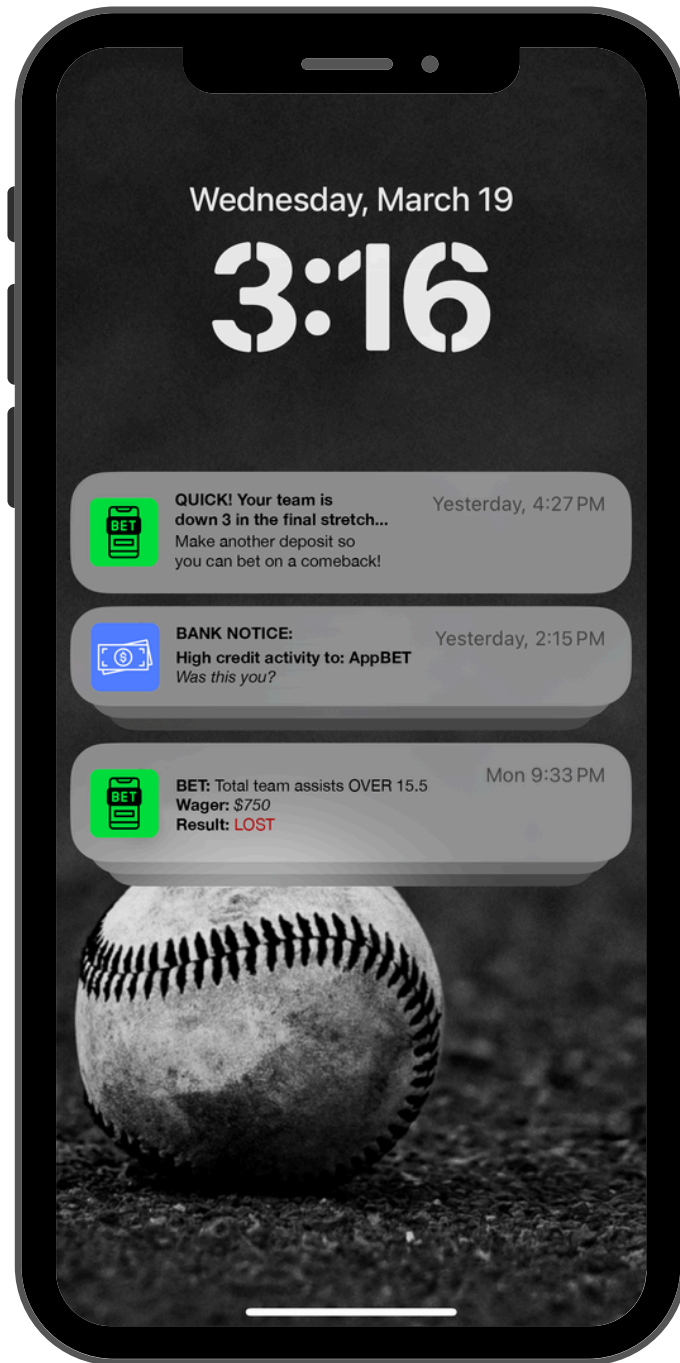


ADVOCATING FOR ADDICTION



The Online Gambling Industry's
Two-Faced Effort to Kill Consumer Protections

“A Public Health Emergency”

Every day, Reddit forums like r/ProblemGambling and r/GamblingAddiction are flooded with stories of people—often young men—struggling with online sports betting.¹ Many of the anecdotes are heart-wrenching, but even more disturbing are the numbers: a recent study estimates *one in ten* young men in the United States are addicted gamblers.² Each year, nearly 20% of them will consider suicide.³

“This is a public health emergency,” says advocate and addiction therapist Dr. Harry Levant. “And we’re not talking about it yet.”⁴

Over a decade ago, feeling defeated by his own gambling addiction, Dr. Levant was “minutes” from taking his own life in an Atlantic City hotel room.⁵ He credits thoughts about his children for his decision to call for help, and now, years later, he’s devoted his life to making sure other peoples’ sons and daughters aren’t led down the same path. In 2024, he stood beside Rep. Paul Tonko (D-NY) and Sen. Richard Blumenthal (D-CT) outside the US Capitol as they introduced the SAFE Bet Act, a bill that would begin to tackle some of the most harmful business practices that make on-demand online sports betting apps so addictive.⁶

Standing alongside them was Gordon Douglas, a father who told of how his son, Andrew, signed up for a single betting company and was soon barraged with offers from at least six others.⁷ Everywhere Andrew looked, ads and offers followed him, and with “no limits on his betting opportunities at all hours of the day, every day of the week, he couldn’t find relief.” Andrew was one of the 20 percent of addicted gamblers that year who considered ending their lives, his father said. Fortunately, his family was able to get him help before he did.

Not all families are so lucky. Recently, a parent who lost their 28-year-old son to suicide in May 2024 wrote about how the “predatory industry’s greed and disregard for human life,” contributed to their son’s suffering.⁸ “Horrified as I examined my son’s phone after his death,” they wrote. “I saw first-hand how sports-gambling operators offered him free box-seat tickets to live sports

¹ r/GamblingAddiction, *Reddit*, Reddit.com, available at <https://www.reddit.com/r/GamblingAddiction/>; r/problemgambling, *Reddit*, Reddit.com, available at <https://www.reddit.com/r/problemgambling/>.

² Farleigh Dickinson University, [Online Gambling Leads to Problems for Young Men](https://www.fdu.edu/news/fdu-poll-finds-online-betting-leads-to-problems-for-young-men/), Sept. 19, 2024, available at <https://www.fdu.edu/news/fdu-poll-finds-online-betting-leads-to-problems-for-young-men/>.

³ Lakshmi Vijayakumar and Vinayak Vijayakumar, [Online gambling and suicide: Gambling with lives](https://pmc.ncbi.nlm.nih.gov/articles/PMC9983450/), *Indian Journal of Psychiatry*, Jan. 13, 2023, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC9983450/>.

⁴ John Wertheim, [Technology has fueled a sports betting boom and a spike in problem gambling, addiction therapist warns](https://www.cbsnews.com/news/technology-fuels-sports-betting-boom-and-problem-gambling-spike-addiction-therapist-warns-60-minutes-transcript/), *CBS News*, June 30, 2024, available at <https://www.cbsnews.com/news/technology-fuels-sports-betting-boom-and-problem-gambling-spike-addiction-therapist-warns-60-minutes-transcript/>.

⁵ The Washington Post Editorial Board, [For a new generation of kids, sports and gambling now go hand in glove](https://www.washingtonpost.com/opinions/2024/12/16/sports-gambling-sportsbooks-betting-loot-boxes-gambling-addiction/), *The Washington Post*, Dec. 16, 2024, available at <https://www.washingtonpost.com/opinions/2024/12/16/sports-gambling-sportsbooks-betting-loot-boxes-gambling-addiction/>.

⁶ Press Release, [Tonko, Blumenthal Introduce Sports Betting Bill Centering Public Health Approach](https://tonko.house.gov/news/documentsingle.aspx?DocumentID=4216), *Congressman Paul D. Tonko (NY-20)*, Sept. 13, 2024, available at <https://tonko.house.gov/news/documentsingle.aspx?DocumentID=4216>.

⁷ *Id.*

⁸ Anonymous, [Letters to the editor: The dark side of gambling](https://www.economist.com/letters/2024/12/19/letters-to-the-editor), *The Economist*, Dec. 19, 2024, available at <https://www.economist.com/letters/2024/12/19/letters-to-the-editor>.

events, addressed directly in texts to him from a ‘VIP host’ and ‘free’ (\$200-plus) gambling money to ensure he remained actively engaged with the multiple gambling apps on his phone.”

Experts and advocates make clear there are *many* practical safeguards short of bans that can be implemented around online sports betting to make stories like these far less common. The reason very few of these protections have yet to be implemented? While gambling corporations publicly preach the importance of “responsible” gambling, and claim to support their addicted customers, behind the scenes they actively *oppose* many evidence-based consumer protections.

In this report, Campaign for Accountability (CfA) explores some of these expert-recommended safeguards that could help ease the harmful impacts of on-demand gambling, and—by combing through legislative hearing transcripts, public comment submissions, and other archived primary materials—documents the gambling industry’s active efforts to stop some of these commonsense reforms.

BACKGROUND

Rapid Industry Expansion	3
Gambling Harms on the Rise	4
Clear Economic Impacts	7
A Fight for More Research	8
The “Responsibility” Shield	8

INDUSTRY ADVOCATING AGAINST...

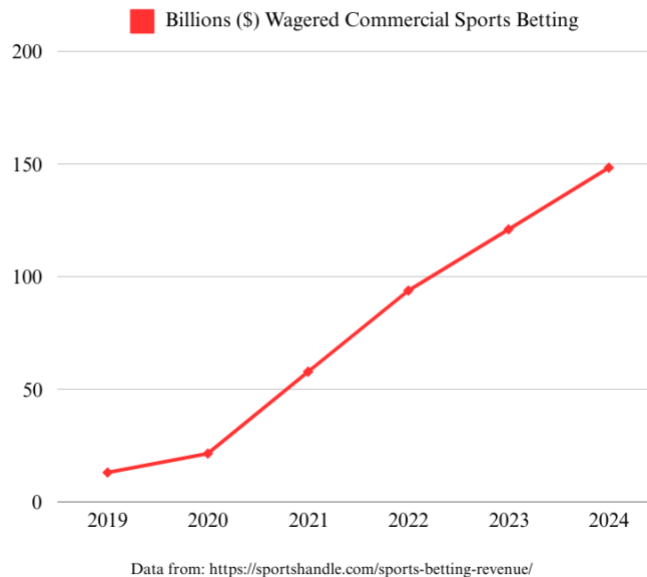
Advertising Rules & Disclosures	10
Restricting Appeals to Kids/Young People	12
21+ “Daily Fantasy Sports” Age Limits	15
“Prop Bet” Bans	17
Requiring More In-App Safeguards	18
Limiting Financial Inducements	21

Background

Rapid Industry Expansion

The U.S. Supreme Court paved the way for legalized sports betting in 2018 when it struck down the Professional and Amateur Sports Protection Act, allowing states to offer sports wagering licenses. While some states opted to permit sports betting only in designated retail locations, as of January 2025, 30 states, Puerto Rico and the District of Columbia have legalized fully online sports betting.⁹ Seven states—Connecticut, Delaware, Michigan, New Jersey, Pennsylvania, Rhode Island, and West Virginia—allow fully online casinos (which the industry euphemistically refers to as “iGaming”), as well as legalized online sports betting.¹⁰

In 2019, the first full year of legalization for some states, Americans wagered just over \$13 billion on legal sportsbooks.¹¹ By 2024, that number shot up to over \$148 billion.



