

**CHAPTER 193**  
**(CORRECTED COPY)**

**AN ACT** concerning the placement of wagers on horse races, and supplementing chapter 5 of Title 5 of the Revised Statutes and amending P.L.2002, c.89.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

C.5:5-190 Short title.

1. This act shall be known and may be cited as the “Fixed Odds Wagering Act.”

C.5:5-191 Findings, declarations.

2. The Legislature finds and declares that:

- a. The horse racing industry is economically important to this State, and the general welfare of the people of the State will be promoted by the advancement of horse racing and related projects and facilities in the State.

- b. It is the intent of the Legislature, by authorizing fixed odds wagering, to promote the economic future of the horse racing industry in this State, to foster the potential for increased commerce, employment, and recreational opportunities in this State and to preserve the State's open spaces.

- c. It is the further intent of the Legislature that fixed odds wagers may be taken in person, by direct telephone call, or by communication through other electronic media from residents of this State on horse races conducted within and outside of this State.

- d. It is the further intent of the Legislature to permit persons located in New Jersey who are not residents or account holders to wager on fixed odds at racetracks in person or by electronic means.

- e. The Legislature has determined that the Division of Gaming Enforcement, in consultation with the New Jersey Racing Commission, is best suited to oversee, license, and regulate fixed odds wagering in the State.

C.5:5-192 Definitions.

3. As used in this act:

“Advance deposit wagering” means a form of horse racing wagering in which account holders must fund their account before being permitted to place bets and refers to a fixed odds wagering licensee.

“Authority” means the New Jersey Sports and Exposition Authority created by section 4 of P.L.1971, c.137 (C.5:10-4).

“Division” means the New Jersey Division of Gaming Enforcement in the New Jersey Department of Law and Public Safety created by section 55 of P.L.1977, c.110 (C.5:12-55).

“Fixed odds wagering” means a form of horse racing wagering against odds offered by a bookmaker in which account holders may lock in their odds when the bet is first placed and no fluctuation in potential payout may occur.

“Fixed odds wagering account” means the account established with the fixed odds wagering licensee by a person participating in fixed odds wagering.

“Fixed odds wagering licensee” means the authority, provided that the division has granted its approval for the authority or a racetrack permit holder to establish fixed odds wagering as provided for in this act, P.L.2021, c.193.

“Fixed odds wagering system” means a system through which fixed odds wagers are processed.

“Internet sports pool operator” means an entity that is licensed as a casino service industry enterprise pursuant to section 92 of P.L.1977, c.110 (C.5:12-92) and that holds a permit issued by the division to operate an online sports pool.

“Operating board” means the board established to negotiate, manage, and oversee any agreements made for the purposes of operating an account wagering system, off-track wagering facility, exchange wagering system, or fixed odds wagering system.

"Participation agreement" means the written contract entered into pursuant to this act, P.L.2021, c.193, that shall set forth the manner in which the fixed odds wagering system shall be managed, operated, and capitalized, as well as how expenses and revenues shall be allocated and distributed by and among the authority and the other eligible participants subject to the agreement, including standardbred and thoroughbred permit holders in this State.

"Permit holder" means the holder of an annual permit to conduct a horse race meeting issued by the commission.

#### C.5:5-193 Certain fixed odds wagering lawful.

4. Notwithstanding any law, rule, or regulation to the contrary, fixed odds wagering by residents of this State on the results of horse races conducted in this State or jurisdictions outside of this State shall be lawful provided that:

a. fixed odds wagering shall only be conducted by the fixed odds wagering licensee pursuant to a valid fixed odds wagering license issued by the division as provided for in this act;

b. fixed odds wagering shall be conducted pursuant to and in compliance with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. ss.3001 - 3007, as amended, this act, any related intrastate contracts, and rules and regulations promulgated by the division pursuant to this act;

c. in addition to the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. ss.3001 – 3007, fixed odds wagering conducted on in-State races shall require a written agreement with the Standardbred Breeders and Owners Association of New Jersey and the New Jersey Thoroughbred Horsemen's Association for such wagering on the associations' respective breeds;

