

# STATE OF NEW YORK

8538

2021-2022 Regular Sessions

## IN ASSEMBLY

December 13, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to wagers on certain horse racing events and authorizing agreements between a mobile sports wagering operator and an affiliate

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 1367 of the racing, pari-mutuel  
2 wagering and breeding law is amended by adding two new paragraphs (dd)  
3 and (ee) to read as follows:

4 (dd) "Horse racing event" means any sport or athletic event conducted  
5 in New York state subject to the provisions of articles two, three,  
6 four, five, six, nine, ten or eleven of this chapter, as well as any  
7 sport or athletic event conducted outside of New York state, which if  
8 conducted in New York state, would be subject to the provisions of arti-  
9 cles two, three, four, five, six, nine, ten or eleven of this chapter.

10 (ee) "Affiliate" means any off-track betting corporation, professional  
11 sports stadium or arena, franchised corporation, or race track licensed  
12 pursuant to this chapter, an operator of video lottery gaming at Aque-  
13 duct licensed pursuant to section sixteen hundred seventeen-a of the tax  
14 law, which has an affiliate agreement with a mobile sports wagering  
15 operator pursuant to section thirteen hundred sixty-seven-a of this  
16 title.

17 § 2. Paragraph (s) of subdivision 1 of section 1367 of the racing,  
18 pari-mutuel wagering and breeding law, as amended by section 3 of part Y  
19 of chapter 59 of the laws of 2021, is amended to read as follows:

20 (s) "Prohibited sports event" means (i) a sport or athletic event in  
21 which any New York college team participates regardless of where the  
22 event takes place, [~~ex~~] (ii) a high school sport or athletic event, or  
23 (iii) a horse racing event. [~~The~~] Notwithstanding the foregoing, the  
24 following shall not be considered prohibited sports events: [~~(i)~~] a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD13589-01-1

1 collegiate tournament, [~~and (ii)~~] a sports event within such tournament  
2 so long as no New York college team is participating in that particular  
3 sports event, and a horse racing event that is offered pursuant to an  
4 agreement between the operator or mobile sports wagering licensee and an  
5 entity that possesses a pari-mutuel wagering franchise or license  
6 awarded pursuant to article two or three of this chapter that has the  
7 authority to provide the content of the horse racing event;

8 § 3. Section 1367-a of the racing, pari-mutuel wagering and breeding  
9 law is amended by adding a new subdivision 8 to read as follows:

10 8. (a) Subject to regulations promulgated by the commission, mobile  
11 sports wagering operators may enter into agreements with affiliates to  
12 locate self-service mobile sports betting kiosks that are owned, oper-  
13 ated and maintained by the mobile sports wagering operator and connected  
14 via the internet to the mobile sports wagering licensee's server or  
15 other equipment used to accept mobile sports wagering at a licensed  
16 gaming facility pursuant to this section upon the premises of the affil-  
17 iate. Authorized sports bettors may place account wagers, and place and  
18 redeem non-account cash wagers at such kiosks.

19 (b) All agreements entered into between mobile sports wagering opera-  
20 tors and affiliates in relation to the provisions of this section shall  
21 be approved by the commission prior to taking effect and shall include a  
22 plan for the timely payment of liabilities due to the affiliate under  
23 the agreement; provided, however, that such payment of liabilities  
24 related to a wager shall take place no later than sixty days after a  
25 wager is received at a kiosk; and provided further, that the commission  
26 shall not approve any such agreement between a mobile sports wagering  
27 operator and a racetrack licensed pursuant to this chapter or an opera-  
28 tor of video lottery gaming at Aqueduct licensed pursuant to section one  
29 thousand six hundred seventeen-a of the tax law until twelve months  
30 after the effective date of this paragraph; and provided further, that  
31 the commission shall not approve any such agreement between a mobile  
32 sports wagering operator and a professional sports stadium or arena  
33 until twenty months after the effective date of this paragraph.

34 § 4. This act shall take effect on the ninetieth day after it shall  
35 become a law. Effective immediately, the addition, amendment and/or  
36 repeal of any rule or regulation necessary for the implementation of  
37 this act on its effective date are authorized to be made and completed  
38 on or before such effective date.