The US sportsbook market currently operates as a relative duopoly, with digital native companies DraftKings and FanDuel roughly splitting 75% of all US dollars wagered.¹² In the second tier, accounting for between 2-11% of the market each, are BetMGM and Caesar’s Sportsbook,

⁹ The State of Betting in the U.S., *USA Today*, accessed Mar. 7, 2025, available at <https://sportsdata.usatoday.com/legality-map>.

¹⁰ iGB Editorial Team, *Rhode Island becomes seventh US state to launch iGaming*, Mar. 5, 2024, available at <https://igamingbusiness.com/gaming/online-casino/rhode-island-becomes-seventh-us-state-to-launch-igaming/>.

¹¹ Chris Altruda, *Legal US Sports Betting Revenue, Handle And Tax Totals Since PASPA Repeal*, *SportsHandle*, accessed Mar. 7, 2025, available at <https://sportshandle.com/sports-betting-revenue/>.

¹² Brett Smiley, *US Sports Betting Data — Market Share Stats By Brand, Gross Gaming Revenue, Parlay Handle & Hold*, *Casino Reports*, accessed Mar. 7 2025, available at <https://www.casinoreports.com/us-sports-betting-market-stats-database/>.

digital offerings from legacy casino brands, and ESPN Bet, a gambling offshoot of the popular sports broadcaster.¹³

Gambling companies' primary argument for legalized online sports betting has long been the promise of drawing existing players away from already-popular illegal offshore sportsbooks. Since consumers gamble online anyway, the pitch goes, it is better to make it legal so the government can collect taxes and institute player protections the black-market cannot offer.¹⁴

Research has shown, however, that the expansion of legalized online gambling has not crowded out the illegal market. Instead, multiple studies show offshore gambling continues to thrive alongside legal operations.¹⁵ In Massachusetts, public health researchers found no change in the percentage of monthly gamblers who engaged in illegal sports betting between 2022 and 2023—the first year legal online sports books operated in the state.¹⁶ Another study, commissioned by the Campaign for Fairer Gambling, found the reduction in illegal gambling activity by American consumers (-\$1.1bn) accounted for less than one quarter of the legal market's growth (+\$4.6bn) over a one year period.¹⁷ This analysis indicates legalized online sports betting is leading Americans to spend *more* of their income on online gambling.

Gambling Harms on the Rise

While there is very little up-to-date prevalence data on the exact number of new gamblers who have developed gambling addictions because of the recent wave of legalization, some experts have pointed to the explosion of calls to gambling addiction helplines as an indicator.¹⁸ Similarly, research has shown that online searches related to gambling addiction have surged since the legalization of sports betting, with the opening of *online* sportsbooks corresponding to a higher volume of searches compared to states that only allow bets to be placed at retail locations.¹⁹

¹³ *Id.*

¹⁴ Devin O'Connor, Gaming Lobby Defends Sports Betting Ads, Says Marketing Critical to Ridding Illegal Ops, *Casino.org*, July 29, 2024, available at <https://www.casino.org/news/gaming-lobby-defends-sports-betting-ads/>.

¹⁵ Danny Funt, Legal sports betting was supposed to end the black market. It didn't., *The Washington Post*, Sept. 12, 2024, available at <https://www.washingtonpost.com/sports/2024/09/12/sports-betting-offshore-black-market/>.

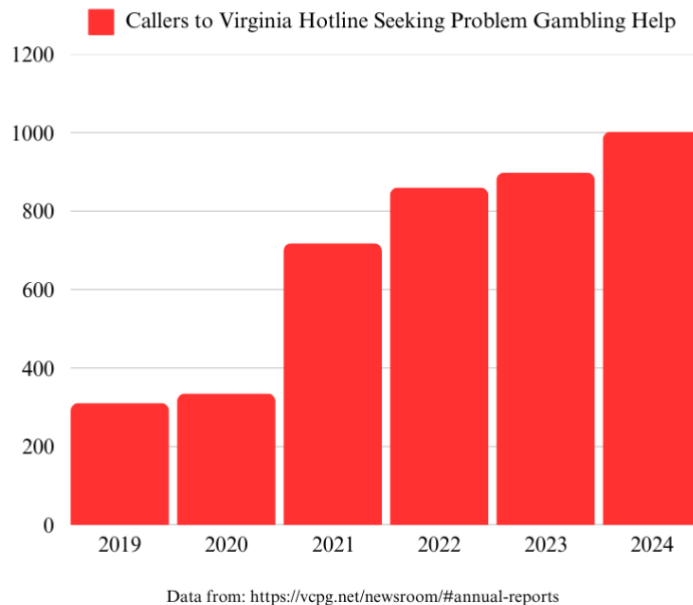
¹⁶ University of Massachusetts School of Public Health and Health Sciences, Gambling and Problem Gambling in Massachusetts: Results of Three Online Panel Surveys, July 5, 2024, available at https://massgaming.com/wp-content/uploads/OPS23-Report_2024-07-05_clean.pdf#page=21.

¹⁷ The Campaign for Fairer Gambling and YieldSec, Report One: iGambling Marketplace Report 2023, Mar. 21, 2024, available at <https://cdn.sanity.io/files/42ezp3kj/production/afec099c776e5dec89db024b9098219e71bf2abf.pdf>.

¹⁸ Katie Mogg and Aria Bendix, Gambling addiction hotlines say volume is up and callers are younger as online sports betting booms, *NBC News*, Apr. 5, 2024, available at <https://www.nbcnews.com/health/mental-health/gambling-addiction-hotline-calls-online-sports-betting-rcna145539>; WSAZ3, WV Gambling helpline reports increase in calls, Sept. 16, 2024, available at <https://www.wsaz.com/video/2024/09/17/wv-gambling-helpline-reports-increase-calls/>.

¹⁹ Atharva Yeola et al., Growing Health Concern Regarding Gambling Addiction in the Age of Sportsbooks, *JAMA Internal Medicine*, Feb. 17, 2024, available at <https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2830019>.

In Virginia, the number of people calling the state’s hotline to seek help with gambling addiction more than doubled in 2021—the first year that the state allowed legal online sports betting. Similar trends are seen across the country.²⁰



The National Council on Problem Gambling (NCPG), the industry-backed group that operates the national 1-800-GAMBLER hotline,²¹ has cautioned that part of this sharp rise in calls to gambling hotlines may be linked to the increased visibility of the hotline number in sports betting ads and within betting apps.²² Still, the NCPG agrees that the overall trends are worrying. In his December 2024 testimony before the Senate, then-NCPG President Keith Whyte declared “[t]he evidence that expanded sports betting has led to increased harm on a national scale is overwhelming.”²³

Although the NCPG has historically received a large amount of its funding from gambling operators and shares some views favorable to the industry (such as its neutral position on the legalization of gambling), it has broken from the industry in expressing the need for more state level regulations. In a recent report, the NCPG spotlighted the fact that, on average, states had

²⁰ Meghan Gunn, [These Are the Real Dangers of the Sports Betting Boom for Young Men](https://www.newsweek.com/2023/04/07/sports-betting-boom-linked-rising-gambling-addiction-anxiety-suicide-1789055.html), *Newsweek*, Mar. 23, 2023, available at <https://www.newsweek.com/2023/04/07/sports-betting-boom-linked-rising-gambling-addiction-anxiety-suicide-1789055.html>.

²¹ Membership and Support, *National Council on Problem Gambling*, accessed Mar. 7, 2024, available at <https://www.ncpgambling.org/membership/leadership-circle/>.

²² Thomas Moore, [Rise in sports gambling equals increased calls to gambling hotline](https://www.unitedwaycleveland.org/211-problem-gambling-hotline/), *United Way Greater Cleveland*, Mar. 20, 2024, available at <https://www.unitedwaycleveland.org/211-problem-gambling-hotline/>.

²³ Testimony of National Council on Problem Gambling Executive Director Keith Whyte to the United States Senate Committee on the Judiciary, Dec. 17, 2024, available at <https://www.ncpgambling.org/wp-content/uploads/2024/12/2024.12.17-Senate-Judiciary-Written-Testimony-of-Keith-Whyte-NCPG.pdf>.

only enacted 32 out of 82 recommended policies to help reduce gambling addiction.²⁴ That such a clear need for more regulation has been identified by a group *bankrolled* by the industry paints a particularly bleak picture of how these companies are failing to protect consumers.

Other experts agree. In October of 2024, a commission of public health specialists convened by *The Lancet* characterized the dramatically increased accessibility of gambling as “a threat to public health, the control of which requires a substantial expansion and tightening of gambling industry regulation.”²⁵ The commission warned “the harms to health and wellbeing that result from gambling are more substantial than previously understood,” and online gambling products “are designed to be rapid and intensive, characteristics that are associated with higher risk of harm for consumers.”²⁶

There’s also evidence to suggest this heightened risk environment is being driven by more than just access alone. The *type* of gambling being legalized matters, with at least one study suggesting engagement with sports betting could be more closely associated with gambling related harms than other types of gambling. A 2023 study by Rutgers University’s Center for Gambling Studies described what the authors called particularly “alarming” mental health outcomes for New Jersey gamblers who bet on either sports or horse racing:

Those who bet on either sports or horses were significantly more likely than others to use tobacco, alcohol, and/or illicit drugs, binge drink, report problems with drugs/alcohol, and engage in all types of addictive behaviors [...]. Both groups reported significantly higher rates of moderate and severe mental health problems, anxiety, and depression. Notably, sports and horse bettors reported higher rates of morbid thinking, suicidal ideation, suicide attempts and/or non-suicidal self-injury than other gamblers.²⁷

While some in the public may not associate gambling addiction—as they do opioid or alcohol addiction—with mortality, there are troubling links between gambling addiction and suicide. Multiple studies have established that individuals who gamble at dangerous levels also have high rates of suicidal ideation, which increases with the severity of their gambling addiction.²⁸

Beyond harm to gamblers themselves, *The Lancet’s* commission also notes addicted gamblers are more likely to engage in physical abuse of domestic partners and abuse and neglect of children.²⁹

²⁴ Report: State Sports Betting Regulations Fall Short of Providing Adequate Consumer Protections, *National Council on Problem Gambling*, ncpgambling.org, available at <https://www.ncpgambling.org/news/report-state-sports-betting-regulations-fall-short-of-providing-adequate-consumer-protections/>.

