

Section 1. Section 1367 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

§ 1367. Sports wagering. 1. As used in this section:

(a) "Affiliate" means any off-track betting corporation, franchised corporation, or race track licensed pursuant to the racing, pari-mutuel wagering and breeding law which has a mobile sports wagering agreement with a casino pursuant to section 1367-a of the racing, pari-mutuel wagering and breeding law;

(b) "Authorized sports bettor" means an individual located in New York state, who is not a prohibited sports bettor, that participates in sports wagering offered by a casino.

([a] c) "Casino" means a licensed gaming facility at which gambling is conducted pursuant to the provisions of this article;

([b] d) "Commission" means the commission established pursuant to section one hundred two of this chapter;

([e] e) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers educational services beyond the secondary level;

(f) "High school sport or athletic event" means a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers education services at the secondary level;

(g) "Horse racing event" means any sport or athletic event conducted in New York state subject to the provisions of articles two, three, four, five, six, nine, ten and eleven of this chapter, or any sport or athletic event conducted outside of New York state, which if conducted in New York state would be subject to the provisions of this chapter;

(h) "Minor" means any person under the age of twenty-one years;

(i) "Prohibited sports bettor" means:

(i) any member, officer, employee or agent of an casino or affiliate;

(ii) any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any member, officer, employee or agent of an casino or affiliate;

(iii) any individual with access to non-public confidential information about sports wagering;

(iv) any amateur or professional athlete whose performance may be used to determine the outcome of a sports wager;

(v) any sports agent, team owner, team employee, league employee, referee, coach, or league official associated with any sport or athletic event on which sports wagering is based;

(vi) any individual placing a wager as an agent or proxy for an otherwise prohibited sports bettor; or

(vii) any minor;

([d] j) "Operator" means a casino which has elected to operate a sports pool;

([e] k) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event;

([f] l) "Prohibited sports event" means any ~~high school sport or athletic event [collegiate sport or athletic event that takes place in New York or a sport or athletic event in which any New York college team participates regardless of where the event takes place];~~

([g] m) "Sports event" means any professional sport or athletic event and any collegiate sport or athletic event, except a prohibited sports event;

([h] n) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering; [and]

(o) "Sports wager" means cash or cash equivalent that is paid by an authorized sports bettor to an casino to participate in sports wagering offered by such casino;

(p) "Sports wagering gross revenue" means the amount equal to the total of all sports wagers not attributable to prohibited sports events that a registrant collects from all players, less the total of all sums not attributable to prohibited sports events paid out as winnings to all sports bettors, however, that

the total of all sums paid out as winnings to sports bettors shall not include the cash equivalent value of any merchandise or thing of value awarded as a prize;

(i) q"Sports wagering lounge" means an area wherein a sports pool is operated; **and**
(r) " Sports wagering platform" or "platform" means the combination of hardware, software, and data networks used to manage, administer, or control sports wagering and any associated wagers.

2. No gaming facility may conduct sports wagering until such time as there has been a change in federal law authorizing such or upon a ruling of a court of competent jurisdiction that such activity is lawful.

3. (a) In addition to authorized gaming activities, a licensed gaming facility may when authorized by subdivision two of this section operate a sports pool upon the approval of the commission and in accordance with the provisions of this section and applicable regulations promulgated pursuant to this article. The commission shall hear and decide promptly and in reasonable order all applications for a license to operate a sports pool, shall have the general responsibility for the implementation of this section and shall have all other duties specified in this section with regard to the operation of a sports pool. The license to operate a sports pool shall be in addition to any other license required to be issued to operate a gaming facility. No license to operate a sports pool shall be issued by the commission to any entity unless it has established its financial stability, integrity and responsibility and its good character, honesty and integrity.

No later than five years after the date of the issuance of a license and every five years thereafter or within such lesser periods as the commission may direct, a licensee shall submit to the commission such documentation or information as the commission may by regulation require, to demonstrate to the satisfaction of the executive director of the commission that the licensee continues to meet the requirements of the law and regulations.

(b) A sports pool shall be operated in a sports wagering lounge located at a casino. The lounge shall conform to all requirements concerning square footage, design, equipment, security measures and related matters which the commission shall by regulation prescribe.

(c) The operator of a sports pool shall establish or display the odds at which wagers may be placed on sports events.

(d) An operator shall accept wagers on sports events only from persons physically present in the sports wagering lounge, **or through mobile sports wagering offered pursuant to section 1367-a of the racing, pari-mutuel wagering and breeding law.** A person placing a wager shall be at least twenty-one years of age.

