



## Gaming Commission

354 Broadway, P.O. Box 7500, Schenectady, NY 12301-7500  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

May 21, 2024

Re: **Industry Notification – Adoption of Proposed Rulemaking to Amend Thoroughbred Pick-Five Wagering Rule (9 NYCRR § 4011.25)**

To Whom It May Concern:

On May 20, 2024, the New York State Gaming Commission adopted an amendment to a regulation governing the Thoroughbred Pick-Five Wagering Rule (amendment of section 4011.25 of Title 9 of NYCRR). The full text of the rule can be found in the February 7, 2024 *State Register*

Upon the effective date of the amendments, the Thoroughbred pick-five wagering rule will allow each Thoroughbred racetrack the option of offering a consolation payout of pick-five wagers, similar to rules already in effect in other jurisdictions such as California, Kentucky, New Jersey and Florida. The adopted rule allows a Thoroughbred racetrack to choose one of two options for conducting pick-five wagering: either carry over 100% of the net pool or carry over 75% of the net pool while paying out a consolation of 25%. Prior written approval of the Commission will be required before a rack could change the method of apportioning its pick-five pools and each track operator will be required to ensure that the wagering public is aware of the differences in the way the pick-five pool is apportioned.

Please be advised, the regulations will become effective upon publication in the State Register on June 5, 2024.

Very truly yours,

A handwritten signature in blue ink that reads "Kristen M. Buckley".

Kristen M. Buckley  
Acting Secretary