²⁵ Heather Wardle, et al., *The Lancet Public Health Commission on Gambling*, *The Lancet*, Oct. 24, 2024, available at <https://www.thelancet.com/action/showPdf?pii=S2468-2667%2824%2900167-1>.

²⁶ *Id.*

²⁷ Lia Nower, et al., *The Prevalence of Online and Land-Based Gambling in New Jersey*, *Rutgers Center for Gambling Studies*, Oct. 2023, available at https://socialwork.rutgers.edu/sites/default/files/2023-10/Prevalence_Report_2023_Final.pdf. The study’s authors note that these findings should be interpreted with caution, as they “are not necessarily generalizable to individuals who only engage in legal sports wagering. Nearly half of those surveyed who bet on sports did so before it was legal.”

²⁸ Virve Marionneau et al., *Gambling-related suicides and suicidality: A systematic review of qualitative evidence*, *Frontiers in Psychiatry*, Oct. 25, 2022, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC9645554/>.

²⁹ Tracie O. Afifi et al., *The relationship of gambling to intimate partner violence and child maltreatment in a nationally representative sample*, *Journal of Psychiatric Research*, April 2010, available at

Researchers at the University of Oregon found that unexpected home team NFL losses led to a 10% spike in intimate partner violence in states with legalized sports gambling.³⁰

Moreover, these victims are not reflected in analyses that seek to quantify gambling harms strictly through the lens of addiction prevalence over time. Therefore, *The Lancet's* commission concludes, “a focus on population prevalence estimates of gambling disorder, as currently conceived, poorly articulates the full scale of the harms of gambling and the risks associated with specific gambling products.”³¹

Clear Economic Impacts

Recently, economists have joined public health experts in raising the alarm over trends observed following sports betting legalization in certain areas.

In August of 2024, researchers from the University of California, Los Angeles and the University of Southern California published a working paper suggesting an association between legalized sports betting and increased bankruptcy rates, debt collections, and other signs of financial stress.³² These impacts were more dramatic in states that legalized fully online sports wagering, as opposed to those requiring consumers to visit casinos or kiosks to place wagers in-person. Young men, especially those in low-income communities, were most affected by these harms. These findings are consistent with reports from Gamblers Anonymous chapters and state councils on problem gambling.³³

Another study, “*Gambling Away Stability: Sports Betting's Impact on Vulnerable Households*,” suggests legalized sports wagering not only “significantly reduces households’ savings” but also displaces other “positive expected value investments,” such as investing in stocks.³⁴ Again, low-income households have been most impacted. Economists have long labeled the revenue promises of lotteries and casinos as regressive and harmful to the most vulnerable communities,³⁵ and online gambling legalization harms these same populations most.

<https://www.sciencedirect.com/science/article/abs/pii/S0022395609001733>; Nicki Dowling et al., *Problem Gambling and Intimate Partner Violence: A Systematic Review and Meta-Analysis*, *Trauma, Violence, & Abuse*, Dec. 3, 2014, available at <https://journals.sagepub.com/doi/abs/10.1177/1524838014561269>.

³⁰ Kyutaro Matsuzawa et al., *Sports Betting Legalization Amplifies Emotional Cues & Intimate Partner Violence*, *SSRN*, Sep. 27, 2024, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4938642.

³¹ *The Lancet*, Oct. 2024, Page 16.

³² Brett Hollenbeck et al., *The Financial Consequences of Legalized Sports Gambling*, *SSRN*, Aug. 2, 2024, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4903302.

³³ Chris Serres, *Boom in youth gambling in Mass. fueled by online sports betting apps*, *The Boston Globe*, Feb. 11, 2024, available at <https://www.bostonglobe.com/2024/02/11/metro/sports-gambling-super-bowl-addiction-taylor-swift-draftkings/>; Bobby Brier, *Surge in problem gambling in NJ — and in calls for help*, *NJ Spotlight News*, Sept. 26, 2024, available at <https://www.njspotlightnews.org/2024/09/problem-gambling-surges-in-new-jersey-more-young-men-call-helpline-sports-betting/>.

³⁴ Scott R. Baker et al., *Gambling Away Stability: Sports Betting's Impact on Vulnerable Households*, *SSRN*, July 9, 2024, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4881086.

³⁵ Brent Kramer, *The New York State Lottery: A Regressive Tax*, *Tax Analysts*, Mar. 29, 2010, available at https://fiscalpolicy.org/wp-content/uploads/2012/04/StateTaxNotes_LotteryRegressive.pdf.

A Fight for More Research

Although *The Lancet*'s medical experts assert that all available evidence shows increased gambling access leads to increased harms, they've described the current body of research as "suboptimal."³⁶

In 2024, federal lawmakers introduced the Gambling addiction Recovery, Investment, and Treatment (GRIT) Act, which would allocate half of the national sports excise tax revenue to gambling addiction treatment and research.³⁷ Currently, all the money generated by the excise tax goes to the Treasury's general fund, and there is no other federal funding to study gambling addiction. Still, the industry's chief lobbying organization—the American Gaming Association (AGA)—opposed the bill and said it would "educate Congress" about the need to eliminate the excise tax altogether.³⁸

While opposing this expansion of independent research into the harms associated with gambling, some gambling interests selectively fund research that drives industry-friendly narratives.³⁹ In its commission report, *The Lancet* wrote "[the] body of evidence that informs [gambling] policy and regulation remains at best partial, and at worst biased or misleading."⁴⁰ Two months later, the World Health Organization echoed these concerns in a fact sheet, identifying industry-funded research as an obstacle to effective regulation.⁴¹

The Industry's "Responsibility" Shield

When sharing information about gambling addiction, online gambling companies are quick to frame the conversation in a way that assigns most—if not all—of the "responsibility" for minimizing harm squarely on customers.

On the "Responsible Gaming" section of its website, FanDuel highlights "self-service tools" it provides to help customers "manage [their] play."⁴² Similarly, DraftKings claims to provide customers with resources it says are meant "to help them develop healthy gaming habits."⁴³ The

³⁶ *The Lancet*, Oct. 2024, Page 8.

³⁷ Press Release, Salinas, Blumenthal Introduce Bicameral Bill to Combat Gambling Addiction, Promote Treatment, Congresswoman Andrea Salinas (OR-6), Jan. 11, 2024, available at <https://salinas.house.gov/media/press-releases/salinas-blumenthal-introduce-bicameral-bill-combat-gambling-addiction-promote>.

³⁸ Jessica Welman, AGA opposes federal GRIT Act problem gambling bill, *SBC Americas*, Jan. 12, 2024, available at <https://sbcamericas.com/2024/01/12/aga-opposes-grits-act-gambling-bill/>.

³⁹ Sean Cowlshaw et al., Industry interests in gambling research: Lessons learned from other forms of hazardous consumption, *Addictive Behaviors*, Nov. 11, 2017, available at <https://www.sciencedirect.com/science/article/abs/pii/S0306460317304161?via%3Dihub>.

⁴⁰ Daria Ukhova et al., The expansion of gambling across the Americas poses risks to mental health and wellbeing, *The Lancet Regional Health – Americas*, July 19, 2024, available at [https://www.thelancet.com/journals/lanam/article/PIIS2667-193X\(24\)00182-0/fulltext](https://www.thelancet.com/journals/lanam/article/PIIS2667-193X(24)00182-0/fulltext).

⁴¹ World Health Organization, Fact Sheets: Gambling, Dec. 2, 2024, available at <https://www.who.int/news-room/fact-sheets/detail/gambling>.

⁴² Responsible Gaming, Sportsbook Self-Service Tools, *FanDuel Sportsbook*, accessed Mar. 7, 2024, available at <https://www.fanduel.com/rg/sportsbook>; Responsible Gaming, *FanDuel Fantasy*, accessed Mar. 7, 2024, available at <https://account.www.fanduel.com/responsible-play/about>.

⁴³ Responsible Gaming, *DraftKings*, accessed Mar. 7 2024, available at <https://www.draftkings.com/responsible-gaming-about>.

companies prominently feature “tips” or “principles” customers should follow to avoid developing a gambling problem—framing that suggests any harm stemming from the use of their online gambling products is a result of *unprincipled* play.

Ultimately, it appears companies are unwilling to acknowledge that the design of their products or their underlying business models exacerbate the risk of gambling addiction. The likely reason: the gambling industry *depends* on addicted gamblers for a substantial portion of its revenue.

In 2024, the Connecticut Department of Mental Health and Addiction Services released a study finding addicted gamblers contributed to 51% of the state’s overall sports wagering revenue, despite making up only 4.9% of the adult population.⁴⁴ This is in line with previous research regarding casino business models. One study, for example, found 75% of casino guests who show no signs of gambling addiction account for only 4% of a casino’s revenue.⁴⁵

Further, online gambling apps may utilize technology to detect and amplify addicted gamblers’ use patterns. In September 2024, Bloomberg published a report describing how some professional sport bettors maximize their profits by imitating the behavior of addicted gamblers so the apps offer them more promotions:

Simulating addictive behavior, says [pro bettor and co-host of the *Bet the Process* podcast Rufus Peabody], is an effective way to get online sportsbooks to send you bonus money and keep your accounts open.⁴⁶

Encouraging behavior associated with gambling addiction in any way would be inconsistent with companies’ claims to support players struggling with addiction. While major players in the field such as FanDuel and DraftKings have partnered with mental health care providers and pledged millions of dollars to “responsible gaming” programs, these initiatives turn the spotlight away from the apps themselves.⁴⁷ Instead, the industry’s campaigns are framed around “education” and “awareness,” implying consumer ignorance is the main driver of gambling addiction.

Social media companies use a similar strategy to block state regulation, which CfA’s Tech Transparency Project described in *Big Tech’s Scramble to Stop Child Safety Laws*.⁴⁸ In public,

⁴⁴ José Luis Martínez, Over half of CT problem gamblers report mental, financial problems, *CT Mirror*, Feb. 16, 2024, available at <https://ctmirror.org/2024/02/16/ct-gambling-sports-betting-problem/>.

⁴⁵ David Frum, The harm that casinos do, *CNN*, Sept. 24, 2013, available at <https://www.cnn.com/2013/09/24/opinion/frum-casinos-harm/index.html>.

⁴⁶ Ira Boudway, Sports Betting Apps Are Even More Toxic Than You Thought, *Bloomberg*, Sept. 27, 2024, available at <https://www.bloomberg.com/news/articles/2024-09-27/sports-betting-apps-are-even-more-toxic-than-you-imagined>.

