool for such program shall be refunded. If any of the designated races is cancelled or declared "no race," then the pick-four pool will be determined by the winners of the remaining race or races. For racetrack operators that have selected the pick-four wagering option pursuant to either subdivision (g)(2) or (3) of this section, except for pick-four pools in which a final distribution is to be made, a pick-four pool with a surface transfer or transfers shall be handled as follows:

(1) If there was a surface change to a [non-turf] course *with a different surface* in only one of the pick-four races, then the bettors who selected the winners of the three pick-four races for which there were no surface changes shall share that day's net pool for such wager as well as any carryover. If there are no such wagers and the track operator has selected the pick-four wagering option pursuant to subdivision (g)(3) of this section, 25 percent of the net pick-four pool, excluding any carryover from previous programs, shall be distributed, less breaks, as a single price pool to those who selected the first-place finisher in the greatest number of pick-four races, and 75 percent shall be added to the carryover.

(2) If there was a surface change to a [non-turf] course *with a different surface* in more than one of the pick-four races, then the bettors who selected the winners of all the other pick-four races shall share that day's net pool for such wager but shall not share any carryover (any such previous carryover to be carried over to the next performance's pick-four wager pool). If there are no such wagers and the track operator has selected the pick-four wagering option pursuant to subdivision (g)(3) of this section, 25 percent of the net pick-four pool, excluding any carryover from previous programs, shall be distributed, less breaks, as a single price pool to those who selected the first-place finisher in the greatest number of pick-four races, and 75 percent shall be added to the carryover.

§ 4011.25. Pick-five pools.

* * *

(i) Surface transfer. When the condition of a [turf] course warrants a change of racing surface to a [non-turf] course *with a different surface* in any of the pick-five races, and such change has not been known to the public before the close of wagering for the pick-five pool, then such changed race shall be deemed an all win race for pick-five wagering purposes. An all-win race means the winning horse of that race is assigned to each pick-five bettor as such bettor's selection for that race. Except for pick-five pools in which a final distribution is to be made, a pick-five pool with surface transfer(s) shall be handled as follows:

(1) If there was a surface change to a [non-turf] course *with a different surface* in only one of the pick-five races, then the bettors who selected the winners of the four pick-five races for which there were no surface changes shall share that day's net pool for such wager as well as any

carryover. If there are no such wagers and the track operator has selected the pick-five wagering option set forth in subdivision (g)(2) of this section, 25 percent of the net pick-five pool, excluding any carryover from previous programs, shall be distributed, less breaks, as a single price pool to those who selected the first-place finisher in the greatest number of pick-five races, and 75 percent shall be added to the carryover.

(2) If there was a surface change to a [non-turf] course *with a different surface* in more than one of the pick-five races, then the bettors who selected the winners of all the other pick-five races shall share that day's net pool for such wager but shall not share any carryover (any such previous carryover to be carried over to the next performance's pick-five wager pool). If there are no such wagers and the track operator has selected the pick-five wagering option pursuant to subdivision (g)(2) of this section, 25 percent of the net pick-five pool, excluding any carryover from previous programs, shall be distributed, less breaks, as a single price pool to those who selected the first-place finisher in the greatest number of pick-five races, and 75 percent shall be added to the carryover.

(3) If there are one or more [surface change] *surface-change* races in the pick-five sequence, and there are no bettors who selected the winner(s) of all the other pick-five races, then:

(i) if the track operator has selected the pick-five wagering option set forth in subdivision (g)(1) of this section, the net pool for such program shall be carried over to the next performance's pick-five wager pool; or

(ii) if the track operator has selected the pick-five wagering option pursuant to subdivision (g)(2) of this section, 25 percent of the net pick-five pool, excluding any carryover from previous programs, shall be distributed, less breaks, as a single price pool to those who selected the first-place finisher in the greatest number of pick-five races, and 75 percent shall be added to the carryover.