(e) An operator shall not admit into the sports wagering lounge, or accept wagers from, any person whose name appears on the exclusion list.

(f) The holder of a license to operate a sports pool may contract with an entity to conduct that operation, **or the operation of mobile sports wagering offered pursuant to section 1367-a of the racing, pari-mutuel wagering and breeding law,** in accordance with the regulations of the commission. That entity shall obtain a license as a casino vendor enterprise prior to the execution of any such contract, and such license shall be issued pursuant to the provisions of section one thousand three hundred twenty-seven of this article and in accordance with the regulations promulgated by the commission.

(g) If any provision of this article or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

4. (a) All persons employed directly in wagering-related activities conducted within a sports wagering lounge shall be licensed as a casino key employee or registered as a gaming employee, as determined by the commission. All other employees who are working in the sports wagering lounge may be required to be registered, if appropriate, in accordance with regulations of the commission.

(b) Each operator of a sports pool shall designate one or more casino key employees who shall be responsible for the operation of the sports pool. At least one such casino key employee shall be on the premises whenever sports wagering is conducted.

5. Except as otherwise provided by this article, the commission shall have the authority to regulate sports pools and the conduct of sports wagering under this article to the same extent that the commission regulates other gaming. No casino shall be authorized to operate a sports pool unless it has produced information,

documentation, and assurances concerning its financial background and resources, including cash reserves, that are sufficient to demonstrate that it has the financial stability, integrity, and responsibility to operate a sports pool. In developing rules and regulations applicable to sports wagering, the commission shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework. The commission shall promulgate regulations necessary to carry out the provisions of this section, including, but not limited to, regulations governing the:

- (a) amount of cash reserves to be maintained by operators to cover winning wagers;
- (b) acceptance of wagers on a series of sports events;
- (c) maximum wagers which may be accepted by an operator from any one patron on any one sports event;
- (d) type of wagering tickets which may be used;
- (e) method of issuing tickets;
- (f) method of accounting to be used by operators;
- (g) types of records which shall be kept;
- (h) use of credit and checks by patrons;
- (i) type of system for wagering; and
- (j) protections for a person placing a wager.

6. Each operator shall adopt comprehensive house rules governing sports wagering transactions with its patrons. The rules shall specify the amounts to be paid on winning wagers and the effect of schedule changes. The house rules, together with any other information the commission deems appropriate, shall be conspicuously displayed in the sports wagering lounge and included in the terms and conditions of the account wagering system, and copies shall be made readily available to patrons.

7. Annual report. (a) Each casino that offers sports wagering shall annually submit a report to the commission no later than the thirtieth of June of each year, which shall include the following information:

- (i) the total amount of sports wagers received from authorized sports bettors;**
 - (ii) the total amount of prizes awarded to authorized sports bettors;**
 - (iii) the total amount of sports wagering revenue received by the casino;**
 - (iv) the total number of authorized sports bettors that requested to exclude themselves from sports wagering;**
 - (v) any additional information that the commission deems necessary to carry out the provisions of this article.**
- (b) Upon the submission of such annual report, to such extent that the commission deems it to be in the public interest, the commission shall be authorized to conduct a financial audit of any casino, at any time, to ensure compliance with this article.**
- (c) The commission shall annually publish a report based on the aggregate information provided by all casinos pursuant to subdivision one of this section, which shall be published on the commission's website no later than one hundred eighty days after the deadline for the submission of individual reports as specified in subdivision one of this section.**

8. Integrity fund. (a) Within thirty days of the end of each calendar quarter, a casino offering sports wagering shall remit to the gaming commission a sports wagering integrity fee of up to one-quarter of one percent of the amount wagered on sports events, however, in no case shall the integrity fee be greater than two percent of the casinos' sports wagering gross revenue. Each sports governing body shall be eligible to receive reimbursement for expenses incurred for integrity operations including monitoring, public relations and integrity investigations, up to of one-quarter of one percent of the total amount wagered at on its sporting events. This funding shall be used exclusively for expenses incurred by the sports governing body to ensure the integrity of its sporting events, providing such integrity expenses shall be approved by the gaming commission. Each sports governing body which receives in excess of fifty-thousand dollars annually from the integrity fee shall annually submit a report to the commission no later than the thirtieth of June of each year, which shall include the following information:

- (i) the total amount of integrity fund reimbursement received from New York;**

(ii) a detailed summary of their integrity monitoring and investigations;
(iii) a detailed plan on how much the sports governing body expects to spend on integrity monitoring and investigations in the upcoming year;
(iv) the total number of integrity investigations and their dispositions;
(v) any additional information that the commission deems necessary to carry out the provisions of this article.