⁴⁷ Press Release, FanDuel Introduces New Mental Health Collaboration and Support Efforts During Problem Gambling Awareness Month, *FanDuel*, Mar. 6, 2024, available at <https://press.fanduel.com/press-releases/fanduel-introduces-new-mental-health-collaboration-and-support-efforts-during-problem-gambling-awareness-month>; Press Release, New Trade Association Launches Unprecedented Effort to Strengthen Responsible Online Gaming, Promote Best Practices, *Responsible Online Gaming Association*, Mar. 27, 2024, available at <https://www.prnewswire.com/news-releases/new-trade-association-launches-unprecedented-effort-to-strengthen-responsible-online-gaming-promote-best-practices-302100940.html>.

⁴⁸ Tech Transparency Project, Big Tech’s Scramble to Stop Child Safety Laws, May 3, 2023, available at <https://www.techtransparencyproject.org/articles/big-techs-scramble-to-stop-child-safety-laws>.

companies like Meta claim to be committed to children’s wellbeing, and assure lawmakers that their parental controls can help keep young users safe.⁴⁹ Internally, however, Meta is aware its safeguards are ineffective, and are rarely employed by families.⁵⁰ To have it both ways, social media companies often hide behind tech trade associations, which appear at state hearings and defend the status quo on the companies’ behalf.⁵¹

Like tech companies, online gambling companies make voluntary pledges to market their products responsibly, mitigate harm to children, and connect consumers with resources. According to Campaign for Accountability’s (CfA) analysis, however, some of those same companies have fought against efforts to turn their voluntary commitments into enforceable state law.

A State-by-State Campaign to Block Safeguards

To document the gambling industry’s state lobbying efforts, CfA reviewed legislative hearing transcripts, public comment submissions, and other archived materials to find industry opposition to a variety of evidence-based policy interventions. These include advertising restrictions, policies to reduce the appeal of gambling to children, the provision of time-management tools, and more.

Advertising Restrictions and Disclosures

Advocates have stressed the importance of protecting consumers from misleading advertisements that inflate their odds of winning or minimize the risks of addiction. In the United Kingdom—which is years ahead of the US in confronting its own sports betting epidemic—gambling ads must follow a code for socially responsible advertising, which forbids misleading language or messaging that encourages reckless gambling behavior.⁵² In its report, *The Lancet* commission recommends the restriction of gambling marketing and advertising practices, stating that “exposure to advertising and marketing is associated with increased rates of problematic gambling.”⁵³

Gambling companies, however, have lobbied against deceptive marketing rules in multiple states—even arguing that certain advertisements shouldn’t have to include information about responsible play or help for addicted gamblers.

⁴⁹ Reuters Staff, [Instagram rolls out teen accounts with privacy, parental controls](https://www.reuters.com/technology/instagram-rolls-out-teen-account-with-privacy-parental-controls-scrutiny-mounts-2024-09-17/), *Reuters*, Sept. 17, 2024, available at <https://www.reuters.com/technology/instagram-rolls-out-teen-account-with-privacy-parental-controls-scrutiny-mounts-2024-09-17/>.

⁵⁰ Dan Milmo, [Parents ‘don’t use’ parental controls on Facebook and Instagram, says Nick Clegg](https://www.theguardian.com/technology/2024/sep/12/parental-controls-facebook-instagram-meta-nick-clegg), *The Guardian*, Sept. 12, 2024, available at <https://www.theguardian.com/technology/2024/sep/12/parental-controls-facebook-instagram-meta-nick-clegg>.

⁵¹ Cristiano Lima-Strong and Cat Zakrzewski, [Big Tech-funded groups try to kill bills to protect children online](https://www.washingtonpost.com/technology/2023/05/03/big-tech-lobby-children-safety/), *The Washington Post*, May 3, 2023, available at <https://www.washingtonpost.com/technology/2023/05/03/big-tech-lobby-children-safety/>.

⁵² Advertising Standards Authority, CAP Code, 16 Gambling, available at https://www.asa.org.uk/type/non_broadcast/code_section/16.html.

⁵³ *The Lancet*, Oct. 2024, p. 13.

- In **Massachusetts**, BetMGM asked the state’s Gaming Commission to weaken rules against misleading advertising by limiting enforcement to *knowing* violations.⁵⁴ Caesars Sportsbook also asked the commission to delete a rule barring misleading and deceptive advertising, arguing it was “too broad.”⁵⁵ In a separate rulemaking session, both DraftKings and WynnBET asked the commission to strike a rule prohibiting gambling operators from targeting consumers based on a number of sensitive criteria, including their occupation, income, or status as a recipient of government benefits.⁵⁶ The Massachusetts Gaming Commission declined to adopt any of the companies’ proposed changes.⁵⁷
- In **Ohio**, DraftKings lobbied against a rule requiring daily fantasy sports (DFS) advertisements to “clearly and conspicuously provide information on playing responsibly and seeking assistance for compulsive behavior.”⁵⁸ DraftKings argued these prominent disclosures were unnecessary because DFS contests are a “non-gambling product”—a characterization undercut by CEO Jason Robins’ past description of his company’s DFS business model as “almost identical to a casino.”⁵⁹ The Ohio Casino Control Commission adopted DraftKings’ recommendation, and does not require daily fantasy sports advertisements to “clearly and conspicuously” include information about gambling addiction.⁶⁰
- In **New York**, FanDuel objected to a proposed rule that held gambling operators accountable for misleading language used by their marketing affiliates.⁶¹ FanDuel also opposed a rule requiring daily fantasy sports advertisements to include information about compulsive gambling assistance.⁶² The New York State Gaming Commission did not adopt FanDuel’s proposals.⁶³
- In **Arizona**, DraftKings objected to a proposed rule that would have prevented promotions or bonuses from being described as “free” unless there were no costs to

⁵⁴ Comment from Jess Panora of BetMGM to the Massachusetts Gaming Commission concerning 205 CMR 256: Sports Wagering Advertising, Mar. 27, 2023, Page 35, available at <https://massgaming.com/wp-content/uploads/Meeting-Materials-3.27.23-OPEN-Revised.pdf#page=35>.

⁵⁵ Comment from Curis Lane Jr. of Caesars Sportsbook to the Massachusetts Gaming Commission concerning 205 CMR 256: Sports Wagering Advertising, Mar. 27, 2023, Page 36, available at <https://massgaming.com/wp-content/uploads/Meeting-Materials-3.27.23-OPEN-Revised.pdf#page=36>.

⁵⁶ Comment from David Prestwood of DraftKings to the Massachusetts Gaming Commission concerning 205 CMR 256: Sports Wagering Advertising, Mar. 23, 2023, available at <https://massgaming.com/wp-content/uploads/Meeting-Materials-8.8.23-OPEN.pdf#page=198>; Comment from Joseph Peacock of WynnBET to the Massachusetts Gaming Commission concerning 205 CMR 256: Sports Wagering Advertising, Mar. 23, 2023, available at <https://massgaming.com/wp-content/uploads/Meeting-Materials-8.8.23-OPEN.pdf#page=199>.

⁵⁷ 205 CMR § 256.00; 205 CMR § 257.00

⁵⁸ Letter from DraftKings Inc. to the Ohio Casino Control Board Re: Draft Administrative Rules for the Regulation of Fantasy Sports, Jan. 16, 2019, available at <https://www.registrofohio.state.oh.us/servlet/RooBusinessPDF?ruleActionId=560208&docTypeId=14>.

⁵⁹ Patrick Redford, *DraftKings CEO Described Site As A Casino, Called It Betting, Deadspin*, Oct. 18, 2015, available at <https://deadspin.com/draftkings-ceo-described-site-as-a-casino-called-it-be-1737195689/>.

⁶⁰ OAC § 3772-74-16

⁶¹ Letter from Edmund C. Burns to New York State Gaming Commissioners, Sept. 27, 2023, available at <https://gaming.ny.gov/system/files/documents/2024/07/2023-10-03-public-meeting-book.pdf#page=62>.

⁶² Letter from Edmund C. Burns to New York State Gaming Commissioners, Sept. 25, 2023, available at <https://gaming.ny.gov/system/files/documents/2024/07/2023-10-03-public-meeting-book.pdf#page=9>.

⁶³ 9 NYCRR §§ 5329.37; 9 NYCRR § 5607.1.

consumers.⁶⁴ The Arizona Department of Gaming decided to adopt DraftKings' suggestion.⁶⁵

- In **Maryland**, DraftKings objected to a rule prohibiting gambling advertisements from suggesting that certain outcomes were “without risk.”⁶⁶ The Maryland Lottery and Gaming Control Agency declined to change the rule based on DraftKings' objection.⁶⁷
- In **Virginia**, Penn Entertainment (Penn) lobbied to weaken a rule prohibiting advertising that implied players were more likely to win if they spent more time or money on sports betting.⁶⁸ The company also objected to a portion of the rule requiring advertisers to “reflect generally accepted contemporary standards of good taste,” claiming it was a “vague and difficult standard for Operators to comply with and for VA Lottery to enforce.” The Virginia Lottery Board did not adopt the suggestions.⁶⁹

Ironically, the language regarding “good taste” that Penn asked the state of Virginia to reject is *identical* to the language the American Gaming Association (AGA)—the gambling industry's chief lobbying organization—publishes in its Responsible Gaming Code of Conduct.⁷⁰ As a member of AGA, Penn is expected to abide by this “pledge.”

The inconsistency between Penn's lobbying activity and the AGA's “code” is an example of the type of doublespeak often embraced by online gambling operators and their trade associations. Companies like Penn may agree to theoretical, *voluntary* standards but may oppose such commitments being turned into enforceable laws.

Reducing the Appeal of Gambling to Children, Teens, and Young Adults

In addition to ensuring that gambling ads targeted at adults are not manipulative or misleading, advocates have also stressed the importance of ensuring that *no* gambling products are promoted to children—either directly or indirectly.

Research has shown that children are particularly drawn to celebrity gambling endorsements and are susceptible to marketing that makes gambling seem like a skill-based activity, rather than one

⁶⁴ Letter from DraftKings Inc. to Arizona Department of Gaming Director Ted Vogt, Apr. 3, 2022, *available at* https://gaming.az.gov/sites/default/files/Additional_Written_Comments_4-2022.pdf.

⁶⁵ Ariz. Admin. Code § R19-4-136.

