

NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Chapter 22 of the Acts of 2012, notice is hereby given of a meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Monday | March 14, 2022 | 10:00 a.m.
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 195 5793

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.

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 - #374

1. Call to Order

2. Approval of Meeting Minutes
 - a. June 3, 2021 **VOTE**
 - b. June 14, 2021 **VOTE**

3. Administrative Update - Karen Wells, Executive Director
 - a. On-site Casino Updates –Bruce Band, Assistant Director, Gaming Agents Division Chief

4. Racing Division – Dr. Alex Lightbown, Chief Veterinarian and Director of Racing
 - a. Jockeys Guild Recognition – Mindy Coleman, Attorney for the Jockeys’ Guild **VOTE**

5. Research and Responsible Gaming - Mark Vander Linden, Director; Long Banh, Program Manager; Marie-Claire Flores-Pajot, Research Manager; Todd Grossman, General Counsel
 - a. Presentation on *Responsible Gaming Considerations for Gambling Advertising* White Paper

6. Commissioner Updates –
 - a. Annual Report Update– Crystal Howard, Chief Administrative Officer to the Chair and Special Projects Manager

7. Community Affairs Division – Joe Delaney, Chief of Community Affairs; Todd Grossman, General Counsel
 - a. Development East of Broadway in Everett, MA **VOTE**
8. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to regs@sec.state.ma.us.

March 9, 2022

Cathy Judd-Stein

Chair

Posted to Website: March 10, 2022 | 9:30 a.m.



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 3, 2021 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-973-854-6173
MEETING ID: 112 175 3845

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

00:00:00: Call to Order

Chair Cathy Judd-Stein called to order public meeting #346 of the Massachusetts Gaming Commission (“Commission”).

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

*Commissioner Cameron
Commissioner O’Brien
Commissioner Zuniga
Chair Judd-Stein*

00:00:55: Approval of Minutes

Commissioner O’Brien moved to approve the minutes from the Commission meeting of March 25, 2021, subject to correction for typographical errors and other nonmaterial matters.

Chair Judd-Stein offered a correction relative to the discussion of a penalty assessed to MGM. The Commissioners discussed this matter and agreed upon amended language. The chair also proposed adjusted language relative to the executive session language.

Commissioner Zuniga seconded the motion with the proposed edits.

Roll Call Vote:

Commissioner Cameron: Aye

Commissioner O'Brien: Aye
Commissioner Zuniga: Aye
Chair Judd-Stein: Aye
The motion passed unanimously.

00:05:00: Administrative Update

Communications Department Presentation

Digital Communications Coordinator Austin Bumpus updated the Commission as to the efforts of the Communications Department during the pandemic. Mr. Bumpus presented a PowerPoint presentation that is included in the Commissioners' Packet

Staff Recognition

Executive Director Wells and each of the Commissioners acknowledged the departure and efforts of acting Director of Communications Sarah Magazine for her work over the past year.

On-site Casino Updates

IEB Director Loretta Lillios and Assistant Director, Gaming Agents Division Chief Bruce Band provided an update regarding activities on-site at the casino properties. Ms. Lillios reminded the Commission that it had been a week since the Commission rescinded certain of its pandemic orders for the gaming establishments though the licensees are still subject to the Governor's orders and public health guidance. Mr. Band reviewed the status of operations relative to the pandemic order for each of the three gaming establishments indicating that things had generally been going very well and the gaming establishments were being completely cooperative during the transition. Commissioner Zuniga inquired into the mask wearing status at the properties. Mr. Band advised that most of the employees had been vaccinated, and thus do not wear a mask. Commissioner O'Brien inquired into the plexiglass status at the respective properties to which Mr. Band reviewed the situation at each property.