(b) Upon the submission of such annual report, to such extent that the commission deems it to be in the public interest, the commission shall be authorized to conduct a financial audit of any sports governing body, at any time, to ensure compliance with this article.

(c) The commission shall annually publish a report based on the aggregate information provided by all sports governing bodies pursuant to subdivision one of this section, which shall be published on the commission's website no later than one hundred eighty days after the deadline for the submission of individual reports as specified in subdivision one of this section.

(d) At the end of the year, any unclaimed integrity fee revenue shall be distributed to the sports governing bodies which were approved to receive funding, on a pro-rata basis.

9. State tax. For the privilege of conducting sports wagering in the state, casinos shall pay a tax equivalent to eight and one-half percent of their sports wagering gross revenue.

10. Disposition of taxes. 1. The commission shall pay into the commercial gaming fund eighty-five percent of the state tax imposed by this section; any interest and penalties imposed by the commission relating to those taxes; all penalties levied and collected by the commission; and the appropriate funds, cash or prizes forfeited from sports wagering. The commission shall pay into the commercial gaming fund five percent of the state tax imposed by this section to be distributed for problem gambling education and treatment purposes pursuant to paragraph (a) of subdivision 5 of section 97-nnnn of the State Finance law. The commission shall pay into the commercial gaming fund five percent of the state tax imposed by this section to be distributed for the cost of regulation pursuant to paragraph (c) of subdivision 5 of section 97-nnnn of the State Finance law. The commission shall pay into the commercial gaming fund five percent of the state tax imposed by this section to be distributed in the same fashion as market origin credits pursuant to section 115-b of the racing, pari-mutuel wagering and breeding law.

The commission shall require at least monthly deposits by the casino of any payments pursuant to subdivision 10 of this section, at such times, under such conditions, and in such depositories as shall be prescribed by the state comptroller. The deposits shall be deposited to the credit of the state commercial gaming fund. The commission shall require a monthly report and reconciliation statement to be filed with it on or before the tenth day of each month, with respect to gross revenues and deposits received and made, respectively, during the preceding month.

11. Determination of tax liability. The commission may perform audits of the books and records of an casino, at such times and intervals as it deems appropriate, for the purpose of determining the sufficiency of tax payments. If a return required with regard to obligations imposed is not filed, or if a return when filed or is determined by the commission to be incorrect or insufficient with or without an audit, the amount of tax due shall be determined by the commission. Notice of such determination shall be given to the casino liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the casino against whom it is assessed, within thirty days after receiving notice of such determination, shall apply to the commission for a hearing in accordance with the regulations of the commission.

12. Exemption for fantasy sports. Nothing in this section shall apply to interactive fantasy sports offered pursuant to article 14 of the racing, pari-mutuel wagering and breeding law.

13. Sports wagering on horse racing events. All sports wagering on horse racing events shall be conducted in accordance with articles five and five-a of the racing, pari-mutuel wagering and breeding law as if the casino were a regional off-track betting corporation and taxed as such. They shall not be subject to the integrity fee of subdivision 8 of this section, nor the sports wagering taxes of subdivision 9 of this section. A casino may partner with regional off-track betting corporation licensed pursuant to

article five-a of the racing, pari-mutuel wagering and breeding law to operate sports wagering on horse racing events at the casino.

14. Restrictions on wagering. A sports governing body may notify the gaming commission that it desires to restrict, limit, or exclude wagering on its sporting events by providing notice in the form and manner as the gaming commission may require, including, without limitation, restrictions on the sources of data and associated video upon which an operator may rely in offering and paying wagers and the bet types that may be offered. Upon receiving such notice, the gaming commission shall review the request, seek input from the casinos on such a request, and if the gaming commission deems it appropriate, promulgate regulations to restrict such sports wagering. Offering or taking wagers contrary to restrictions promulgated by the gaming commission is a violation of this section. In the event that the request is in relation to an emergency situation, the executive director of the gaming commission may temporarily prohibit the specific wager in question until the gaming commission has the opportunity to issue temporary regulations addressing the issue.

15. Investigations. (a) The gaming commission shall designate the division of the state police to have primary responsibility for conducting, or assisting the gaming commission in conducting, investigations into abnormal betting activity, match fixing, and other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain.

(b) The gaming commission and casinos shall cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including but not limited to providing or facilitating the provision of account-level betting information and audio or video files relating to persons placing wagers.