⁶⁶ Letter from DraftKings Inc. to Maryland Lottery and Gaming Control Agency Director of Legislation and Policy Development Sean Ford, Jan. 29, 2024, *available at* <https://www.mdgaming.com/wp-content/uploads/2024/02/DK-Maryland-Formal-Comments-on-Proposed-Regulations-for-Gaming-Sports-Wagering-Video-Lottery-Terminals-and-Instant-Bingo-Machines-Submitted-1.29.24.pdf>.

⁶⁷ Md. Code Regs. 36.10.13.41.

⁶⁸ Comment from Penn National Gaming, Inc., and Penn Interactive to the Virginia Lottery Board Re: 11 VAC 5-70-240 - Advertising and Marketing, Sept. 2, 2020, *available at* <https://townhall.virginia.gov/L/viewcomments.cfm?commentid=84387>.

⁶⁹ 11 VAC § 5-70-240.

⁷⁰ American Gaming Association, *Responsible Gaming Code of Conduct*, accessed Mar. 7, 2025, *available at* https://www.americangaming.org/wp-content/uploads/2020/11/AGA-Responsible-Gaming-Code-of-Conduct_Nov-2020.pdf.

of chance.⁷¹ *The Lancet* commission also stresses the risks posed by *influencer* marketing, saying that young people are “routinely exposed to gambling product advertising and industry messaging [...] in ways that were unprecedented before the digital revolution.”⁷²

While the NCPG instructs gambling operators not to engage in advertising that appeals to minors, the AGA uses narrower language concerning advertising “designed to appeal *specifically*” (emphasis added) to children.⁷³

- In **Maine**, the AGA opposed an entire package of advertising restrictions proposed by the state’s Gambling Control Unit, including a ban on commercials that use celebrities, entertainers, and even *cartoon characters* to market gambling.⁷⁴ The AGA once again pointed to its Responsible Gaming Code of conduct as an existing safeguard for “underage and vulnerable populations”—apparently implying that voluntary self-governance is sufficient. Maine’s Gambling Control Unit ultimately passed advertising rules that were far more permissive, striking a prohibition on television ads for promotions and weakening a rule designed to protect college students from sports gambling advertisements.⁷⁵
- In **Massachusetts**, Caesars Sportsbook asked regulators not to ban endorsements from celebrities and entertainers, arguing that this marketing strategy would help “grow the market through new customers” and “generate increased tax revenues.”⁷⁶ During the same rulemaking process, BetMGM asked the Massachusetts Gaming Commission to weaken a rule against advertising to individuals under 21 years of age, so that regulators would have to prove that the rule was *knowingly* violated.⁷⁷ Currently, the Massachusetts Gaming Commission only prohibits endorsements from celebrities that “appeal

⁷¹ Henry Belot, ‘Suddenly it’s cool’: children believe use of influencers in gambling ads makes it seem fun, *The Guardian*, Feb. 11, 2024, available at <https://www.theguardian.com/australia-news/2024/feb/12/influencers-gambling-ads-children-cool-research-data-government-inquiry>; Hannah Pitt et al., *Factors that influence children’s gambling attitudes and consumption intentions: lessons for gambling harm prevention research, policies and advocacy strategies*, *Harm Reduction Journal*, Feb. 17, 2017, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5316223/>.

⁷² *The Lancet*, Oct. 2024, p. 5.

⁷³ AGA, *Responsible Gaming Code of Conduct*.

⁷⁴ Letter from William C. Miller, Jr. President & CEO of the American Gaming Association to the Main Gambling Control Unit, Feb. 27, 2023, available at <https://www.americangaming.org/wp-content/uploads/2023/03/ME-AGA-Letter-to-Maine-Gambling-Control-Board-re-Proposed-Advertising-Restrictions.pdf>; Dan Lampariello, *As Maine releases proposed sports wagering rules, first bets still months away*, *WGME*, Jan. 12, 2023, available at <https://wgme.com/news/local/as-maine-releases-proposed-sports-wagering-rules-first-bets-still-months-away>.

⁷⁵ Maine Gambling Control Unit’s Proposed Sports Wagering Rules, available at <https://www.documentcloud.org/documents/25508111-maine-proposed-sports-wagering-rules/#document/p52>, contain various protections not found in the final rules, available at <https://www.maine.gov/dps/sites/maine.gov/dps/files/inline-files/Chapter%2064%20Advertising.pdf>.

⁷⁶ Comment from Curis Lane Jr. of Caesars Sportsbook to the Massachusetts Gaming Commission concerning 205 CMR 256: Sports Wagering Advertising, Mar. 27, 2023, Page 45, available at <https://massgaming.com/wp-content/uploads/Meeting-Materials-3.27.23-OPEN-Revised.pdf#page=45>.

⁷⁷ Comment from Jess Panora of BetMGM to the Massachusetts Gaming Commission concerning 205 CMR 256: Sports Wagering Advertising, Mar. 27, 2023, Page 44, available at <https://massgaming.com/wp-content/uploads/Meeting-Materials-3.27.23-OPEN-Revised.pdf#page=44>.

primarily” to individuals under 21.⁷⁸ The commission declined to adopt BetMGM’s proposal.⁷⁹

- In **New York**, FanDuel lobbied against a rule intended to restrict advertising in the area surrounding college campuses, claiming it was “vague.”⁸⁰ The New York Gaming Commission did not adopt FanDuel’s recommendation.⁸¹
- FanDuel also lobbied against a **Maryland** rule prohibiting the depiction of individuals under 21 in advertisements, arguing an exception should be made for young athletes.⁸² The Maryland Lottery and Gaming Control Agency did not adopt FanDuel’s recommendation.⁸³
- In **Puerto Rico**, FanDuel asked the territory’s Gaming Commission to allow the depiction of athletes under 18 in sports betting advertisements.⁸⁴ The Puerto Rico Gaming Commission adopted FanDuel’s suggestion.⁸⁵ Both FanDuel and DraftKings also asked the commission to strike a rule prohibiting advertisements at venues where “most of the audience at many of the Sports Events or Special Events at the venue is reasonably expected to be minors.”⁸⁶ The commission adopted that recommendation, as well.⁸⁷
- In **Ohio**, FanDuel and Penn asked the state’s Casino Control Commission to strike down a prohibition on sports betting advertisements on college campuses, with FanDuel arguing that operators “have been able to successfully partner with colleges and universities” in other states.⁸⁸ The Casino Control Commission declined to adopt their proposal. FanDuel also asked the commission to allow athletes under the age of 21 to

⁷⁸ 205 CMR § 256.05.

⁷⁹ 205 CMR § 256.00.

⁸⁰ Letter from Edmund C. Burns to New York State Gaming Commissioners, Sept. 27, 2023, *available at* <https://gaming.ny.gov/system/files/documents/2024/07/2023-10-03-public-meeting-book.pdf#page=64>.

⁸¹ 9 NYCRR § 5329.37(E)(4).

⁸² Letter from FanDuel Government Affairs and Product Counsel Vice President Cory Fox to Maryland Lottery and Gaming Control Agency, Sept. 27, 2021, *available at* <https://www.mdgaming.com/wp-content/uploads/2021/09/Sports-Wagering-Public-Comments.pdf#page=19>.

⁸³ COMAR 36.10.01.02(B)(57)(b)(i).

⁸⁴ Letter from FanDuel Government Affairs and Product Counsel Vice President Cory Fox to Puerto Rico Gaming Commission, Apr. 4, 2021, *available at* <https://docs.pr.gov/files/ComJuegos/Negociado%20Apuestas%20Deportivas/Ponencias%20Vstas%20Publicas/April%205%202021%20Public%20Hearings%20Papers.pdf#page=137>.

⁸⁵ Puerto Rico Sports Betting Regulations § 4.3.

⁸⁶ Letter from FanDuel Government Affairs and Product Counsel Vice President Cory Fox to Puerto Rico Gaming Commission, Apr. 4, 2021, *available at* <https://docs.pr.gov/files/ComJuegos/Negociado%20Apuestas%20Deportivas/Ponencias%20Vstas%20Publicas/April%205%202021%20Public%20Hearings%20Papers.pdf#page=85>.

Letter from DraftKings to Puerto Rico Gaming Commission, Apr. 5, 2021, *available at* <https://docs.pr.gov/files/ComJuegos/Negociado%20Apuestas%20Deportivas/Ponencias%20Vstas%20Publicas/April%205%202021%20Public%20Hearings%20Papers.pdf#page=44>.

⁸⁷ Puerto Rico Sports Betting Regulations § 4.8.

⁸⁸ Letter from FanDuel Government Affairs and Product Counsel Vice President Cory Fox to Ohio Casino Control Commission, Mar. 18, 2022, *available at* <https://www.registerofohio.state.oh.us/servlet/RooBusinessPDF?ruleActionId=604347&docTypeId=14#page=171>; Email from Samuel Porter on behalf of Penn Entertainment to the Ohio Casino Control Commission, *available at* <https://www.registerofohio.state.oh.us/servlet/RooBusinessPDF?ruleActionId=604347&docTypeId=14#page=109>.

appear in sports betting advertisements.⁸⁹ The commission ultimately modified its rules to allow the depiction of individuals under 21, so long as they appeared in live footage or images.⁹⁰

In addition to being inundated with ads for conventional gambling products, children are also exposed to gambling operators' free-to-play "social casinos" or "social sportsbooks."⁹¹ These products are often set up as free, limited versions of a sportsbook pool, and may serve as a gateway to the company's corresponding paid gambling product.

Experts point out that free-to-play gambling can normalize gambling behavior,⁹² and that minors who use these apps are more likely to meet gambling addiction criteria.⁹³ Still, gambling operators maintain that they should be able to actively promote these products to minors and individuals under 21.

- In **Connecticut**, DraftKings asked regulators to strike a draft rule prohibiting the marketing of free-to-play gambling to minors and individuals under 21.⁹⁴ DraftKings also requested that a rule requiring operators to verify a consumer's age *before* playing a free-to-play game be eliminated, allowing minors to participate in gambling activity up until the point they attempted to withdraw winnings.⁹⁵ The Connecticut Department of Consumer Protection declined to adopt DraftKings' proposals.⁹⁶
- In **Puerto Rico**, DraftKings asked regulators to strike a proposed rule holding free-to-play games to the same "restrictions and requirements" as paid wagering.⁹⁷ The Puerto Rico Gaming Commission adopted the company's suggestion.⁹⁸

21+ Age Requirements for Daily Fantasy Sports

On top of marketing gambling simulators to children, gambling operators also want young people between the ages of 18 and 21 to play daily fantasy sports (DFS), which combine aspects of typical, free fantasy sports with gambling.