(4) If there are one or more [surface change] *surface-change* races in the pick-five sequence and there are no bettors who selected the winner of any of the other pick-five races, then the entire pool for such program shall be refunded.

§ 4011.26. Pick-six pools.

* * *

(i) Surface transfers. When the condition of a [turf] course warrants a change of racing surface to a [non-turf] course *with a different surface* in any of the pick-six races, and such change has not been known to the public before the close of wagering for the pick-six pool, then such changed race shall be deemed an all win race for pick-six wagering purposes. An all win race means the winning horse of that race is assigned to each pick-six bettor as such bettor's selection for that race. Except for pick-six pools in which an intermediate or final distribution is to be made, a pick-six sequence with surface transfer(s) shall be handled as follows:

(1) If there is one [surface transfer] *surface-transfer* race in the pick-six sequence of designated races combined with the winners of the five other designated races, 75 percent of such program's net pool, less breaks, and any carryovers, advertised guaranteed amounts or advertised added amounts, shall be distributed to the holders of such wagers, and 25 percent of such program's net pool shall be distributed, less breaks, to the holders of wagers selecting the next most winners; should no wager include the winners of all five non-surface transfer races in the pick–six sequence, 25 percent of such net pool shall be distributed, less breaks, to the holders of wagers selecting the most winners of the non-surface transfer races in the pick-six sequence, and 75 percent of such program's net pool shall be carried over as elsewhere provided in this section for subsequent distribution.

(2) If there are two or three [surface transfer] *surface-transfer* races in the pick-six sequence, no carryovers from prior pick-six pools, advertised guaranteed amount or advertised added amounts will be distributed to winners in such day's pick-six pool, and 75 percent of such program's net pool shall be distributed, less breaks, to holders of wagers selecting the winners of all [non-surface transfer] *non-surface-transfer* races in the pick-six sequence, and 25 percent of such program's net pool shall be distributed, less breaks, to holders of wagers selecting the next most winners; should no wager include the winners of all the non-surface-transfer races in the pick-six sequence, 25 percent of such net pool shall be distributed, less breaks, to the holders of wagers selecting the most winners of the non-surface-transfer races in the pick-six sequence, and 75 percent of such program's net pool shall be carried over as elsewhere provided in this section for subsequent distribution.

(3) If there are more than three [surface transfer] *surface-transfer* races in the pick-six sequence, no carry-overs from prior pick-six pools, advertised guaranteed amounts or advertised added amounts will be distributed to winners in such day's pick-six pool, and 25-percent of that program's net pool shall be distributed, less breaks, to holders of wagers selecting the winners of the most non-surface-transfer races in the pick-six sequence, and 75 percent of such program's net pool shall be carried over as elsewhere provided in this section for subsequent distribution.

(4) If there are one or more [surface transfer] *surface-transfer* races in the pick-six sequence, and there are no wagers selecting the winner(s) of at least one of the [non-surface transfer] *non-surface-transfer* races, the entire pool for such program shall be refunded; in the event there is a final distribution or intermediate distribution scheduled, and no further programs are conducted at the meeting, the commission shall require that a pick-six pool be conducted on the first program of the next race meeting conducted at such track by such track operator to provide for final distribution for such prior meeting. The commission may also order a final distribution for an earlier time in the commission's discretion.

§ 4011.27. Pick-six jackpot pools.

* * *

(i) Surface transfers. When the condition of a [turf] course warrants a change of racing surface to a [non-turf] course *with a different surface* in any of the pick-six jackpot races, and such change has not been known to the public before the close of wagering for the pick-six jackpot pool, then such changed race shall be deemed a no contest race for pick-six jackpot wagering purposes. A no contest race means a race is not to be considered as a contested race for pick-six jackpot wagering purposes.

§ 4011.28. Grand Slam.

* * *

(b) Grand Slam Pools.