(c) Casinos shall immediately report to the gaming commission any information relating to:

(i) criminal or disciplinary proceedings commenced against the casino in connection with its operations;

(ii) abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event or events;

(iii) any potential breach of the relevant sports governing body's internal rules and codes of conduct pertaining to sports wagering, as they have been provided by the sports governing body to the casino;

(iv) any other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain, including match fixing; and

(v) suspicious or illegal wagering activities, including use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers, and using false identification.

Casinos shall also immediately report information relating to conduct described in subparagraphs (ii), (iii), and (iv) to the relevant sports governing body.

(d) Casinos shall maintain the confidentiality of information provided by a sports governing body to the casino, unless disclosure is required by this section, the gaming commission, other law, or court order.

16. Statistics. Casinos shall use in all sports wagering only statistics, results, outcomes, and other data relating to a sporting event that have been obtained from the relevant sports governing body or an entity expressly authorized by the sports governing body to provide such information to casinos.

17. Recordkeeping and information sharing. (a) Casinos shall maintain records of all bets and wagers placed, including personally identifiable information of the bettor, amount and type of bet, time the bet was placed, location of the bet, including IP address if applicable, the outcome of the bet, records of abnormal betting activity, and video camera recordings in the case of in-person wagers for at least three years after the sporting event occurs and make such data available for inspection upon request of the gaming commission or as required by court order.

(b) If a sports governing body has notified the gaming commission that real-time information sharing for wagers placed on sporting events is necessary and desirable, casinos shall share in real time the information required to be retained pursuant to paragraph (a) of this subdivision (other than video files) with the sports governing body or its designee with respect to wagers on its sporting events.

(c) The gaming commission shall cooperate with a sports governing body and casinos to ensure the timely, efficient, and accurate sharing of information.

18. Sports wagering authorized. Sports wagering conducted pursuant to the provisions of this section is hereby authorized.

19. Sports wagering prohibited. The conduct of sports wagering in violation of this section is prohibited.

20. Civil penalty. Any person, firm, corporation, association, agent, or employee who knowingly violates any procedure implemented under this section, or section 1367-a of the racing, pari-mutuel wagering and breeding law, shall be liable for a civil penalty of not more than five thousand dollars for each violation, not to exceed fifty thousand dollars for violations arising out of the same transaction or occurrence, which shall accrue to the state and may be recovered in a civil action brought by the gaming commission.

§2. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 1367-a to read as follows:

1367-a. Mobile sports wagering.

1. As used in this section, the following terms shall have the following meanings:

(a) "Affiliate" means any off-track betting corporation, franchised corporation, or race track licensed pursuant to the racing, pari-mutuel wagering and breeding law which has a mobile sports wagering agreement with a casino pursuant to this section;

(b) "Authorized sports bettor" means an individual located in New York state, who is not a prohibited sports bettor, that participates in sports wagering offered by a casino.

(c) "Casino" means a licensed gaming facility at which gambling is conducted pursuant to the provisions of this article;

(d) "Collegiate sport or athletic event" shall mean a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers education services beyond the secondary level.

(e) "Commission" shall mean the New York state gaming commission.

(f) "High school sport or athletic event" shall mean a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers education services at the secondary level.

(g) "Horse racing event" shall mean any sport or athletic event conducted in New York state subject to the provisions of articles two, three, four, five, six, nine, ten and eleven of this chapter, or any sport or athletic event conducted outside of New York state, which if conducted in New York state would be subject to the provisions of this chapter.

(h) "Minor" means any person under the age of twenty-one years;

(i) "Mobile sports wagering platform" or "platform" means the combination of hardware, software, and data networks used to manage, administer, or control sports wagering and any associated wagers.

(j) "Operator" means an entity offering a sports wagering platform;

(k) "Prohibited sports bettor" means:

(i) any member, officer, employee or agent of an casino or affiliate;

(ii) any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any member, officer, employee or agent of an casino or affiliate;

(iii) any individual with access to non-public confidential information about sports wagering;

(iv) any amateur or professional athlete whose performance may be used to determine the outcome of a sports wager;

(v) any sports agent, team owner, team employee, league employee, referee, coach, or league official associated with any sport or athletic event on which sports wagering is based; or

(vi) any individual placing a wager as an agent or proxy for an otherwise prohibited sports bettor;

(vii) any minor;

(l) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event;