⁸⁹ Letter from FanDuel Government Affairs and Product Counsel Vice President Cory Fox to Ohio Casino Control Commission, Mar. 18, 2022, *available at* <https://www.registerofohio.state.oh.us/servlet/RooBusinessPDF?ruleActionId=604347&docTypeId=14#page=170>.

⁹⁰ OAC § 3775-16-08(B)(1).

⁹¹ Rick Maese and Roman Stubbs, 'Social sportsbook' apps are luring young fans — and raising alarms, *The Washington Post*, Feb. 5, 2024, *available at* <https://www.washingtonpost.com/sports/2024/02/05/fliff-social-sportsbooks/>.

⁹² *Id.*

⁹³ Nerilee Hing et al., Skin gambling predicts problematic gambling amongst adolescents when controlling for monetary gambling, *Journal of Behavioral Addictions*, Nov. 14, 2021, *available at* <https://doi.org/10.1556/2006.2021.00078>.

⁹⁴ Letter from DraftKings to Connecticut Department of Consumer Protection, Nov. 15, 2021, *available at* <https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={2097257D-0000-C632-A16F-8DB95D1FE3EB}&#page=21>.

⁹⁵ *Id.*

⁹⁶ Regulations of Connecticut State Agencies § 12-865-25(g).

⁹⁷ Letter from DraftKings to Puerto Rico Gaming Commission, Apr. 5, 2021, *available at* <https://docs.pr.gov/files/ComJuegos/NegociadoApuestasDeportivas/PonenciasVstasPublicas/April52021PublicHearingsPapers.pdf-page=46>.

⁹⁸ Puerto Rico Sports Betting Regulations § 5.3(D).

Years before the legalization of online sportsbooks in the United States, both DraftKings and FanDuel launched DFS as their sole products. In 2015, DraftKings' CEO described DFS as akin to gambling and "almost identical to a casino."⁹⁹ Nevertheless, gambling operators (including DraftKings) have tried to convince lawmakers that 18-year-olds should be allowed to play DFS, arguing it is not gambling.

Addiction advocates reject this characterization. The NCPG "strongly recommends" a minimum age of 21 for all forms of gambling, including DFS.¹⁰⁰ Numerous academic studies have also established that individuals who gamble earlier in life are more likely to develop gambling problems as adults.¹⁰¹

Nevertheless, gambling operators have lobbied states to allow 18-year-olds to participate in DFS contests.

- In **Florida**, the Sports Betting Alliance (SBA) opposed a bill setting a minimum age of 21 for DFS contests. SBA lobbyist Scott Ward told Florida lawmakers "hundreds of thousands" of people under 21 were "playing fantasy sports legally" and "having a good time."¹⁰² SBA's members include FanDuel, DraftKings, BetMGM, and Fanatics.¹⁰³ Florida has not passed a law to create a regulatory framework for DFS, meaning 18-year-olds are able to participate in contests through FanDuel and DraftKings.¹⁰⁴
- In **Massachusetts**, the Fantasy Sports Trade Association (FSTA) urged then-Attorney General Maura Healey to set an age minimum of 18, rather than 21, for DFS.¹⁰⁵ In its letter, FSTA noted that its membership is made up of "almost every major daily fantasy sports contest company," including FanDuel and DraftKings. FSTA attempted to argue the 21+ age restriction on gambling products largely stems from the connection between casinos and alcohol consumption, and since playing DFS is not linked to visiting a physical casino location, the age could safely be lowered to 18.¹⁰⁶ Massachusetts lawmakers set the minimum age for DFS to 21.¹⁰⁷

⁹⁹ Patrick Redford, *DraftKings CEO Described Site As A Casino, Called It Betting*, *Deadspin*, Oct. 18, 2015, available at <https://deadspin.com/draftkings-ceo-described-site-as-a-casino-called-it-be-1737195689/>.

¹⁰⁰ FAQs: What is Problem Gambling?, *National Council on Problem Gambling*, [ncpgambling.org](https://www.ncpgambling.org/help-treatment/faqs-what-is-problem-gambling/#:~:text=Can%20children%20and%20teenagers%20develop%20addiction%20later%20in%20life.), available at <https://www.ncpgambling.org/help-treatment/faqs-what-is-problem-gambling/#:~:text=Can%20children%20and%20teenagers%20develop%20addiction%20later%20in%20life.>

¹⁰¹ Jing Shi et al., *A Perspective on Age Restrictions and Other Harm Reduction Approaches Targeting Youth Online Gambling, Considering Convergences of Gambling and Videogaming*, *Frontiers in Psychiatry*, Jan. 25, 2021, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7873963/>.

¹⁰² Danielle Brown, *Gaming compact appeared to open the door for teens 18+ to play fantasy sports, but lawmakers are closing it*, *Florida Phoenix*, May 18, 2021, available at <https://floridaphoenix.com/2021/05/18/gaming-compact-appeared-to-open-the-door-for-teens-18-to-play-fantasy-sports-but-lawmakers-are-closing-it/>.

¹⁰³ About, *Sports Betting Alliance*, [sportsbettingalliance.org](https://sportsbettingalliance.org/about/), available at <https://sportsbettingalliance.org/about/>.

¹⁰⁴ Justin Byers, *Daily fantasy sports measure sinks in Florida legislature*, *SBC Americas*, Mar. 11, 2024, available at <https://sbcamericas.com/2024/03/11/daily-fantasy-sports-dies-in-florida/>.

¹⁰⁵ Letter from Fantasy Sports Trade Association Chairman Peter Schoenke to Massachusetts Office of The Attorney General, Jan. 22, 2016, available at <https://www.mass.gov/doc/letter-comment-5/download.>

¹⁰⁶ *Id.*

¹⁰⁷ 940 CMR § 34.03.

- In **Connecticut**, DraftKings told members of the state legislature that it would “like to see the age restriction dropped from 21 to 18, the age of majority in Connecticut.”¹⁰⁸ Eventually, DFS was legalized in Connecticut with a minimum age of 18.¹⁰⁹
- In **New York**, a representative for FanDuel told state lawmakers that 18, not 21, was an appropriate minimum age for participation in DFS contests.¹¹⁰ New York agreed, setting the minimum age as 18.¹¹¹

Prop Bet Bans

Some aspects of sports betting endanger athletes themselves, particularly college athletes. “Prop bets,” for instance, allow consumers to gamble on the performance of an individual player. These wagers need not be related to a game or contest’s final outcome. Instead, consumers may place bets on how many points an athlete scores, how many assists they make, etc.

In the context of college sports, one bad night for a student athlete could trigger a barrage of harassment—even if their team wins the game.¹¹² Prop bets also create integrity concerns, because athletes can conspire to perform (or not perform) to win money for themselves or third parties.¹¹³

Coaches, who have seen the effects of harassment, are leading the call to ban prop bets on student athletes.¹¹⁴ By early 2024, the National Collegiate Athletics Association (NCAA) also began calling on states to ban prop bets for college athletes.¹¹⁵ Still, the gambling companies persist in fighting to keep these bets in place.

- In **Ohio**, the SBA opposed a prop bet ban for college sports, arguing it would not prevent the harassment of athletes because consumers would simply move to illegal gambling operators.¹¹⁶ Yet, in deciding to side with the NCAA and approve a ban, the Ohio Casino

¹⁰⁸ Testimony of DraftKings Assistant Director of Government Affairs Sarah Koch in support of Connecticut Raised Bill No. 192, An Act Concerning Daily Fantasy Sports, Feb. 26, 2016, available at <https://www.cga.ct.gov/2016/gldata/tmy/2016SB-00192-R000303-Sarah%20Koch-%20Assistant%20Director%20of%20Government%20Affairs%20for%20Draft%20Kings-TMY.PDF>.

¹⁰⁹ Regulations of Connecticut State Agencies § 12-865-12(e).

¹¹⁰ Jimmy Vielkind, *Legal debate dominates Assembly hearing on DraftKings, FanDuel*, *Politico*, Dec. 8, 2015, available at <https://www.politico.com/states/new-york/albany/story/2015/12/legal-debate-dominates-assembly-hearing-on-draftkings-fanduel-028873>.

¹¹¹ 9 NYCRR § 5604.1(b).

¹¹² Callum Jones, *‘A target on their back’: college athletes face wave of abuse amid gambling boom*, *The Guardian*, Oct. 2, 2024, available at <https://www.theguardian.com/us-news/2024/oct/02/college-athletes-abuse-online-gambling-betting>.

¹¹³ Devin Gordon, *The Little-Known Company That Caught Basketball’s Big Betting Scandal*, *Bloomberg*, Aug. 20, 2024, available at <https://www.bloomberg.com/news/features/2024-08-20/the-little-known-company-that-caught-the-nba-s-biggest-betting-scandal>.

¹¹⁴ Bennet Conlin, *Wyoming Regulator Considers College Player Prop Betting Ban*, *Sports Handle*, May 9, 2024, available at <https://sportshandle.com/wyoming-regulator-considers-college-player-prop-betting-ban/>.

¹¹⁵ Walter Reinke, *NCAA president urges ban on prop betting in college sports*, *Spectrum Local News*, Mar. 29, 2024, available at <https://spectrumlocalnews.com/nc/charlotte/news/2024/03/29/ncaa-calls-to-end-prop-betting>.

¹¹⁶ Testimony of SBA lobbyist Scott Ward, *Study Commission on the Future of Gaming in Ohio* *The Ohio Channel*, Mar. 30, 2024, available at <https://www.ohiochannel.org/video/study-commission-on-the-future-of-gaming-in-ohio-3-20-2024>.

Control Commission said, “operators failed to provide any factual basis to support this assumption.”¹¹⁷

- The SBA also opposed a prop bet ban in **Wyoming**, relying on the same unsubstantiated warning about illegal markets.¹¹⁸ So far, Wyoming regulators have not issued a ban.