00:32:27: MGC Internal COVID Workplace Guidelines Discussion

Director Wells commenced a discussion relative to the Commission's Covid workplace guidelines. She discussed the status for the executive branch employees that had been recently released. She further indicated that the issue had been reviewed by the Commission's internal working group and laid out some options for the Commissioners' comments. She noted that the group recommended that the Commission follow the Governor's guidance, consistent with the manner in which the Commission has operated in the past. However, she also recognized that some individuals may need to work with Human Resources to develop an individualized plan. The group also recommended that HR conduct a survey of employees in an effort to determine certain preferences. Derek Lennon discussed the specific impact of the guidelines on Commission employees who work in the casinos and recommended that those individuals have the same benefits as members of the public entering the gaming establishments.

Commissioner Cameron and Commissioner Zuniga indicated a preference for following the Governor's guidance and following the group's recommendation. Each were interested in the results of the employee survey. The chair suggested that the Commission ensure that its own employees follow the Commission's rules instead of those that apply to members of the public within the gaming establishments. Commissioner O'Brien offered thoughts relative to the guidelines for Commission employees in the gaming establishments as well as the wearing of masks.

There was a consensus among the Commissioners to follow the Governor's guidance and conduct a survey of Commission employees as to their preferences.

00:59:18: Legal

Public Records Law Process Overview and NDA Discussion

Carrie Torrisi, Associate General Counsel, presented a PowerPoint presentation relative to the Public Records Law. A copy of the PowerPoint is included in the Commissioners' Packet. The overview included such issues as the exemptions to the public records law, the use of non-disclosure agreements, the attorney-client privilege, and the process by which the Commission responds to requests for public records.

Commissioner O'Brien inquired about the timing of charging fees and the process for responding to such requests. Ms. Torrisi indicated that the law solely requires that the requestor be sent an estimate within 10 business days and that practically speaking that would result in a modified response date. Commissioner Zuniga noted the significant time that the Gaming Commission has to expend responding to requests for public records given the great interest in the Commission's work. Commissioner Cameron also recalled the many voluminous requests the Commission has received over the years. She then inquired as to the volume of requests of late. Ms. Torrisi indicated that there are ebbs and flows but the request volume is steady. Chair Judd-Stein noted that as a public agency this is important work and offered further thoughts about the process.

01:37:04: Police Reform Bill

Ms. Torrisi indicated that in December of 2020 the Governor signed Chapter 253 of the Acts of 2020 titled *An act relative to justice, equity, and accountability in law enforcement in the Commonwealth*. She noted that the act established the Peace Officer Standards Training Commission, and she described the purpose of the Commission and certain particulars of the new law. She noted that the reason the matter was before the Gaming Commission was that the IEB is designated as a law enforcement agency so one could read the new law to include the IEB. She indicated that in looking at the definition of 'law enforcement agency,' and in considering a number of other factors that suggest that the law is really aimed at police officers, the IEB should not be considered covered under this law. She suggested that the Gaming Commission reach out to the POST Commission relative to this interpretation.

Commissioner O'Brien, who collaborated with Ms. Torrisi in reviewing the new law, agreed with the interpretation advanced by Ms. Torrisi. Commissioner Cameron also agreed that the interpretation was the correct one and that sending a letter to the POST Commission would be

beneficial. Commissioner Zuniga inquired into the existing training for State Police troopers to which Director Wells described the existing programs. Chair Judd-Stein agreed that a letter to the POST Commission would be an appropriate step and explained her rationale. By consensus, the Commission agreed to send said letter.

01:50:30: Investigations and Enforcement Bureau

Plainridge Park Casino Qualifier-Determination of Suitability

Kate Muxie-Hartigan presented the results of the investigation relative to Marla Kaplowitz, a qualifier for Plainridge Park Casino as she is an independent director on the Board of Directors for Penn National Gaming Inc. Penn National Gaming Inc is the parent company of PPC. Ms. Kaplowitz sits on the compensation committee and on the compliance committee to Penn National. It was noted that Ms. Kaplowitz did not currently hold any gaming licenses though she indicated that she had recently applied for numerous gaming licenses in jurisdictions where Penn National does business, all of which remain pending regulatory approval. Ms. Hartigan indicated that it was the IEB’s recommendation that the Commission find that Ms. Kaplowitz demonstrated clear and convincing evidence of her suitability.