* * *

(8) When the condition of the [turf] course warrants a change of racing surface in any of the legs of the Grand Slam races, and such change has not been made known to the betting public prior to the close of wagering for the Grand Slam pool, the stewards shall declare the changed leg(s) a "no contest" for Grand Slam wagering purposes and the pool shall be distributed in accord with paragraph (7) of this subdivision.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, NYS Gaming Commission, 354 Broadway, PO Box 7500, Schenectady, NY 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 104(19), 205, 208(4) and 235(1).

Racing Law Section 104(19) authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

Racing Law sections 205 and 208(4) authorizes the Commission to promulgate rules of racing, including pari-mutuel wagering, for Thoroughbred racing.

Racing Law section 235(1) authorizes the Commission to promulgate regulations for the conduct of pari-mutuel wagering.

2. LEGISLATIVE OBJECTIVES: The above-referenced statutory provisions entrust the Commission with regulating pari-mutuel wagering on horse racing to preserve its integrity and promote fairness to the betting public while generating reasonable revenue for the support of government.

3. NEEDS AND BENEFITS: This rule making will permit the rules governing Thoroughbred pari-mutuel wagering to accommodate race changes to novel racing surfaces. Current rules govern the consequences for wagering when a race in a multi-race wager is switched from a turf course to a non-turf course. These rules are in place because bettors may have made their bets in reliance on certain races within the wager sequence being run on a turf course. Had it been known that those races would instead be run on a dirt course, bettors might have wagered differently, so the current rules for various multi-race wagers set forth the consequences to bettors when a race is switched to a non-turf surface, such as when the turf course has become waterlogged. Thoroughbred racing is anticipated to return to Belmont Park on September 18, 2026, with the addition of a novel racing surface, other than dirt, not previously utilized. Present wagering rules address the wagering consequences of surface changes from turf to a non-turf surface, but do not address surface changes from a dirt surface to a novel non-dirt surface. To accommodate this novel racing-surface technology, the Commission proposes amending the wagering surface-changes rules to accommodate appropriately the wagering conse-

quences of surface changes to a course of any surface, such as the change of a race from a from a dirt course to a synthetic-surface course.

4. COSTS:

(a) Costs to regulated parties for the implementation and continuing compliance with the rule: No additional operating costs are anticipated as a result of the proposed rule. Tracks already adjust wager consequences for surface changes within multi-race wagers.

(b) Costs to the regulating agency, the State, and local governments for the implementation and continued administration of the rule: No additional operating costs are anticipated as a result of the proposed rule. The amendments do not change the Commission's regulatory role in regard to pari-mutuel wagering.

(c) The information, including the source or sources of such information, and methodology upon which the cost estimate is based: The cost estimates are based on the Commission's experience with regulating pari-mutuel wagering.

5. LOCAL GOVERNMENT MANDATES: None. The Commission is the only governmental entity authorized to regulate the pari-mutuel wagering.

6. PAPERWORK: The proposed rule imposes no changes in paperwork requirements. Thoroughbred racetracks will account for pari-mutuel wagers in the same manner in which they operate currently.

7. DUPLICATION: The proposed rules do not duplicate any existing State or federal requirements of the same or similar subject matter.

8. ALTERNATIVES: The alternative to these amendments is to not address surface changes from a dirt course to a synthetic-surface course. This alternative was rejected because it would allow an unwarranted asymmetry between how changes from a turf to a non-turf course are regulated for wagers currently and how changes from a dirt to a synthetic-surface course would be treated once the novel track surface is available at Belmont Park, even though the same wagering fairness concerns would apply to either type of surface change.

9. FEDERAL STANDARDS: There are no federal standards applicable to this topic.

10. COMPLIANCE SCHEDULE: The Commission anticipates that affected parties will be able to achieve compliance with these rules upon publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The proposed rule does not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule would amend wagering rules in Thoroughbred racing to accommodate surface changes to novel racing surfaces, such as synthetic track surfaces. The proposed rule will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses, local governments, rural areas or employment opportunities. Recordkeeping requirements would be unchanged from current wagering operations.