The debate in Ohio also yielded telling information about exactly why sportsbook operators fight so hard to oppose bans on prop betting. The Commission revealed—in a rare analysis of proprietary data from operators—that in a single year, 2023, in Ohio alone, over \$100 million was wagered on student athlete prop bets.¹¹⁹

Requiring Built-In Safeguards

In some states, policymakers have proposed rules that would require online gambling operators to build and adjust product features to disrupt impulsive behaviors and ultimately limit out-of-control losses. This can be as simple as prohibiting gamblers from using credit cards as a form of payment on betting apps to prevent consumers from racking up gambling debts. In 2020, the United Kingdom banned the use of credit cards to gamble, citing a study showing that 22% of online gamblers using credit cards were addicted gamblers.¹²⁰

- In **Maine**, BetMGM asked regulators to explicitly add credit cards to the list of approved ways to fund online sports betting accounts.¹²¹ The Maine Gambling Control Unit rejected the amendment but appears to have allowed operators to accept credit card payments regardless.¹²²
- In **Maryland**, draft sports wagering regulations sent out for public comment included a section implying that credit cards could be used to fund wagers. Another section, however, omitted credit cards as an acceptable form of payment. Both DraftKings and FanDuel pointed out the apparent contradiction, urging correction of the latter version to add in credit cards to the "Funding Wagers" section of the Code.¹²³ Another commenter,

¹¹⁷ Letter from Ohio Casino Control Commission Executive Director Matthew T. Schuler to NCAA President Baker and Ohio Sports Gaming Licensees, Feb. 22, 2024, *available at* <https://dam.assets.ohio.gov/image/upload/casinocontrol.ohio.gov/NCAA%20Request%20%20Commission's%20Response/Response%20to%20the%20NCAA%20Regarding%20Proposition%20Wagers%20on%20Student%20Athletes%202022%2002%2023.pdf>.

¹¹⁸ Testimony of SBA lobbyist Scott Ward, *Wyoming Gaming Commission Special Meeting, Wyoming Gaming Commission*, July 11, 2024, *available at* <https://www.youtube.com/watch?v=fWtDNE0R4iw&t=3282s>.

¹¹⁹ Letter from Ohio Casino Control Commission Executive Director Matthew T. Schuler to NCAA President Baker and Ohio Sports Gaming Licensees, Feb. 22, 2024, *available at* <https://dam.assets.ohio.gov/image/upload/casinocontrol.ohio.gov/NCAA%20Request%20%20Commission's%20Response/Response%20to%20the%20NCAA%20Regarding%20Proposition%20Wagers%20on%20Student%20Athletes%202022%2002%2023.pdf>.

¹²⁰ Gambling on credit cards to be banned from April 2020, *Gambling Commission*, Gamblingcommission.uk, *available at* <https://www.gamblingcommission.gov.uk/news/article/gambling-on-credit-cards-to-be-banned-from-april-2020#:~:text=The%20ban%20that%20we%20have,some%20form%20of%20gambling%20harm>.

¹²¹ Response to BetMGM Comment Submitted to Maine Gambling Control Unit, Page 128, Sept. 15, 2023, *available at* <https://campaignforaccountability.box.com/s/kwuy2z10apubw5gmdssds8vspw1uclu6>.

¹²² Terms and Conditions, *Caesars*, Caesars.com, <https://caesars.com/sportsbook-and-casino/me/support/terms-and-conditions-privacy/>.

¹²³ Letter from DraftKings to Maryland Lottery and Gaming Control Agency, Sept. 27, 2021, *available at* <https://www.mdgaming.com/wp-content/uploads/2021/09/Sports-Wagering-Public-Comments.pdf#page=123>;

with the Maryland Council for Problem Gambling, specifically advocated *against* the inclusion of credit cards.¹²⁴ Maryland’s current rules allow consumers to fund online sports wagering accounts with credit cards.¹²⁵

- In April 2024, **Pennsylvania** State Senator Wayne Fontana introduced a credit card ban bill to ensure that “greater access to gambling isn’t leading to burdensome or crippling credit card balances.”¹²⁶ Since being introduced, the bill has not moved out of the Senate’s Community, Economic and Recreational Development Committee, and it is unknown what interests may have opposed it behind the scenes.¹²⁷

Mandatory breaks in play may also deter gambling addiction. For some, gambling addiction can be fueled by an escape-based desire to enter a dissociative state,¹²⁸ which the legalization of on-demand smartphone-based online gambling has made incredibly accessible. While studies suggest that short breaks of 90 seconds to 5 minutes do not have a significant impact on player behavior, 15-minute breaks have been found to help players take longer voluntary pauses.¹²⁹ A follow-up study on 15-minute breaks paired with a pop-up containing an additional log-out button also found that longer breaks helped players stop gambling.¹³⁰

Regulators have also proposed banning certain types of wagers strongly associated with gambling addiction, such as in-game bets—odds offered on microevents that may quickly appear and shift during the course of a contest. Anthropologist and addiction researcher Natasha Schull has compared these fast-paced wagers to slot machines, because they change constantly and can lure players into spending large sums of money.¹³¹

- In **Virginia**, both Caesars and DraftKings lobbied against a proposed rule requiring sports betting platforms to include design features that “promote breaks in play and avoidance

Letter from FanDuel to Maryland Lottery and Gaming Control Agency, Sept. 27, 2021, *available at*

<https://www.mdgaming.com/wp-content/uploads/2021/09/Sports-Wagering-Public-Comments.pdf#page=33>.

¹²⁴ Comment from Maryland Council on Problem Gambling to Maryland Lottery and Gaming Control Agency, Sept. 24, 2021, *available at* <https://www.mdgaming.com/wp-content/uploads/2021/09/Sports-Wagering-Public-Comments.pdf#page=241>.

¹²⁵ COMAR § 36.10.13.28.

¹²⁶ Press Release, **Sen. Wayne Fontana to Introduce Bill Banning Credit Cards for Online Gambling in PA**, *State Senator Wayne Fontana*, Mar. 8, 2024, *available at* <https://www.senatorfontana.com/sen-wayne-fontana-to-introduce-bill-banning-credit-cards-for-online-gambling-in-pa>.

¹²⁷ S.B. 1159, 2024 Leg. Session, (Pa. 2024).

¹²⁸ Mark Griffiths et al., **Dissociative States in Problem Gambling**, *Australian Gaming Council*, May 2006, *available at* http://austgaming.approveforlaunch.com.au/sites/default/files/2019-11/agc_ci_dissociation-2.pdf#page=29.

¹²⁹ Niklas Hopfgartner et al., **The Effect of Mandatory Play Breaks on Subsequent Gambling Behavior Among Norwegian Online Sports Betting, Slots and Bingo Players: A Large-scale Real World Study**, *Journal of Gambling Studies*, Oct. 12 2021, *available at* <https://link.springer.com/article/10.1007/s10899-021-10078-3>.

¹³⁰ Niklas Hopfgartner et al., **Cooling Off and the Effects of Mandatory Breaks in Online Gambling: A Large-Scale Real-World Study**, *International Journal of Mental Health and Addiction*, Jan. 17 2023, *available at* <https://link.springer.com/article/10.1007/s11469-022-00996-7>.

¹³¹ Dan Monk, **Is Ohio's approach to sports gambling a 'slippery slope' to creating addicts?**, *WCPO*, Jan. 5, 2023, *available at* <https://www.wcpo.com/news/local-news/i-team/is-ohios-approach-to-sports-gambling-a-slippery-slope-to-creating-addicts>.

of excessive play.”¹³² The Virginia Lottery Board dropped these requirements from the final rules.¹³³

- In **Vermont**, FanDuel opposed a rule requiring operators to provide gambling addiction resources and information about closing an account to players who had opted to self-restrict themselves from gambling for a period of time.¹³⁴ Vermont regulators rejected FanDuel’s recommendation.¹³⁵
- In **Minnesota**, the SBA opposed an amendment to a state sports wagering legalization bill that banned in-game bets out of concern for product safety.¹³⁶ The Minnesota legislature has not passed any bill as of February 2025.¹³⁷

Advocates say providing customers the option to set voluntary *loss limits* within betting apps can help prevent egregious financial harm. Loss limits, when paired with personalized reminders, have resulted in “significant reductions” in the amount of money bettors gamble.¹³⁸

- In **Maryland**, both DraftKings and PointsBet lobbied against voluntary loss limit features, arguing that wagering limits served the same function.¹³⁹ Maryland regulators adopted the suggestion.¹⁴⁰

¹³² Comment from Caesars Entertainment to Virginia Lottery Board, Aug. 10, 2020, *available at* <https://townhall.virginia.gov/L/viewcomments.cfm?commentid=84221>.

Comment from DraftKings to Virginia Lottery Board, Aug. 25, 2020, *available at* <https://townhall.virginia.gov/L/viewcomments.cfm?commentid=84231>.

¹³³ VAC § 5-70-270.

¹³⁴ Letter from FanDuel Director of Regulatory Affairs Andrew Winchell to Vermont Liquor and Lottery Board, Jul. 7, 2023, *available at*

<https://liquorandlottery.vermont.gov/sites/liqлот/files/documents/FanDuel%20Comments%20on%20Proposed%20Vermont%20Sports%20Betting%20Regulations%207.7.23.pdf#page=7>.

¹³⁵ Vermont Sports Wagering Procedures, Part IV Section 10, Jul. 19, 2023, *available at*

<https://liquorandlottery.vermont.gov/sites/liqлот/files/documents/VT%20Sports%20Wagering%20Procedures%2007-19-23.pdf#page=30>.

¹³⁶ Caroline Cummings, [Changes to Minnesota's highly anticipated sports gambling bill would prohibit in-game bets](https://www.cbsnews.com/minnesota/news/changes-to-minnesotas-highly-anticipated-sports-gambling-bill-would-prohibit-in-game-bets/), *CBS News*, Mar. 8, 2024, *available at* <https://www.cbsnews.com/minnesota/news/changes-to-minnesotas-highly-anticipated-sports-gambling-bill-would-prohibit-in-game-bets/>.

¹³⁷ Caroline Cummings, [Future of sports betting in Minnesota uncertain after bill fails to advance through key committee](https://www.cbsnews.com/minnesota/news/sports-betting-minnesota-uncertain-bill-fails-senate-committee/), *CBS News*, February 13, 2025, *available at* <https://www.cbsnews.com/minnesota/news/sports-betting-minnesota-uncertain-bill-fails-senate-committee/>.

¹³⁸ Michael Auer et al., [The effect of loss-limit reminders on gambling behavior: A real-world study of Norwegian gamblers](https://akjournals.com/view/journals/2006/7/4/article-p1056.xml), *Journal of Behavioral Addictions*, Nov. 12, 2018, *available at* <https://akjournals.com/view/journals/2006/7/4/article-p1056.xml>.

¹³⁹ Letter from DraftKings to Maryland Lottery and Gaming Control Agency, Sept. 27, 2021, *available at* <https://www.mdgaming.com/wp-content/uploads/2021/09/Sports-Wagering-Public-Comments.pdf#page=123>.