d. the division has approved a contract or agreement, if any, with a person or entity to conduct or operate fixed odds wagering and to act as the agent for the authority or racetrack permit holder in all fixed odds wagering matters approved by the division, pursuant to section 5 of this act, P.L.2021, c.193 (C.5:5-194), including but not limited to the portion of fixed odds revenues payable to such person or entity conducting or operating fixed odds wagering;

e. fixed odds wagers are submitted to and accepted by the fixed odds wagering licensee in person, by direct telephone call, or by communication through other electronic media, as appropriate; and

f. fixed odds wagers are placed through the fixed odds wagering system authorized in accordance with the provisions of this act, P.L.2021, c.192 (C.5:5-190 et al.), and in accordance with division rules, regulations, and conditions established therefor.

#### C.5:5-194 Issuance of license to establish fixed odds wagering.

5. a. The division is hereby authorized to issue a license to the authority, or to the racetrack permit holder, to establish fixed odds wagering in accordance with the provisions of this act, P.L.2021, c.193 (C.5:5-190 et al.). The licensing process shall include the filing

by the authority of a fixed odds wagering license application developed by the division. The division may issue more than one license to the authority for the purpose of establishing additional fixed odds wagering systems. The division may issue an individual license to a racetrack permit holder if the authority and racetrack permit holder have mutually agreed to a transfer of licensing, pursuant to the provisions of section 6 of P.L.2021, c.193 (C.5:5-195). Each new wagering system shall require a license. All provisions of law concerning such license and the fixed odds wagering system shall apply to each license and each system established. Any reference in law to the license, the assignee, or the fixed odds wagering system shall refer to all licenses, assignees, and systems. A license issued pursuant to this act shall be valid for a term of one year.

Any participation agreement shall include an agreement by the operator to pay a proportional share of the available net project revenues determined by the operating board to the standardbred or thoroughbred permit holder, as the case may be, and a re-negotiation mechanism to adjust a proportional share following the addition or removal of an operator.

b. At the time of filing an application for licensure under this section, the authority shall submit to the division a nonrefundable filing fee in an amount established by regulation by the division, and a certification in a form prescribed by the division which specifies, but is not limited to, information about the operation of the system and the authority's participation therein.

c. Within 14 days of receipt of a completed application, certification and applicable fees, the division's director shall determine whether the same is in due form and meets the requirements of law and regulations in all respects. No later than 60 days following the receipt of the application, the division shall make a final determination on the application. The division shall approve the application if it determines that the authority has demonstrated by clear and convincing evidence that wagers placed through the proposed fixed odds wagering system will be accurately processed and that there will be sufficient safeguards to maintain the integrity of the horse racing industry in this State.

d. The division's determination shall be submitted to the Attorney General for review and approval. The determination of the division shall be deemed approved by the Attorney General if affirmatively approved or not disapproved by the Attorney General within 14 days of the date of submission. The decision of the Attorney General shall be deemed a final decision. Upon approval by the Attorney General, the division shall issue to the authority a license to establish the system. The fixed odds wagering license shall be valid for a term of one year, and shall be subject to renewal annually, unless a different timeframe is otherwise prescribed by regulation of the division.

e. With the approval of the division, the authority or racetrack permit holder may enter into a contract or agreement with a person or entity to conduct or operate the system and to act as the agent of the authority in all fixed odds wagering matters approved by the division. The fixed odds wagering license may not be transferred or assigned to a successor in interest without the approval of the division and the Attorney General, which approval may not be unreasonably withheld.

C.5:5-195 Transfer to individual racetrack permit holder.

6. The authority may transfer the operation and control of a fixed odds wagering operation to an individual racetrack permit holder if both the authority and racetrack permit holder mutually agree to such transfer. The division and the Attorney General shall approve the transfer following the written agreement of the authority and racetrack permit holder. The division and the Attorney General shall review the agreement and determine if the

racetrack permit holder has the appropriate apparatus to operate as a licensee of a fixed odds wagering system. If the transfer is not approved by the division and the Attorney General, the authority shall remain the fixed odds wagering licensee. Any agreement between the authority and a racetrack permit holder that does not receive approval from the division and Attorney General for a transfer may not be re-submitted for review until one year following the prior determination by the division and the Attorney General.