Commissioner Cameron moved that the Commission issue a positive determination of suitability to Marla Kaplowitz in her capacity as an independent director to the board of directors to Penn National Gaming, Inc. Commissioner O’Brien seconded the motion.

Roll Call Vote:

- Commissioner Cameron Aye*
 - Commissioner O’Brien Aye*
 - Commissioner Zuniga Aye*
 - Chair Judd-Stein Aye*
- The motion passed unanimously.*

01:57:50: Finance Division

MGC Budget Discussion

Derek Lennon, CFAO, presented the Commission’s proposed fiscal year 2022 budget and assessment projections. He reviewed the budget and made recommendations as described in the memorandum included in the Commissioners’ Packet. Mr. Lennon reviewed major spending increases and decreases of the Gaming Control Fund including those related to the Commission’s payroll, travel, IT, AGO and ABCC related costs, community mitigation fund costs, and research and responsible gaming costs. Mr. Lennon also discussed the gaming agent staffing costs. He also reviewed a number of comments and requests received from the gaming licensees relative to certain costs as well as the assessment on each licensee, and how those figures are calculated including the estimated number of gaming positions provided by the individual licensees.

Commissioner Zuniga noted that this budget restores some of the trends from prior to the pandemic including, for example, some of the research and responsible gaming costs. Commissioner Cameron agreed that the proposal was very thoughtful and made specific mention of the staffing related figures. Commissioner O'Brien offered comments relative to the presentation as well and made specific note of the estimate relative to the gaming position projection. Chair Judd-Stein inquired as to the 10% community mitigation fund administrative costs and asked that the budget include funding for staff to properly program the return to the office efforts.

Mr. Lennon noted that the proposed budget will be released for public comment and then will be brought back to the Commission in 2 weeks for final consideration.

02:22:58: Community Affairs Division

Community Mitigation Fund Workforce Application Updates

Joseph Delaney, Chief of Community Affairs, presented 2 amendments to the recently approved Community Mitigation Fund workforce grants of \$350,000 of each. The Commission previously requested that Mr. Delaney inquire of the recipients whether they would be able to expand their proposed programs to incorporate an additional \$50,000 in spending. Each was able to propose an expansion which Mr. Delaney described. The review team recommended approving these amendments as follows: increase the Holyoke Community College grant from \$350,000 to \$400,000 and increase the MassHire Metro North grant from \$350,000 to \$400,000. Crystal Howard then explained how the additional funds are proposed to be spent. The Commissioners each offered comments about the proposals.

Commissioner Zuniga moved that the Commission approve the award of an additional \$50,000 to Holyoke Community College for the workforce development grant from the Community Mitigation Fund to fund an additional cohort of culinary students as described in the memo in the Commissioners' Packet, and as discussed at the meeting, and that Commission staff be authorized to execute a grant instrument commemorating this award in accordance with 205 CMR 153.04. Commissioner Cameron Seconded the motion.

Roll Call Vote:

Commissioner Cameron Aye

Commissioner O'Brien Aye

Commissioner Zuniga Aye

Chair Judd-Stein Aye

The motion passed unanimously.

Commissioner Zuniga moved that the Commission approve the award of an additional \$50,000 to MassHire Metro North Workforce Board for the workforce development grant from the Community Mitigation Fund to expand the originally approved services provided through the local career advisory network as described in the memo in the Commissioners' Packet, and as

discussed at the meeting, and that Commission staff be authorized to execute a grant instrument commemorating this award in accordance with 205 CMR 153.04. Commissioner O'Brien Seconded the Motion.

Roll Call Vote:

Commissioner Cameron Aye
Commissioner O'Brien Aye
Commissioner Zuniga Aye
Chair Judd-Stein Aye
The motion passed unanimously.