Long Island Power Authority

EMERGENCY RULE MAKING

Extreme Heat Protections

I.D. No. LPA-23-26-00002-E

Filing Date: 2026-05-21

Effective Date: 2026-06-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: LIPA staff proposes modifications to its Tariff for Electric Service effective June 1, 2026 to provide rights and protections for residential and residential end-user customers, including the halt of terminations during periods of extreme heat.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The proposed changes are pursuant to the emergency rulemaking provisions of the State Administrative Procedures Act ("SAPA"). These changes are proposed on an emergency basis to address the growing public health concern and impact that extreme heat has on the health of customers. These changes adopt protections for residential and residential end-users during periods of extreme heat, and halt service terminations due to non-payment of bills when the forecast predicts a Heat Index of 90 degrees or greater.

Subject: Extreme Heat Protections.

Purpose: To adopt protections for residential customers and customers with residential end-users during periods of extreme heat.

Substance of emergency rule:

The Long Island Power Authority ("LIPA") staff ("Staff") proposes modifications to LIPA's Tariff for Electric Service (the "Tariff"), effective immediately, to adopt protections for residential and residential end-user customers during periods of extreme heat effective June 1, 2026.

On March 19, 2026, the New York State Public Service Commission issued an Order Adopting Utility Customer Protections During Periods of Extreme Heat and Directing Utility Filings (the "Order") which, in relevant part, directed the regulated utilities to: 1) implement uniform extreme heat protections for residential electric customers, as well as residential end-users, including those within multi-unit dwellings being served as a non-residential customer; 2) halt service terminations due to non-payment on any day with a forecasted or actual Heat Index[1] reaching or exceeding 90 degrees; and 3) enhance protections in areas identified as heat islands by requiring the regulated utilities to halt service terminations due to non-payment for customers located in heat islands for the two days following an extreme heat event.[2]

To provide customers in LIPA's service territory with the same protections provided to other utility customers in the State, Staff proposes these Tariff modifications consistent with those directed in the Order.

The LIPA Board may adopt, reject, or modify, in whole or in part, the action proposed, the commenters' proposed programmatic changes, including recommendation(s) submitted by the New York State Department of Public Service, and may resolve related matters.

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[1] "Heat Index" is defined as the apparent temperature, indicating what the temperature feels like based on the air temperature and relative humidity.

[2] Case 24-M-0586 – Proceeding on Motion of the Commission for the Establishment of Extreme Heat Protections, Practices and Procedures, Order Adopting Utility Customer Protections During Periods of Extreme Heat and Directing Utility Filings, issued and effective March 19, 2026 (the "Order").

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire August 18, 2026.

Text of rule and any required statements and analyses may be obtained from: William Wai, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 222-7700, email: tariffchanges@lipower.org

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-21-25-00007-A

Filing Date: 2026-05-20

Effective Date: 2026-05-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/14/26, the PSC adopted an order authorizing DD Bedford Low, LLC's petition to submeter electricity at 2868 Webster Avenue, Bronx, New York and granting request for waiver of energy audit requirement.

NEW YORK STATE | Gaming Commission

KATHY HOCHUL
Governor

To: Commissioners

From: Edmund C. Burns

Date: August 6, 2026

Re: Proposed rulemaking for coupling in Thoroughbred racing (9 NYCRR § 4025.10)

For Commission consideration are amendments to the Commission's rules on coupling in Thoroughbred racing. The current rules set forth circumstances in which horses must be coupled as single betting interest, but regulated parties, including the New York Racing Association, Inc., Finger Lakes Racetrack, The New York Thoroughbred Horsemen's Association and The New York Thoroughbred Breeders, Inc., have expressed to Commission staff that they support the elimination of coupling rules. Those supporting elimination contend that loosening coupling rules would increase betting interest and handle. They state that less restrictive coupling rules have been implemented successfully in other racing jurisdictions, such as California, Illinois, Kentucky, New Jersey, Maryland and others, and that race-integrity concerns can be addressed as they arise through close analysis of stored video files of races.