C.5:5-196 Rules, regulations, conditions.

7. a. The division, in consultation with the New Jersey Racing Commission, shall have full power to prescribe rules, regulations, and conditions under which fixed odds wagering may be conducted in this State, consistent with this act, including the manner in which fixed odds wagers may be accepted, the requirements for any person to participate in fixed odds wagering, and the reasonable approval of any and all agreements made pursuant to subsection c. of section 4 of this act, P.L.2021, c.193 (C.5:5-193).

b. The division shall have full power to prescribe rules, regulations, and conditions under which the fixed odds wagering license is issued or renewed in this State, including requiring an annual audit of a fixed odds wagering licensee's books and records pertaining to fixed odds wagering, requiring all hub facilities, servers, and technicians related to a fixed odds wagering operation by a licensee in this State be located in this State, and to revoke, suspend, or refuse to renew the license if in the opinion of the division the revocation of, suspension of, or refusal to renew such license is in the public interest; provided, however, that such rules, regulations, and conditions shall be uniform in their application.

c. The division shall have no right or power to determine who shall be officers, directors, or employees of any fixed odds wagering licensee, or the salaries thereof; provided, however, that the division may compel the discharge of any official or employee of the fixed odds wagering licensee or the fixed odds wagering system who: (1) fails or refuses for any reason to comply with the rules or regulations of the division; (2) fails or refuses for any reason to comply with any of the provisions of this act; (3) fails to establish by clear and convincing evidence in the opinion of the division good character, honesty, competency, and integrity; or (4) has been convicted of a crime involving fraud, dishonesty, or moral turpitude.

d. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within 90 days of the effective date of P.L.2021, c.193, the director of the division shall adopt, immediately upon filing proper notice with the Office of Administrative Law, such temporary rules and regulations necessary to effectuate the purposes of this act. The rules and regulations so adopted shall be effective for a period not to exceed 18 months from the date of the filing. The rules and regulations shall thereafter be amended, adopted, or readopted by the director in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.5:5-197 Procedure for opening a fixed odds wagering account, wagering.

8. a. A person within this State shall not be permitted to open a fixed odds wagering account, or place a fixed odds wager through the fixed odds wagering system, except in accordance with federal law and this act, and through the fixed odds wagering licensee, and no entity, other than the fixed odds wagering licensee, shall accept a fixed odds wager from a person within this State. A person may not place a fixed odds wager unless the person has established a fixed odds wagering account with the fixed odds wagering licensee and is physically present in New Jersey at the time of placing the account wager, except that

persons physically present at a racetrack or off-track wagering facility may place a wager through a teller at a window without opening a fixed odds wagering account. To establish a fixed odds wagering account, a person shall be physically present in New Jersey at the time of establishing the wagering account, at least 18 years of age, except that any person on the self-exclusion list established pursuant to section 1 of P.L.2002, c.89 (C.5:5-65.1) shall be prohibited from establishing a fixed odds wagering account. A resident of this State who has established an account with a fixed odds wagering licensee may place a fixed odds wager through the licensee while physically present in New Jersey, or while physically present in another jurisdiction if placing such a wager is not inconsistent with the law of that jurisdiction or with federal law. The division shall develop protocols to accurately determine a person's location within the State to effectuate the provisions of this subsection.

b. The fixed odds wagering account shall be in the name of a natural person and may not be in the name of any beneficiary, custodian, joint trust, corporation, partnership, or other organization or entity.

c. A fixed odds wagering account may be established in person, by mail, telephone, or other electronic media, by a person completing an application form approved by the division. The form shall include the address of the principal residence of the prospective fixed odds wagering account holder and a statement that a false statement made in regard to an application may subject the applicant to prosecution. The fixed odds wagering licensee shall verify the identification, residence, and age of the fixed odds wagering account holder using methods and technologies approved by the division.