- (m) "Prohibited sports event" means any high school sport or athletic event;**
- (n) "Sports event" means any professional sport or athletic event and any collegiate sport or athletic event, except a prohibited sports event;**
- (o) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering;**
- (p) "Sports wager" means cash or cash equivalent that is paid by an authorized sports bettor to an casino to participate in sports wagering offered by such casino; and**
- (q) "Sports wagering gross revenue" means the amount equal to the total of all sports wagers not attributable to New York state prohibited sports events that a registrant collects from all players, less the total of all sums not attributable to New York state prohibited sports events paid out as winnings to all sports bettors, however, that the total of all sums paid out as winnings to sports bettors shall not include the cash equivalent value of any merchandise or thing of value awarded as a prize;**

2. Registration. (a) No casino shall administer, manage, or otherwise make available an mobile sports wagering platform to persons located in New York state unless registered with the commission pursuant to this section. A casino may use multiple mobile sports wagering platforms provided that each platform has been reviewed and approved by the commission. A casino may contract with an independent operator to provide its mobile sports wagering platform.

(b) Registrations issued by the commission shall remain in effect for five years. The commission shall establish a process for renewal.

(c) The commission shall publish a list of all casinos registered to offer mobile sports wagering in New York state pursuant to this section on the commission's website for public use.

(d) The commission shall promulgate regulations to implement the provisions of this section, including the development of the initial form of the application for registration. Such regulations shall provide for the registration and operation of mobile sports wagering in New York state and shall include, but not be limited to, responsible protections with regard to compulsive play and safeguards for fair play.

3. Scope of registration review. (a) The commission shall prescribe the initial form of the application for registration which shall require, but not be limited to:

(i) the full name and principal address of the operator;

(ii) if the operator is not the casino, but is a corporation, the name of the state in which incorporated and the full names and addresses of any partner, officer, director, shareholder holding ten percent or more equity, and ultimate equitable owners;

(iii) if the operator is not the casino, but is a business entity other than a corporation, the full names and addresses of the principals, partners, shareholders holding five percent or more equity, and ultimate equitable owners;

(iv) if the operator is not the casino, whether such corporation or entity files information and reports with the United States Securities and Exchange Commission as required by section thirteen of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a-78kk; or whether the securities of the corporation or entity are regularly traded on an established securities market in the United States;

(v) if the operator is not the casino, a statement of the assets and liabilities of the operator.

(b) If the operator is not the casino, the commission may require the full names and addresses of the officers and directors of any creditor of the operator, and of those stockholders who hold more than ten percent of the stock of the creditor.

(c) If the operator is not the casino, upon receipt of an application for registration for each individual listed on such application as an officer or director, the commission shall submit to the division of criminal justice services a set of fingerprints, and the division of criminal justice services processing fee imposed pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law and any fee imposed by the federal bureau of investigation. Upon receipt of the fingerprints, the division of criminal justice services shall promptly forward a set of the individual's fingerprints to the federal bureau of investigation for the purpose of a nationwide criminal history record check to determine whether such individual has been convicted of a criminal offense in any state other than New

York or in a federal jurisdiction. The division of criminal justice services shall promptly provide the requested criminal history information to the commission. For the purposes of this section, the term "criminal history information" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the division of criminal justice services and the federal bureau of investigation. All such criminal history information sent to the commission pursuant to this subdivision shall be confidential and shall not be published or in any way disclosed to persons other than the commission, unless otherwise authorized by law.

(d) Upon receipt of criminal history information pursuant to subdivision three of this section, the commission shall make a determination to approve or deny an application for registration; provided, however, that before making a determination on such application, the commission shall provide the subject of the record with a copy of such criminal history information and a copy of article twenty-three-A of the correction law and inform such prospective applicant seeking to be credentialed of his or her right to seek correction of any incorrect information contained in such criminal history information pursuant to the regulations and procedures established by the division of criminal justice services. The commission shall deny any application for registration, or suspend, refuse to renew, or revoke any existing registration issued pursuant to this article, upon the finding that the operator or any partner, officer, director, or shareholder:

(i) has knowingly made a false statement of material fact or has deliberately failed to disclose any information required by the commission;

(ii) has had a registration or license to offer or conduct contests denied, suspended, or revoked in any other state or country for just cause;

(iii) has legally defaulted in the payment of any obligation or debt due to any state or political subdivision; or

(iv) has at any time knowingly failed to comply with any requirement outlined in subdivision four of this section, any other provision of this section, any regulations promulgated by the commission or any additional requirements of the commission.