In 2025, the Commission continued with its measured approach in amending the coupling rules by limiting the number of uncoupled entries with common ties in races to no more than two, continuing to empower the State Steward to exercise discretion to couple when in the public interest, requiring the wager acceptor to provide adequate notice to the betting public concerning such entries and maintaining the current rule that limits the number (at two) of horses trained by the same trainer that may be drawn into a race to the exclusion of another horse. Commission staff studied the effect of the 2025 rule amendment and identified no systemic integrity risk to racing as a result of the change in coupling requirements.

[redacted]

The text of the proposed rule amendments is attached.

[redacted].

attachment

Commissioners
August 6, 2026

cc: Robert Williams, Executive Director
Sarah Klein, Director, Division of Horse Racing and Pari-Mutuel Wagering

Text to be deleted appears in [brackets]
Text to be added is underlined

§ 4025.10. Limitations on entries.

* * *

(b) *Coupling*.

(1) Horses that have the same individual present in the managing ownership of the horses, that share a 25 percent commonality in ownership or that share a common trainer are *related horses* for purposes of this section.

(2) Related horses [may] shall not be coupled as a single betting interest in a race, unless paragraph [(6)] (3) of this subdivision applies.

(3) [If more than two horses in a race are related horses, such horses shall be coupled as a single betting interest in such race, unless paragraph (6) of this subdivision applies.

(4)] The State steward may require any related horses entered in a race to be coupled as a single betting interest in a race prior to the commencement of wagering on-track and off-track, if such steward, in such steward's discretion, finds it necessary in the public interest.

[(5)] (4) If related horses are not coupled, the racetrack operator shall take such actions as are necessary to inform the public adequately with regard to the common ownership and/or trainer [that would otherwise make] of such horses [eligible to be coupled as a single betting interest pursuant to this subdivision].

[(6) No entry shall be coupled by reason of common ownership or training in any stakes race in which the gross purse is $50,000 or more, provided, however, that paragraph (4) of this subdivision shall apply in any such race. In any race subject to the provisions of this paragraph, the racing secretary shall have the authority to establish a mutuel field and coupled entries in any race with more than 14 starters.

(7)] (5) All horses trained or ridden by a spouse, parent, issue or member of a jockey's household shall not be considered related horses for the purposes of this subdivision.

[(c) *Entries if related horses would exclude another horse*. Up to two related horses are permitted to be drawn into any overnight race, or on the also-eligible list, provided, however, that two related horses shall not start to the exclusion of a single horse.]

To: Commissioners

From: Edmund C. Burns

Date: August 6, 2026

Re: Proposed rulemaking for licensing of owners in Thoroughbred racing (9 NYCRR § 4026.3

For Commission consideration are amendments to the Commission rule on licensing of nonmanaging owners in Thoroughbred racing.

Currently, each nonmanaging owner must be licensed when there are 35 or fewer owners and when an owner has a three percent or more interest, when there are more than 35 owners. This proposal would change those thresholds to, instead, require licensure of each owner only when there are 20 or fewer owners or an owner or owner has a five percent or more interest, when there are more than 20 owners. The five-percent threshold is modeled after the Association of Racing Commissioners International Model Rule and is a standard that many other racing jurisdictions, such as Kentucky, Maryland and Ohio, use.

The text of the proposed rule amendments is attached.

[redacted].

attachment

cc: Robert Williams, Executive Director
Sarah Klein, Director, Division of Horse Racing and Pari-Mutuel Wagering

Text to be deleted appears in [brackets]
Text to be added is underlined

§ 4026.3. Nonmanaging ownership.

* * *

(b) *Nonmanaging owners—licensing*. No horse shall be entered or started by such horse's managing owner that is owned by [35] 20 or [less] fewer owners, unless all of the owners are licensed, or, if owned by more than [35] 20 owners, unless each individual having a [three] five percent or greater property interest is licensed as an owner by the commission. In addition, each such owner that is not an individual must be registered and licensed with the commission, and all such entity's officers, directors, trustees or other managing individuals must be licensed by the commission unless otherwise directed by the commission. The commission may also require any other individual involved in ownership to be licensed at any time [it] the commission may deem desirable. The commission or the State steward, for good cause, may waive any of such requirements for a race. In no event, however, may a horse start, if the license of any such individual has been denied, suspended or revoked, until the commission is satisfied that any withdrawal of such individual or transfer of such individual's interest is in good faith.