d. The prospective fixed odds wagering account holder shall submit the completed application in person, by mail, telephone, or other electronic media, including the Internet and wireless devices, to the fixed odds wagering licensee or such other person or entity as may be approved by the division. The fixed odds wagering licensee may accept or reject an application after receipt and review of the application and certification, or other proof, of age and residency for compliance with this act.

e. Any prospective fixed odds wagering account holder who provides false or misleading information on the application is subject to rejection of the application or cancellation of the fixed odds wagering account by the fixed odds wagering licensee without notice.

f. The fixed odds wagering licensee shall have the right to suspend or close any fixed odds wagering account at its discretion.

g. Any person not in good standing with the division shall not be entitled to maintain a fixed odds wagering account.

h. The address provided by the applicant in the application shall be deemed the proper address for the purposes of mailing checks, fixed odds wagering account withdrawals, notices, and other materials.

i. A fixed odds wagering account shall not be assignable or otherwise transferable.

j. The fixed odds wagering licensee may at any time declare the fixed odds wagering system closed for receiving any wagers on any race or closed for all fixed odds wagering.

#### C.5:5-198 Credits made to fixed odds wagering account.

9. a. Credits to a fixed odds wagering account shall be made as follows:

(1) The fixed odds wagering account holder's deposits to the fixed odds wagering account shall be submitted by the fixed odds wagering account holder to the fixed odds wagering licensee and shall be in the form of one of the following:

(a) cash given to the fixed odds wagering licensee;

(b) check, money order, negotiable order of withdrawal, or wire or electronic transfer, payable and remitted to the fixed odds wagering licensee; or

(c) charges made to a fixed odds wagering account holder's debit or credit card upon the fixed odds wagering account holder's direct and personal instruction, which instruction may be given by telephone communication or other electronic means to the fixed odds wagering licensee or its agent by the fixed odds wagering account holder if the use of the card has been approved by the fixed odds wagering licensee.

(2) Credit for winnings from wagers placed with funds in a fixed odds wagering account shall be posted to the fixed odds wagering account by the fixed odds wagering licensee.

(3) The fixed odds wagering licensee shall have the right to refuse for any reason all or part of any fixed odds wager or deposit to the fixed odds wagering account.

(4) Funds deposited in the fixed odds wagering account shall not bear interest to the fixed odds wagering account holder.

b. Debits to a fixed odds wagering account shall be made as follows:

(1) Upon receipt by the fixed odds wagering licensee of a fixed odds wager properly placed pursuant to section 10 of this act, P.L.2021, c.193 (C.5:5-199), the fixed odds wagering licensee shall determine whether there are sufficient funds in the fixed odds wagering account holder's fixed odds wagering account to cover the total liability resulting from the fixed odds wager, taking into consideration other fixed odds wagers made by the fixed odds wagering account holder in the same market, and any additional applicable transaction or other fees due to the fixed odds wagering licensee under the division's rules and regulations, and deduct such amounts from the fixed odds wagering account holder's fixed odds wagering account.

(2) The fixed odds wagering licensee may authorize a withdrawal from a fixed odds wagering account when the fixed odds wagering account holder submits to the fixed odds wagering licensee, the fixed odds wagering licensee's agent, or such other entity as may be approved by the division, his or her fixed odds wagering account number and proper means of identification pursuant to procedures approved by the division. Fixed odds wagering account holders may request a withdrawal in person, by mail, by telephone, or by other electronic means. If there are sufficient funds in the fixed odds wagering account to cover the withdrawal, after taking into consideration any existing fixed odds wagers made by the fixed odds wagering account holder, the fixed odds wagering licensee shall make payment within three business days of receipt of the fixed odds wagering account holder's withdrawal request. Notwithstanding the foregoing, the fixed odds wagering licensee may decline or delay fulfilling a withdrawal request if the fixed odds wagering licensee reasonably suspects: (a) fraud; (b) that the fixed odds wagering account holder was ineligible to make one or more of the fixed odds wagers made from the fixed odds wagering account; or (c) any other conditions which the division may prescribe or approve. At the discretion of the fixed odds wagering licensee, withdrawals may be payable in cash, by a check sent to the fixed odds wagering account holder's verified residence address, by wire transfer, or by other electronic transfer. Withdrawals shall be made payable only to the holder of the fixed odds wagering account and in no more than the amount of the requested withdrawal.