(e) All determinations to approve or deny an application pursuant to this section shall be performed in a manner consistent with subdivision sixteen of section two hundred ninety-six of the executive law and article twenty-three-A of the correction law. When the commission denies an application, the operator shall be afforded notice and the right to be heard and offer proof in opposition to such determination in accordance with the regulations of the commission.

4. Required safeguards, minimum standards. (a) As a condition of registration in New York state, each operator shall implement the following measures:

(i) limit each authorized sports bettor to one active and continuously used account, and prevent prohibited sports bettors from maintaining accounts or participating in any sports wagering offered by such operator;

(ii) prohibit minors from participating in any contest, which includes:

(1) if a operator becomes or is made aware that a minor has created an account, or accessed the account of another, such registrant shall promptly, within no more than two business days, refund any deposit received from the minor, whether or not the minor has engaged in or attempted to engage in sports wagering; provided, however, that any refund may be offset by any prizes already awarded;

(2) each operator shall publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any sports wagering or platform. Such procedures shall include a toll-free number to call for help in establishing such parental controls; and

(3) each operator shall take appropriate steps to confirm that an individual opening an account is not a minor.

(iii) when referencing the chances or likelihood of winning in advertisements or upon placement of a sports wager, make clear and conspicuous statements that are not inaccurate or misleading concerning the chances of winning and the number of winners;

(iv) enable authorized sports bettors to exclude themselves from sports wagering and take reasonable steps to prevent such bettors from engaging in sports wagering from which they have excluded themselves;

(v) permit any authorized sports bettor to permanently close an account registered to such bettor, on any and all platforms supported by such operator, at any time and for any reason;

(vi) offer introductory procedures for authorized sports bettors, that shall be prominently displayed on the main page of such operator platform, that explain sports wagering;

(vii) implement measures to protect the privacy and online security of authorized sports bettors and their accounts;

(viii) offer all authorized sports bettors access to his or her account history and account details;

(ix) ensure authorized sports bettors' funds are protected upon deposit and segregated from the operating funds of such operator and otherwise protected from corporate insolvency, financial risk, or criminal or civil actions against such operator;

(x) list on each website, in a prominent place, information concerning assistance for compulsive play in New York state, including a toll-free number directing callers to reputable resources containing further information, which shall be free of charge;

(xi) ensure no game or contest shall be based on a prohibited sports event.

(b) Operators shall not directly or indirectly operate, promote, or advertise any platform or sports wagering to persons located in New York state unless registered pursuant to this article.

(c) Operators shall not offer any sports wagering based on any prohibited sports event.

(d) Operators shall not permit any minor or prohibited participant to participate in sports wagering.

(e) Advertisements for contests and prizes offered by a registrant shall not target prohibited participants, minors, or self-excluded persons.

(f) Operators shall prohibit the use of third-party scripts or scripting programs for any contest and ensure that measures are in place to deter, detect and, to the extent reasonably possible, prevent cheating, including collusion, and the use of cheating devices, including use of software programs that submit sports wagers.

(g) Operators shall develop and prominently display procedures on the main page of such operator's platform for the filing of a complaint by an authorized sports bettor against such operator. An initial response shall be given by such operator to such bettor filing the complaint within forty-eight hours. A complete response shall be given by such operator to such bettor filing the complaint within ten business days. An authorized sports bettor may file a complaint alleging a violation of the provisions of this article with the commission.

(h) Operators shall maintain records of all accounts belonging to authorized sports bettors and retain such records for five years from the date an account was created.

(i) Subject to regulations promulgated by the commission, casinos may enter into agreements with affiliates to allow for authorized bettors to sign up to create and fund accounts on their mobile sports wagering platform or platforms.

(j) Authorized sports bettors must sign up to create their account on a mobile sports wagering platform in person at a casino or an affiliate of a casino.

(k) Authorized sports bettors may deposit funds in their account on a mobile sports wagering platform in person at a casino or an affiliate of a casino, or electronically through the mobile sports betting platform.

§ 3. Section 104 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 237 of the laws of 2016, is amended by adding a new subdivision 24 to read as follows:

24. To regulate sports wagering in New York state.

§ 4. Subdivision 15 of section 1401 of the racing, pari-mutuel wagering and breeding law, as added by chapter 237 of the laws of 2016, is amended to read as follows:

15. "Prohibited sports event" shall mean any ~~collegiate sport or athletic event, any~~ high school sport or athletic event or any horse racing event.

§5. Severability clause. If any provision of this act or application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

§ 6. This act shall take effect on the same date and in the same manner as Chapter 174 of the laws of 2013.