02:33:39: Community Mitigation Fund Application Summary Report

Mr. Delaney then presented a summary of the 2021 Community Mitigation Fund. He noted that the review approach was slightly modified this year including offering outreach sessions for prospective applicants, spreading the review workload over the course of numerous Commission meetings. Mr. Delaney went on to discuss the summary of the work which is all set out in a memorandum in the Commissioners' Packet. He mentioned that of the applications that were not approved, a number were simply due to the lack of a nexus of the cited impact to the operation of a casino. Each of the Commissioners offered observations and comments about the process and thanks to the review team.

Commissioner Zuniga moved to adjourn. Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.
Commissioner O'Brien: Aye.
Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated June 1, 2021
2. Draft Commission Meeting Minutes of March 25, 202
3. Communications PowerPoint Presentation
4. Internal MGC Covid Protocols Memorandum
5. Massachusetts Public Records Law: An Overview PowerPoint Presentation
6. Nondisclosure Agreement Pursuant to 205 CMR 139.02
7. Fiscal Year (FY22) Budget Recommendations Memorandum
8. 2021 Community Mitigation Fund Workforce Development Funding Increase
9. Holyoke Community College Budget narrative for FY22
10. Metro Boston Regional Gaming and Hospitality Consortium Amendment to Application 2021 Community Mitigation Fund- Workforce Development Program Budget Breakdown
11. 2021 Community Mitigation Fund Summary Memorandum



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 14, 2021 – 9:30 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 111 304 5823

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

00:00:00: Call to Order

Chair Cathy Judd-Stein called to order public meeting #347 of the Massachusetts Gaming Commission (“Commission”).

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

*Commissioner Cameron
Commissioner O’Brien
Commissioner Zuniga
Chair Judd-Stein*

Chair Judd-Stein offered prepared remarks regarding a new state holiday known as Juneteenth. The Commission also acknowledged the promotion of two members of the Gaming Enforcement Unit.

00:10:33: Administrative Update

On-site Casino Update

IEB Director Loretta Lillios and Assistant Director, Gaming Agents Division Chief Bruce Band presented the updated. Director Lillios advised that the MGM Springfield hotel had been opened to limited but invited guests. She also provided an update for operations at Encore relative to the

nightclub Memoir. Mr. Band stated that the three properties continued to bring all slot machines back online and continued removing the dividers.

00:13:38 Legislative Affairs

Griffin Jill Griffin, Director of Diversity and Legislative Affairs briefly discussed the responsible gaming framework and sports wagering white papers. Ms. Griffin requested permission to finalize the papers so they can be publicly distributed to stakeholders that include legislative, members gaming policy advisory committee.

Commissioner Zuniga, Commissioner O'Brien, Commissioner Cameron, and Chair Judd-Stein offered several thoughts, comments, and edits relative to each document.

By consensus, the Commission authorized staff to move ahead with the editing and dissemination of the respective documents.

00:34:41 Legal Division

General Counsel Todd Grossman presented a request by Plainridge Park Casino to amend the boundary of the 'gaming establishment.' Mr. Grossman described the present status of the boundary and the history as to how it came into existence, the legal definitions relevant to the decision as included in G.L. c.23K, the 4-part test the Commission established to determine where the boundary should be drawn, and the discretion the Commission is afforded to determine such a boundary. North Grounsell, the general manager of PPC, then presented the proposal to expand the boundary, i.e.- amend the premises, of the gaming establishment to include a new fire pit area adjacent to the racing apron. He asserted that the area met each of the 4 parts of the Commission's test and discussed each of the elements and associated considerations. He further indicated that the Town of Plainville is aware of the plans and that all necessary permits will be obtained. Mr. Grounsell then shared a PowerPoint, which is included in the Commissioners' Packet, to afford the Commission a clear visual as to the proposal.

Commissioner O'Brien inquired as to whether the space may be increased in the future. Mr. Grounsell indicated that he was uncertain at the moment but that depending on the success of the area it was a possibility. Commissioner Cameron inquired about the points of egress which was then discussed. Mr. Grounsell indicated that the space will have surveillance cameras on the area. Members of the IEB indicated that they have been involved in the review and found the adjustments to be workable as a regulatory matter. The chair inquired as to whether this would be a year-round operation to which Mr. Grounsell indicated that it would likely be 7-8 months. The chair also addressed whether the gaming beverage license would cover this expanded apron area.