#### C.5:5-199 Acceptance of wagers.

10. a. The fixed odds wagering licensee may accept fixed odds wagers from anyone physically present in New Jersey who holds a valid account with a fixed odds wagering licensee or residents of New Jersey who hold a valid account and who are physically present

in another jurisdiction where placing such a wager is not inconsistent with the law of that jurisdiction or with federal law, only in accordance with this act, federal law, and as follows:

(1) A wager to back or lay a particular outcome in a given market, specifying the price of the wager, shall be placed directly with the fixed odds wagering licensee by the holder of the fixed odds wagering account.

(2) The fixed odds wagering account holder placing the wager shall provide the fixed odds wagering licensee with the correct personal identification number of the holder of the fixed odds wagering account.

(3) A fixed odds wagering licensee may not accept a fixed odds wager, or series of fixed odds wagers, when the results of which would create a liability for the fixed odds wagering account holder in excess of funds on deposit in the fixed odds wagering account of that holder.

(4) Only the holder of a fixed odds wagering account shall place a wager. Unless otherwise approved by the division, no person, corporation, or other entity shall directly or indirectly act as an intermediary, transmitter, or agent in the placing of wagers for a holder of a fixed odds wagering account; provided, however, that the use of credit or debit cards specifically approved by the fixed odds wagering licensee or the use of checks, money orders, or negotiable orders of withdrawal or the use of telephonic, computer, or electronic means by the fixed odds wagering account holder to place such wagers shall not be prohibited.

(5) The fixed odds wagering account holder may place a wager in person, by direct telephone call or by communication through other electronic media.

b. A fixed odds wager may also be placed at a racetrack or off-track wagering facility in person without opening a fixed odds wagering account through a teller who shall issue a tote ticket for the wager which may then be cashed by the teller.

#### C.5:5-200 Collection of fixed odds revenues.

11. Subject to the approval of the division, the fixed odds wagering licensee shall be permitted to collect fixed odds revenues in the manner and amounts determined by the fixed odds wagering licensee, including but not limited to assessing a surcharge on any person's net winnings.

#### C.5:5-201 Requirements for fixed odds wagering licensee.

12. Notwithstanding any other law, rule, or regulation to the contrary, the division shall require each fixed odds wagering licensee to:

a. pay such portions of the fixed odds wagering licensee's fixed odds revenues as may be required pursuant to section 4 of this act, P.L.2021, c.193 (C.5:5-193);

b. pay to overnight purses to standardbred and thoroughbred permit holders for wagering on races for the permit holder's respective breed in this State 50 percent of fixed odds revenues retained by the fixed odds wagering licensee after the payments required pursuant to subsection a. of this section are made, and after deducting all reasonable and necessary expenses incurred by the licensee in administering, marketing, and operating the fixed odds wagering system; and

c. reach a business agreement with all standardbred and thoroughbred permit holders within this State as it pertains to wagering on the permit holder's respective breed, within one year from the date when the fixed odds wagering system becomes operational, for the distribution of the net fixed odds wagering revenues remaining after the payments are made pursuant to subsections a. and b. of this section and after the payment of operating expenses,

subject to approval by the division; provided that, if an agreement is not reached within that time frame, the division shall distribute the fixed odds wagering revenues among the fixed odds wagering licensees and the standardbred and thoroughbred permit holders in this State based on wagering on the permit holder's respective breed.

C.5:5-202 Distribution of monies.

