

# STATE OF NEW YORK

4329--A

Cal. No. 1469

2017-2018 Regular Sessions

## IN SENATE

February 9, 2017

Introduced by Sens. GALLIVAN, GRIFFO, KENNEDY, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general municipal law, in relation to enacting the "charitable gaming act of 2017"

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

1 Section 1. This act shall be known and may be cited as the "charitable  
2 gaming act of 2017".

3 § 2. Legislative intent. The legislature hereby finds that games of  
4 chance, specifically games known as "raffles", conducted by bona fide  
5 charitable, educational, scientific, health, religious and patriotic  
6 organizations provide vital financial support to many worthwhile  
7 programs in the communities in which they serve. Furthermore, conforming  
8 current statutory language to address recent technological advances will  
9 enhance the ability of the public at large to participate and thusly is  
10 deemed to be in the public interest.

11 § 3. Subdivision 20 of section 186 of the general municipal law, as  
12 added by chapter 574 of the laws of 1978, is amended to read as follows:

13 20. "Games of chance currency" shall mean legal tender or a form of  
14 scrip or chip authorized by the board, except for games known as  
15 "raffles" whereby payment shall mean legal tender, credit or debit card  
16 or personal check, any of which may be used at the discretion of the  
17 games of chance licensee.

18 § 4. Section 189 of the general municipal law is amended by adding a  
19 new subdivision 16 to read as follows:

20 16. Notwithstanding any provision of law to the contrary, games known  
21 as "raffles", at the discretion of the games of chance licensee, may be

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

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1 purchased via the internet or mobile application with a debit or credit  
2 card, upon the account holder's direct consent, provided, however, that  
3 the gaming commission shall promulgate any necessary rules and regu-  
4 lations to ensure, to a reasonable degree of certainty that:

5 (a) the purchase of the raffle ticket is initiated and received or  
6 otherwise made in accordance with subdivision thirteen of this section;

7 (b) purchasers are not less than eighteen years of age; and

8 (c) the privacy and online security of participants is protected.

9 § 5. Subdivision 3 of section 195-d of the general municipal law, as  
10 added by section 13 of part MM of chapter 59 of the laws of 2017, is  
11 amended to read as follows:

12 3. A player may purchase a chance with cash or, if the authorized  
13 organization wishes, with a personal check, credit card or debit card.

14 § 6. Severability. If any clause, sentence, paragraph, subdivision,  
15 section or part contained in any part of this act shall be adjudged by  
16 any court of competent jurisdiction to be invalid, such judgment shall  
17 not affect, impair, or invalidate the remainder thereof, but shall be  
18 confined in its operation to the clause, sentence, paragraph, subdivi-  
19 sion, section or part contained in any part thereof directly involved in  
20 the controversy in which such judgment shall have been rendered. It is  
21 hereby declared to be the intent of the legislature that this act would  
22 have been enacted even if such invalid provisions had not been included  
23 herein.

24 § 7. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law; provided, however that the provisions of  
26 paragraph (a) of subdivision 16 of section 189 of the general municipal  
27 law made by section four of this act and the amendments to subdivision 3  
28 of section 195-d of the general municipal law made by section five of  
29 this act shall take effect on the same date and in the same manner as  
30 part MM of chapter 59 of the laws of 2017, takes effect; provided  
31 further, that effective immediately, the addition, amendment and/or  
32 repeal of any rule or regulation necessary for the implementation of  
33 this act on its effective date are authorized.