Commissioner O'Brien moved that the Commission amend the boundary of the gaming establishment of Plainridge Park Casino to include the area appurtenant to the existing racing apron for the reasons discussed at the meeting and as described and outlined in the Commissioners' Packet. Commissioner Cameron Seconded the motion.

Roll Call Vote:

*Commissioner Cameron: Aye.
 Commissioner O'Brien: Aye.
 Commissioner Zuniga: Aye.
 Chair Judd-Stein: Aye.
 The motion passed unanimously.*

01:01:50 Licensing Division

Plainridge Park Casino Gaming Beverage License Renewal

Nakisha Skinner, Chief of the Licensing Division, presented a request for approval of the renewal of PPC's gaming beverage license. She noted that the application was timely submitted to the Commission and deemed administratively complete. The application was included in the Commissioners' Packet. The renewal request includes the umbrella gaming beverage license for the gaming licensee as well as for the 10 individually licensed areas which were all reviewed by Ms. Skinner. There was discussion by the Commissioners and IEB as to the effect of the expansion and timing of the issuance of the license to include the new area adjacent to the racing apron that was previously discussed by the Commission. Ms. Skinner advised that there will not be any jointly responsible parties involved in the operation of any of the licensed areas, nor is there any bottle service offered. Andrew Steffen, senior supervising gaming agent at PPC, and Director Lillios reviewed the history of the gaming beverage license at PPC, compliance related matters, as well as the review conducted relative to this renewal request. There was discussion relative to the capacity of the new outdoor area to which Mr. Grounsell indicated that the existing capacity load (963) need not be adjusted. Ms. Skinner and the IEB recommended approval of the application.

Commissioner Cameron moved that the Commission renew the gaming beverage license issued to Plainridge Park Casino effective immediately upon the expiration of the existing license, subject to the revised drawing of the racing apron mentioned earlier in the meeting relative to item 4a, including all licensed areas described and depicted in the application contained in the Commissioners' Packet and reviewed at the meeting, and incorporating all terms and conditions described in G.L. c. 23K, 205 CMR, and included in the submitted applications, for a term of three years ending on June 24, 2024, in accordance with 205 CMR 136.06(1). Commissioner Zuniga seconded the motion.

Roll Call Vote:

*Commissioner Cameron: Aye.
 Commissioner O'Brien: Aye.
 Commissioner Zuniga: Aye.
 Chair Judd-Stein: Aye.
 The motion passed unanimously*

01:23:01: Racing Division

Plainridge Park Racecourse Request for Approval of Racing Official

Dr. Alex Lightbown, Director of Racing, came before the Commission to seek approval for new racing officials. The officials included: Joseph Pastella (photo finish and timing), Ed Angel (track superintendent), and Wayne Dunphe (back-up presiding judge). Dr. Lightbown reviewed Mr. Dunphe's background for the Commission to include: two years as a presiding judge and four years as an associate judge, a USTA presiding judge license (though he does not hold a racing accreditation program certification. Due to the pandemic, she explained, the certification program was not offered so there is a shortage of judges. Given Mr. Dunphe's experience, though, Dr. Lightbown recommended his approval as a back-up).

Commissioner Cameron offered thoughts about the certification suggesting that Mr. Dunphe take the course if he intended to continue serving in this capacity. Chair Judd-Stein inquired further about the program.

Commissioner Cameron moved that the Commission approve the following racing officials at Plainridge Park Casino in accordance with 205 CMR 3.18: Walter Sullivan, Jr. as the Assistant Racing Services Manager, Joseph Pastella as the Racing Supervisor including Photo Finish and Timing, Ed Angel as the Track Superintendent, and Wayne Dunphe as the backup presiding judge. Commissioner O'Brien seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously

01:20:13: Finance Division

MGC Budget Discussion

Derek Lennon, CFAO, presented highlights of the fiscal year 2022 budget and a brief overview of the memorandum that is included in the Commissioners' Packet. The materials were originally presented at the June 3 public meeting. He made specific mention of the statutory assessment timing issue and formula relative to the calculation of gaming positions. He noted that on July 1 the projected numbers could be adjusted to reflect actual figures. He also noted that billings would resume to the pre-pandemic timing schedule, and that no public comments were received relative to the proposal.