13. a. Of the monies distributed to overnight purses pursuant to subsection b. of section 12 of this act, P.L.2021, c.193 (C.5:5-201) on in-State races at the respective racetracks, all monies derived from fixed odds wagering on thoroughbred races shall be paid to overnight purses for thoroughbred races and all monies derived from fixed odds wagering on standardbred races shall be paid to overnight purses for standardbred races.

b. Of the monies distributed to overnight purses pursuant to subsection b. of section 12 of this act, P.L.2021, c.193 (C.5:5-201), on out-of-State and international races:

(1) all monies derived from fixed odds wagering at Monmouth Racetrack, including at off-track wagering facilities operated by Monmouth Racetrack and in regards to advance deposit wagering, on thoroughbred races shall be paid to overnight purses for thoroughbred races and all monies derived from fixed odds wagering on standardbred races shall be paid to overnight purses for standardbred races;

(2) all monies derived from fixed odds wagering at Meadowlands Racetrack and Freehold Raceway, including at off-track wagering facilities operated by Meadowlands Racetrack and Freehold Raceway and in regards to advance deposit wagering, on thoroughbred races and standardbred races shall be paid to overnight purses, in the following manner: 65 percent shall be paid to overnight purses for thoroughbred races and 35 percent shall be paid to overnight purses for standardbred races; and

(3) notwithstanding paragraphs (1) and (2) of this subsection, all monies derived from fixed odds wagering by any internet sports pool operator or casino operator on thoroughbred races shall be paid to overnight purses for thoroughbred races and all monies derived from fixed odds wagering by any internet sports pool operator or casino operator on standardbred races shall be paid to overnight purses for standardbred races.

c. The formula for allocating overnight purse monies from fixed odds wagering to overnight purses set forth in this section may only be modified by the mutual agreement of the Standardbred Breeders and Owners Association of New Jersey and the New Jersey Thoroughbred Horsemen's Association. Nothing contained in this section shall be construed as a precedent for establishing the division of overnight purse amounts between standardbred races and thoroughbred races.

d. Notwithstanding the foregoing, the sum derived from fixed odds wagering on standardbred races pursuant to subsection b. of section 12 of P.L.2021, c.193 (C.5:5-201) may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188). Notwithstanding the foregoing, the sum derived from fixed odds wagering on thoroughbred races pursuant to subsection b. of section 12 of P.L.2021, c.193 (C.5:5-201) may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

C.5:5-203 Distribution of amounts remaining in inactive, dormant accounts.

14. All amounts remaining in fixed odds wagering accounts inactive or dormant for such period and under such conditions as established by regulation shall be distributed in accordance with the division's rules and regulations.



C.5:5-204 Licensure, registration required.

15. All persons engaged in conducting wagering-related activities through the fixed odds wagering system, whether employed directly by the fixed odds wagering licensee or by a person or entity conducting or operating the system pursuant to a contract or agreement with the fixed odds wagering licensee, shall be licensed or registered in accordance with such regulations as may be promulgated by the division hereunder. All other employees of the system shall be licensed or registered in accordance with regulations of the division. The division shall have full power to prescribe rules, regulations, and conditions under which all such licenses are issued, or registrations made, in this State and to revoke or refuse to issue a license, or revoke or refuse to accept a registration, if in the opinion of the division the revocation or refusal is in the public interest, provided, however, that such rules, regulations, and conditions shall be uniform in their application, and further provided that no fee shall be in excess of \$50 for each license so granted or registration accepted.

C.5:5-205 Severability.

16. The provisions of this act shall be deemed to be severable, and if any phrase, clause, sentence, or provision of this act is declared to be unconstitutional or the applicability thereof to any person is held invalid, the remainder of this act shall not thereby be deemed to be unconstitutional or invalid.

C.5:5-206 Rules, regulations.

17. The division shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act, P.L.2021, c.193.

18. Section 1 of P.L.2002, c.89 (C.5:5-65.1) is amended to read as follows:

C.5:5-65.1 List of persons voluntarily excluded from certain racetracks, wagering.