Letter from PointsBet to Maryland Lottery and Gaming Control Agency, Sept. 27, 2021, *available at* <https://www.mdgaming.com/wp-content/uploads/2021/09/Sports-Wagering-Public-Comments.pdf#page=79>.

¹⁴⁰ COMAR § 36.10.14.04.

- In Puerto Rico, both FanDuel and DraftKings opposed a rule establishing a monthly deposit limit of \$2,500, which players could only exceed by passing an affordability check.¹⁴¹ The Puerto Rico Gaming Commission eliminated this limit in its final rules.¹⁴²

While gambling operators continue to fight against loss limits or mandatory deposit limits, they regularly impose *win* limits to cap payments to sports gamblers who prove too successful. This may involve capping the size of players' individual bets or suspending their account outright.¹⁴³

The pay-out caps show gambling operators are capable of building in-app safeguards, but they do so primarily to protect *their own* profits. As one professional bettor told The Washington Post, “*It’s hard to tell me that you care about responsible betting when somebody’s down six figures and you keep enticing them to bet more, but once they get close to even, you cut them down drastically.*”¹⁴⁴

Limiting Financial Inducements

Regulators have also proposed limiting the financial inducements gambling operators offer to players, such as “free” or “bonus” bets. These include promotional offers designed to draw in new players, or in-app offers to persuade existing players to engage in new or riskier types of betting. Research suggests such offers are especially appealing to individuals already experiencing symptoms of gambling addiction and can give new players a “big win” that distorts their perception of risk.¹⁴⁵

In 2021, a randomized controlled study conducted in France found that financial enticements were associated with increases in consumer expectations surrounding gambling, along with increases in perceived loss of control and the amount of money wagered. The study authors wrote that regulating the use of enticements “could be helpful for prevention and early intervention.”¹⁴⁶

¹⁴¹ Letter from FanDuel Government Affairs and Product Counsel Vice President Cory Fox to Puerto Rico Gaming Commission, Apr 4, 2021, *available at* <https://docs.pr.gov/files/ComJuegos/Negociado%20Apuestas%20Deportivas/Ponencias%20Vstas%20Publicas/April%205%202021%20Public%20Hearings%20Papers.pdf#page=148>; Letter from DraftKings to Puerto Rico Gaming Commission, Apr. 5, 2021, *available at* <https://docs.pr.gov/files/ComJuegos/Negociado%20Apuestas%20Deportivas/Ponencias%20Vstas%20Publicas/April%205%202021%20Public%20Hearings%20Papers.pdf#page=50>.

¹⁴² Puerto Rico Sports Betting Regulations § 7.7(B).

¹⁴³ Danny Funt, *Sportsbooks say you can win big. Then they try to limit winners*, *The Washington Post*, Nov. 17, 2022, *available at* <https://www.washingtonpost.com/sports/2022/11/17/betting-limits-draft-kings-betmgm-caesars-circa/>.

¹⁴⁴ *Id.*

¹⁴⁵ Gianluca Di Censo et al., *Young People’s Perceptions of the Effects and Value of Sports Betting Inducements*, *International Journal of Mental Health and Addiction*, Oct. 2023, *available at* <https://link.springer.com/article/10.1007/s11469-023-01173-0#:~:text=The%20findings%20indicate%20that%20sign.back%20and%20increased%20odds%20inducements>.

¹⁴⁶ Gaëlle Challet-Bouju et al., *Impact of Wagering Inducements on the Gambling Behaviors, Cognitions, and Emotions of Online Gamblers: A Randomized Controlled Study*, *Front Psychiatry*, Nov. 16, 2020, *available at* <https://www.frontiersin.org/journals/psychiatry/articles/10.3389/fpsy.2020.593789/full>.

Operators have openly opposed attempts to restrict financial inducements, despite widespread expert agreement that doing so could help mitigate gambling harms.¹⁴⁷

- In **Vermont**, both Caesars and FanDuel opposed a rule that would have allowed state regulators to set a cap on promotions, bonuses, or other credits.¹⁴⁸ Vermont regulators nevertheless set the caps.¹⁴⁹
- In **Ohio**, FanDuel opposed a rule prohibiting sports betting operators from offering promotions or bonuses in conjunction with non-gaming transactions. The rule was created to prevent sportsbooks from extending promotional offers to individuals who are underage or struggling with gambling addiction.¹⁵⁰ Ohio's Casino Control Commission nevertheless adopted the rule.¹⁵¹
- In **Massachusetts**, the state's Gaming Commission expressed interest in adopting a non-gaming transaction policy similar to Ohio's to reduce the marketing of gambling products to consumers under 21. Fanatics, DraftKings, and FanDuel all opposed the policy or suggested changes that would have substantially weakened it.¹⁵² As of March 2025, Massachusetts has not adopted the rule.
- In **Connecticut**, both DraftKings and FanDuel objected to a proposed rule that would have banned the use of promotional financial enticements.¹⁵³ Regulators ultimately adopted the gambling companies' recommendations and allowed promotions.

¹⁴⁷ Gianluca Di Censo et al., *Young People's Perceptions of the Effects and Value of Sports Betting Inducements*, *International Journal of Mental Health and Addiction*, Oct. 9, 2023, available at <https://link.springer.com/article/10.1007/s11469-023-01173-0>; *The Lancet*, Oct. 2024, Page 3.

¹⁴⁸ Letter from Caesars Vice President of Compliance and Licensing Lisa Rankin to Vermont Department of Liquor and Lottery, Jul. 12, 2023, available at

<https://liquorandlottery.vermont.gov/sites/liqлот/files/documents/Caesars%20Sportsbook%20-%20Draft%20Regulation%20comments.pdf>; Letter from FanDuel Director of Regulatory Affairs Andrew Winchell to Vermont Liquor and Lottery Board, July 7, 2023, available at <https://liquorandlottery.vermont.gov/sites/liqлот/files/documents/FanDuel%20Comments%20on%20Proposed%20Vermont%20Sports%20Betting%20Regulations%207.7.23.pdf#page=7>.

¹⁴⁹ Vermont Sports Wagering Procedures, Part VII Section 6.2, Jul. 19, 2023, available at

<https://liquorandlottery.vermont.gov/sites/liqлот/files/documents/VT%20Sports%20Wagering%20Procedures%2007-19-23.pdf#page=53>.

¹⁵⁰ Letter from FanDuel Government Affairs and Product Counsel Vice President Cory Fox to Ohio Casino Control Commission, Nov. 30, 2024, available at

https://dam.assets.ohio.gov/image/upload/casinocontrol.ohio.gov/csi/2024/June%2026%20Promotions/BIA_-_3775-16-09.pdf#page=40.

¹⁵¹ OAC § 3775-16-09(G).

¹⁵² Letter from Fanatics to Massachusetts Gaming Commission, Jul. 10, 2024, available at

<https://massgaming.com/wp-content/uploads/07.11.24-Public-Meeting-Packet.pdf#page=158>; Letter from DraftKings to Massachusetts Gaming Commission, June 10, 2024, available at <https://massgaming.com/wp-content/uploads/07.11.24-Public-Meeting-Packet.pdf#page=163>; Letter from FanDuel Vice President for Product and New Market Compliance Cory Fox to Massachusetts Gaming Commission, June 10, 2024, available at <https://massgaming.com/wp-content/uploads/07.11.24-Public-Meeting-Packet.pdf#page=160>.

¹⁵³ Testimony of DraftKings Government Affairs Manager David Prestwood to the Connecticut General Assembly Public Safety and Security Committee, Feb. 14, 2023, available at

https://www.ctdigitalarchive.org/_flysystem/repo-bin/2024-03/2023-Public%20Safety%20and%20Security-Pt.1%20p.1-490%20Index.pdf#page=157; Testimony of FanDuel Senior Manager of State Government Relations Michael Ventre to the Connecticut General Assembly Public Safety and Security Committee, Feb. 14, 2023, available at https://www.ctdigitalarchive.org/_flysystem/repo-bin/2024-03/2023-Public%20Safety%20and%20Security-Pt.1%20p.1-490%20Index.pdf#page=160.

- In **Maine**, WynnBET opposed a rule that would have banned the use of financial enticements.¹⁵⁴ In the same rulemaking process, the NCPG wrote “the use of promo deductions has often led those in recovery from gambling addiction to relapse,” and strongly supported the ban. Maine decided to allow such promotions.¹⁵⁵

Conclusion

In September 2024, the NCPG published a comprehensive report auditing the online sports betting regulations that each state maintains to guard against gambling-related harms. The report found “on average, states met only 32 out of 82 player protection standards outlined by NCPG’s Internet Responsible Gambling Standards.”¹⁵⁶ Although the industry-backed NCPG charitably noted that “there is no threshold for a “passing” or “failing” grade,” the evidence shows that lawmakers, as a whole, are undoubtedly failing to protect consumers from the severe risks of gambling addiction.

In 2022, when The New York Times published an investigation into the boom in new betting markets sweeping across the states, it framed the findings quite bluntly: “*The gambling industry and its allies got their way with lawmakers after showering them with donations, gifts and dubious arguments.*”¹⁵⁷

Recently, U.S. Representative Paul Tonko (D-NY) and Senator Richard Blumenthal (D-CT) reintroduced their bill, the SAFE Bet Act, which would institute certain player protections discussed in this report federally. While the gambling industry inevitably will rely on the influence playbook it developed in the states to oppose this legislation, federal lawmakers would do well to inquire into the depth and breadth of the harms suffered by consumers when weighing the industry’s pro-gambling arguments.

¹⁵⁴ Response to WynnBET Comment Submitted to Maine Gambling Control Unit, Page 160, Sept. 15, 2023, available at <https://campaignforaccountability.box.com/s/kwuy2z10apubw5gmdssds8vspw1uclu6>.

¹⁵⁵ C.M.R. § 16, 633, ch. 64.

¹⁵⁶ National Council on Problem Gambling, Report: State Sports Betting Regulations Fall Short of Providing Adequate Consumer Protections, Sept. 19, 2024, available at <https://www.ncpgambling.org/news/report-state-sports-betting-regulations-fall-short-of-providing-adequate-consumer-protections/>.

¹⁵⁷ Eric Lipton et al., Cigars, Booze, Money: How a Lobbying Blitz Made Sports Betting Ubiquitous, *The New York Times*, Nov. 20, 2022, available at <https://www.nytimes.com/2022/11/20/business/sports-betting-lobbying-kansas.html>.