Commissioner Zuniga inquired as to the manner in which the overall assessment may be adjusted if the number of gaming positions is changed. Mr. Lennon advised that the information will be reviewed by the Commission mid-year at which point the gaming position figures as of January 1 will be reviewed, and then the second half of the year will be reassessed based on those revised counts. There was further discussion relative to the timing of the billings.

Commissioner Zuniga moved that the Commission approve the fiscal year 2022 budget and associated assessments as outlined in the Commissioners' Packet and discussed at the meeting provided that no public comments against the budget are received by June 15 at 3 p.m. which is the posted closing time for submission of comments. Commissioner O'Brien seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously

01:40:09: Commissioner Update

Commissioner Zuniga advised that he attended a virtual conference at which Mark Vander Linden was on a panel along with other notable individuals in the responsible gaming world. There was a great deal of discussion surrounding sports betting and online gaming in the United States, Europe, and other jurisdictions.

Commissioner O'Brien moved to adjourn. Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated June 10, 2021
2. Plainridge Park Casino Amendment to the Premises Gaming Establishment PowerPoint
3. Petition to Amend the Premises of the Gaming Establishment for Plainridge Park Casino
4. Plainridge Park Casino Gaming Beverage License Renewal Applications
5. Plainridge Racing Officials Memorandum
6. Fiscal Year 2022(FY22) Budget Recommendations Memorandum

TO: Cathy Judd-Stein, Chair
Gayle Cameron, Commissioner
Bradford Hill, Commissioner
Eileen O'Brien, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director
Todd Grossman, General Counsel

DATE: March 14, 2022

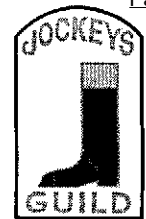
RE: Payment to the Jockeys' Guild from pari-mutuel
taxes for 2021

M.G.L. Chapter 128A Section 5 (h) (4) details how part of the pari-mutuel taxes paid to the Massachusetts Gaming Commission are to be used: "To pay: ...\$65,000 annually to an organization, as determined by the commission, that represent the majority of jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and other welfare benefits to active, disabled or retired jockeys..."

For years, the organization that has represented these jockeys has been the Jockeys' Guild. Suffolk Downs did not conduct any live racing after 2019. They continue to simulcast, so there is still enough revenue to pay the \$65,000.

At the February 25, 2021 Commission meeting, the Massachusetts Gaming Commission reviewed the statute, considering there was no more live racing at Suffolk Downs. The Commissioners then voted unanimously to approve the Jockeys' Guild as the organization who represented the majority of the jockeys licensed by the Massachusetts Gaming Commission and who regularly rode in the commonwealth. The Commission requested that the Jockeys' Guild and I review the qualifications for jockeys to receive the benefits. The new qualifications were presented at the April 8, 2021 meeting and I stated I had no objections to them. The Commissioners also had no objections to the new qualifications. The \$65,000 was paid to the order of the Jockeys' Guild, who then dispersed it to the jockeys who qualified. Mindy Coleman, Attorney for the Jockeys' Guild, and I have reviewed the 2021 qualifications, and see no reason to change them at this time.

Recommendation: That the Commission approves the Jockeys' Guild as the organization that represent the majority of jockeys for the purposes of M.G.L. Chapter 128A Section 5 (h) (4).



