

## **AMENDED - NOTICE OF MEETING AND AGENDA**

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Thursday | February 7, 2024 | 11:30 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 111 626 3366**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on [www.massgaming.com](http://www.massgaming.com).

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

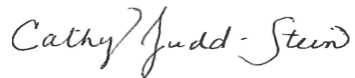
### **PUBLIC MEETING - #499**

1. Call to Order – Cathy Judd-Stein, Chair
2. Sports Wagering Division – Bruce Band, Director of Sports Wagering
  - a. General Market Request for Clarification regarding Super Bowl Prop Wagers – Andrew Steffen, Operations Manager **VOTE**
  - b. Sports Wagering Online Operators' Reports regarding Strategies and Tactics Utilized to Further Guard Against KYC Breaches and Proxy Wagering – Crystal Beauchemin, Business Manager and the following operators –
    - i. Fanatics: Joshua Slaff, Michael Levine, Megan Otieno
    - ii. PSI: Noah Levy, Phillip Oliveira, Adam Kates
    - iii. FanDuel: Rich Cooper, Cory Fox, Josh Mehta, Ben Roth, Alex Billak, Janely Diaz
    - iv. DraftKings: Jacob List, David Foppert, Jeremy McAuley, Andrew Gondek
    - v. BetMGM: Richard Barbieri, Richard Taylor, Benjamin Koket, Michael DiMarco
  - A. Executive Session  
The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G. L. c. 4, § 7(26)(n) to review certain materials in connection with the sports wagering operators' processes and parameters to prevent account creation by underage individuals and to detect account takeovers or proxy wagering as these matters relate to cyber security in the Commonwealth, and the public disclosure of which is likely to jeopardize public safety or cyber security. **VOTE**
  - B. Commissioners Update

C. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as "Massachusetts Gaming Commission Meeting" at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: February 5, 2024 | 11:30 a.m. EST.

February 5, 2024



*Cathy Judd-Stein, Chair*

*If there are any questions pertaining to accessibility and/or further assistance is needed, please email [Gertrude.Lartey@massgaming.gov](mailto:Gertrude.Lartey@massgaming.gov).*



*Sports Wagering Division*

TO: Chair Cathy Judd-Stein  
Commissioner Bradford R. Hill  
Commissioner Jordan Maynard  
Commissioner Eileen M. O'Brien  
Commissioner Nakisha L. Skinner

FROM: Andrew Steffen – Sports Wagering Operations Manager

CC: Todd Grossman – Interim Executive Director  
Bruce Band – Sports Wagering Division Director

DATE: February 6, 2024

RE: Request for Clarification – Super Bowl Proposition Wagers

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Pursuant to G.L. c. 23N, § 4 and 205 CMR 247, the Commission has broad authority to establish rules governing the acceptance of wagers on a sports event, other event or a series of sports events. The Commission has authorized wagering of the NFL, which is included in the Commission's approved Catalog of Events. In addition, G.L. c. 23N, § 3 authorizes proposition bets by including such bets in its definition of "sports wagering." In advance of the NFL Super Bowl, FanDuel has sought clarification as to whether it may offer certain pre-game Super Bowl proposition wagers.

<b>Market</b>	<b>Selections</b>
<b>Coin Toss Result</b>	Heads/Tails
<b>Coin Toss Winner</b>	Team A/Team B
<b>Team to Receive Opening Kickoff</b>	Team A/Team B
<b>Coin Toss Winner Wins Game</b>	Yes/No
<b>To Win Coin Toss and Win Game</b>	Team A/Team B
<b>Coin Toss to be Re-Taken</b>	Yes/No
<b>Coin Toss Call Result</b>	Correct/Incorrect
<b>Gatorade Color Over Coach</b>	Various Color Options
<b>National Anthem Length</b>	Over/Under

*\*All coin toss props are specified for opening coin toss and do not include overtime coin toss.*

Where wagering of the NFL and on proposition bets generally is authorized by G.L. c. 23N and 205 CMR 247, the question before the Commission is whether the above proposition bets in the NFL Super Bowl fall within the definition of Sports Wager, Sports Wagering, and Sports Event



or Sporting Event under G.L. c. 23N such that they are permissible wagers under the existing Event Catalog.

The relevant statutory definitions from G.L. c. 23N, § 3 include:

“Sports wager”, a wager on a sporting event or a portion of a sporting event.

“Sports wagering”, the business of accepting wagers on sporting events or portions of sporting events, other events, the individual performance statistics of athletes in a sporting event or other events or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms; provided, that sports wagering shall not include the acceptance of any wager: (i) with an outcome dependent on the performance of an individual athlete in any collegiate sport or athletic event, including, but not limited, to in-game or in-play wagers; (ii) on a high school or youth sporting event; (iii) on injuries, penalties, player discipline or replay review; and provided further, that sports wagering shall not include fantasy contests as defined in section 11M½ of chapter 12. Sports wagering shall include, but shall not be limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, **proposition bets** and straight bets. [emphasis added]

“Sports event” or “sporting event”, a professional sport or athletic event, collegiate sport or athletic event, a collegiate tournament, motor race event, electronic sports event or other event authorized by the commission under this chapter; provided, however, that “sporting event” shall not include: (i) high school and youth sports or athletic events; or (ii) a collegiate sport or athletic event involving 1 or more collegiate teams from the commonwealth unless they are involved in a collegiate tournament.

Accordingly, the question is whether a coin toss, for example, is a proposition bet on an NFL game that falls within the statutory definitions above such that it is a permissible wager authorized by the existing Event Catalog, or under the definition of “sporting event” it is not a “professional sport of athletic event” and must be approved by the Commission as an “other event authorized by the Commission under [Chapter 23N],” in which case it would not be a permissible wager authorized by the existing Event Catalog.

#### **CONCLUDING STATEMENT:**

The Sports Wagering Division is seeking clarification to inform the Operators which proposition wagers may be included for wagering prior to the NFL Super Bowl.