NEW YORK STATE | Gaming Commission

KATHY HOCHUL
Governor

To: Commissioners

From: Edmund C. Burns

Date: August 7, 2026

Re: Proposed consensus rulemaking for methods of furnishing information in Thoroughbred racing (9 NYCRR §§ 4009.1. 4009.16 and 4025.6)

For Commission consideration are amendments to several Commission rules concerning the furnishing of information. These changes would allow racetracks to direct patrons to relevant information available on websites, in lieu of posting the information physically at the track; eliminate an obsolete filing requirement related to an era when totalisators were not always used; and allow race entries to be made electronically. These changes would modernize how information is required to be provided and would not inconvenience the public or regulated parties. An obsolete reference to the State Tax Commission would be updated.

The text of the proposed rule amendments is attached.

[redacted].

attachment

cc: Robert Williams, Executive Director
Sarah Klein, Director, Division of Horse Racing and Pari-Mutuel Wagering

PART 4009

Pari-Mutuel Operation

Section

4009.1 [Posting] Public notice of wagering rules
4009.2 Result boards, totalisators required
4009.3 Sales, exchange of tickets
4009.4 Presentation for payment
4009.5 Presentation deadline
4009.6 Minimum payoff
4009.7 Mutilated tickets
4009.8 Minors may not purchase
4009.9 When sellers' windows open
4009.10 Machines locked at off time
4009.11 Sales not completed
4009.12 [Repealed]
4009.13 Cashiers' windows
4009.14 Bookmaking prohibited
4009.15 Record of unpaid tickets
4009.16 Records of calculations
4009.17 Daily reports to commission
4009.18 Daily examination of records of employment
4009.19 The field
4009.20 Refund—horse excused
4009.21 Refund—non-starter
4009.22 Pools dependent on entries
4009.23 Refund only on presentation
4009.24 Announcing payoff error
4009.25 Adjustment of underpayments caused by error
4009.26 Shortages
4009.27 Payments to the New York Thoroughbred Breeding and Development Fund

§ 4009.1. [Posting] Public notice of wagering rules.

[Such rules for pari-mutuel betting as may be specified from time to time by the commission shall be reproduced in legible type and permanently displayed in locations within all betting areas of the premises of racing associations] Each association shall, on its website, direct the public to the page on the commission website where rules for pari-mutuel betting are provided or post such in legible type within all betting areas of the racetrack. The daily racing programs [sold] an association sells to the public [by racing associations] shall contain a statement indicating that such rules are posted in all betting areas or include a direction to the website address of the commission at which such rules are available.

* * *

Text to be deleted appears in [brackets]
Text to be added is underlined

§ 4009.16. Record of calculations.

[(a) The association, if operating a pari-mutuel system without the totalisator system, shall, in taking off total or mutuel ticket sales, prepare two additional carbon copies thereof at the time of making and furnish the same to the respective designated representatives of the commission and State Tax Commission before the calculations for mutuel prices to be paid shall have been made.

(b)] At race meetings where [the] a totalisator [machine] system is operated, if an association uses or undertakes any additional method of calculation [is used or undertaken], such association shall furnish full records thereof [shall be furnished] to the commission and the [State Tax Commission] department of taxation and finance.

* * *

§ 4025.6. Procedure for making entries.

Entries [and declarations] shall be made in writing, by electronic means approved by the association, or by telephone, [signed] by the managing owner of the horse or [of the engagement or by the] an authorized agent or some person deputed by [him or her] such managing owner[; and in order to secure privacy, all entries to overnight races must be made at a specially designated booth].