March 8, 2022

Dr. Alexandra Lightbown
 Massachusetts Gaming Commission
 101 Federal Street 12th Floor
 Boston, MA 02110
Sent via email alexandra.lightbown@state.ma.us

RE: Request of Funds under MLGA 128A §5(h)(4)

Dear Dr. Lightbown,

On behalf of the Jockeys' Guild, the organization which represents professional jockeys in American Thoroughbred and Quarter Horse racing and has approximately 1,050 active, retired, and permanently disabled members, we are respectfully requesting to be included on the agenda for the Commission meeting scheduled for March 14, 2022. The purpose of the request is to request the Commission's consideration for distribution of the funds under MLGA 128A §5(h)(4) which authorizes for \$65,000 annually to be paid to the "organization, as determined by the commission that represents the majority of the jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and welfare benefits to active, disabled or retired jockeys."

In April of 2021, the members of the Commission elected to continue to recognize the Guild as the "organization who represents the majority of the jockeys" for purposes of receiving and distributing the funds under MLGA 128A §5(h)(4).

It was also during this time that the Guild provided proposed qualifications for retired and permanently disabled jockeys who were regular jockeys within the Commonwealth of Massachusetts. We would respectfully request that the previous submitted qualifications, as attached herein, still be applicable. As racing has yet to resume in Massachusetts, nor is scheduled for 2022, we have still been unable to determine a qualification for active jockeys.

Based on the previously approved qualifications, there would be approximately 17 jockeys who would be eligible to receive the benefit, including 13 retired and 4 permanently disabled jockeys. As has been done in the past, the distribution amount would be based on pro rata share of the \$65,000 to the qualifying individuals. It is the intention of the Guild that these monies be used to reimburse jockeys for their medical expenses. This can include any out of pocket expenses for health care premiums, deductibles, medical expenses and/or prescription expenses, dental expenses and/or temporary disability insurance policy premiums.

The Guild sincerely appreciates the Commission's previous approval and continued consideration regarding the distribution of funds for the benefit of the qualifying jockeys. If there are any questions or concerns that need to be addressed prior to the Commission meeting, please feel free to contact me in the office at (859) 523-5625 or via email at mcoleman@jockeysguild.com.

Sincerely,

Mindy L. Coleman
 Counsel

**MASSACHUSETTS JOCKEYS HEALTH AND WELFARE DISTRIBUTION
ELIGIBILITY QUALIFICATIONS
Effective April 1, 2021**

RETIRED MEMBER QUALIFICATIONS

The JOCKEY is eligible if the following qualifications are met:

1. Must have been a member of the Jockeys' Guild, AND
2. Retired from racing on or after January 1, 2008, AND
3. Must have ridden in the State of Massachusetts since January 1, 2008, AND
4. Must have ridden at least two thousand five hundred (2,500) career mounts in legal pari-mutuel races conducted by the State of Massachusetts OR ten (10) years as a licensed Massachusetts jockey.
5. For the purposes of this section, an individual, who meets the aforementioned qualifications, shall be considered to be retired from racing if the individual has ridden in fewer than fifty (50) races, in the previous calendar year, at any track in the United States licensed to conduct pari-mutuel wagering.

PERMANENTLY DISABLED QUALIFICATIONS

A QUALIFYING JOCKEY is eligible if the following qualifications are met:

1. Must have been a member of the Jockeys' Guild at the time of the injury, AND
2. Must not hold a license as a jockey in any racing jurisdiction, AND
3. Must have suffered a career-ending injury at a Massachusetts racetrack recognized by the Massachusetts Gaming Commission OR must achieve the retired member qualifications if injured at a track outside of Massachusetts, AND
4. Must be permanently disabled under the Social Security Act and must qualify for Medicare benefits under Part A, B, and D.

It is the intention of the Guild that these monies be used to reimburse jockeys for their medical expenses. This can include any out of pocket expenses for health care premiums, deductibles, medical expenses and/or prescription expenses, dental expenses and/or temporary disability insurance policy premiums.

The above qualifications are effective as of 2021 and will remain effect until further notice when live racing returns to Massachusetts. Jockeys' Guild reserves the right to make modifications to the qualifications once live racing resumes in Massachusetts.