1. a. The commission shall provide by regulation for the establishment of a list of persons who voluntarily seek to be excluded from entry into permitted racetracks and licensed off-track wagering facilities located in this State and from opening or maintaining a wagering account with the account wagering system, with the exchange wagering system, or with the fixed odds wagering system established in this State. A person may request placement on the self-exclusion list by acknowledging in a manner to be established by the commission that the person is a problem gambler and by agreeing that, during a period of voluntary exclusion, the person may not collect winnings or recover losses resulting from wagering at a racetrack or off-track wagering facility or from account wagering, exchange wagering, or fixed odds wagering.

b. The commission shall promulgate regulations to: (1) establish procedures for placements on, and removals from, the list of self-excluded persons; (2) establish procedures for the transmittal to the permitted racetracks, licensed off-track wagering facilities, the account wagering system, the exchange wagering licensee, and the fixed odds wagering licensee of identifying information concerning persons on the self-exclusion list; and (3) require permitted racetracks, licensed off-track wagering facilities, the account wagering system, the exchange wagering licensee, and the fixed odds wagering licensee to establish procedures designed, at a minimum, to remove persons on the self-exclusion list from targeted mailings or other forms of advertising or promotions and deny such persons access

to credit, complimentaries, check cashing privileges, club programs, and other similar benefits.

c. The commission, a permitted racetrack, a licensed off-track wagering facility, the account wagering system, the exchange wagering licensee, the fixed odds wagering licensee, or an employee thereof shall not be liable to a person on the self-exclusion list or to another party in a judicial proceeding for harm, monetary or otherwise, which may arise as a result of:

(1) the failure of a permitted racetrack, licensed off-track wagering facility or the account wagering system or the exchange wagering licensee or the fixed odds wagering licensee to withhold wagering privileges from, or restore wagering privileges to, a person on the self-exclusion list; or

(2) permitting a person on the self-exclusion list to engage in wagering activity at a permitted racetrack or licensed off-track wagering facility, or through the account wagering system, or through the exchange wagering system, or through the fixed odds wagering system.

d. Notwithstanding the provisions of section 8 of P.L.1940, c.17 (C.5:5-28), the commission's self-exclusion list shall be privileged and confidential and shall not be accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.

e. The commission, a permitted racetrack, a licensed off-track wagering facility, the account wagering system, the exchange wagering licensee, the fixed odds wagering licensee, or an employee thereof shall not be liable to a person on the self-exclusion list or to another party in a judicial proceeding for harm, monetary or otherwise, which may arise as a result of disclosure or publication, other than a willfully unlawful disclosure or publication, of the identity of a self-excluded person.

19. Section 2 of P.L.2002, c.89 (C.5:5-65.2) is amended to read as follows:

C.5:5-65.2 Regulations applicable to persons on self-exclusion list; enforcement; sanctions.

2. a. A person on the self-exclusion list established pursuant to section 1 of P.L.2002, c.89 (C.5:5-65.1), shall not collect, in any manner or proceeding, winnings or recover losses arising as a result of wagering activity at a permitted racetrack or licensed off-track wagering facility, or through the account wagering system, through the exchange wagering system, or through the fixed odds wagering system.

b. Money or a thing of value which has been obtained by, or is owed to, a person on the self-exclusion list from a permitted racetrack, licensed off-track wagering facility or account wagering system, exchange wagering system, or fixed odds wagering system as a result of wagers made by that person shall be subject to forfeiture by order of the executive director of the commission, following notice to the person on the self-exclusion list and opportunity to be heard.

Money or a thing of value forfeited shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs in the State.

c. In a proceeding brought by the commission against a live racing permit holder, the off-track wagering licensee, the account wagering licensee, the exchange wagering licensee, or the fixed odds wagering licensee for a willful violation of the commission's self-exclusion regulations, the commission may order in addition to a permit or license suspension, a fine not to exceed \$5,000 per wagering incident, the forfeiture of money or a thing of value

obtained by the permit holder, off-track wagering licensee, account wagering licensee, exchange wagering licensee, or fixed odds wagering licensee from a person on the self-exclusion list and other remedial conditions the commission deems appropriate. Money or a thing of value so forfeited shall be disposed of in the same manner as money or a thing of value forfeited pursuant to subsection b. of this section.

20. This act shall take effect immediately.

Approved August 5, 2021.