Funding for this benefit is only available upon receipt of the monies from the Massachusetts Gaming Commission.



*Responsible Gaming Considerations for
Gambling Advertising*

March 14, 2022

MASSACHUSETTS GAMING COMMISSION

Mark Vander Linden, Director of Research and Responsible Gaming

Long Banh, Responsible Gaming Manager

Marie-Claire Flores-Pajot, Research Manager

An overview of gambling advertising practices and considerations based on principles of the Massachusetts Responsible Gaming Framework

This is intended to provide information to commissioners that will help inform decisions on policies and regulations related to gambling advertising in Massachusetts.

Introduction

Advertising to sell a product or service is nothing new. However, in recent years advertising practices have become especially pervasive. It's no longer television commercials, billboards and newspaper ads. Advertising today utilizes user specific data collected through social media and other means to push highly targeted ads through our smart phones and other screens. Like other businesses, the gambling industry uses this information to recruit and retain customers. The recent legalization and expansion of sports wagering has brought this issue into focus because the stiff competition for customers has resulted in increased advertising. On the surface, it appears this is the free market at play, but gambling is not a risk-free activity. Commissioners may wish to consider additional measures to limit and/or contain gambling advertising in Massachusetts by gaming licensees and their parent companies in order to minimize harm, particularly to youth and other vulnerable populations.

This white paper is organized into the following sections;

- 1) Current Massachusetts statute, regulations, and frameworks related to advertising and marketing;
- 2) An overview of some relevant research findings;
- 3) A review of select regulations in the US;
- 4) Considerations for additional strategies and measures regarding gambling advertising.

1. Current Massachusetts statute, regulations, and frameworks related to advertising and marketing

In drafting the expanded gaming laws contained in Chapter 194 of the Acts of 2011, and G.L. c. 23K ("the Gaming Act"), the Massachusetts Legislature and Governor Patrick laid out a vision for casino gaming that would create the greatest possible economic benefit to the Commonwealth balanced with the need to establish a comprehensive plan to mitigate gambling-related harm.

To fulfill the mandate of the expanded gaming law, the Massachusetts Gaming Commission (MGC) included as part of its mission a commitment to "*reduce to the maximum extent possible the potentially negative or unintended consequences of expanded gaming.*" To effectuate the

mission, the MGC adopted a number of regulations and other measures with the goal of mitigating gambling harm to the maximum extent possible. As it relates to marketing, 205 CMR 150.3 states “No gaming licensee shall authorize or conduct marketing, advertising, and/or promotional communications or activity relative to gaming that specifically targets persons younger than 21 years old” and 205 CMR 133.06(3) prohibits gaming licensees from marketing to individuals on the Voluntary Self-exclusion list.

Pursuant to G.L. c. 23K, § 9(a)(8) requires the licensee to: “prominently display[] information on the signs of problem gambling and how to access assistance” and to describe “a process for individuals to exclude their names and contact information from a gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications” Further, section 21(a)(17) requires licensees to “keep conspicuously posted in the gaming area a notice containing the name and telephone number for problem gambling assistance.”

In addition, in 2014 (and revised in 2018) the MGC adopted a [Responsible Gaming Framework](#) (RGF) intended to inform gambling regulation and provide an overall orientation to responsible gaming practice and policy adopted by the MGC and gaming licensees. The RGF is based on the commitment by the MGC and its gaming licensees to the guiding value of ethical and responsible behavior. Within this commitment is an expectation that legalized gambling in the Commonwealth will be conducted in a manner to minimize harm. While the RGF provides a comprehensive approach to responsible gaming, Strategy 4 of the RGF addresses gambling marketing. Specifically, the RGF states that:

Gaming licensees should develop and implement strategies to ensure advertising and promotions are delivered in a responsible manner. This includes advertising that is sensitive to concerns about youth exposure to gambling promotion, including casino marketing on non-age-restricted social casino apps or online free-play sites. An important aspect of responsible marketing is including messaging related to promoting positive play and advertising problem gambling help resources.

The primary objectives of this strategy are to: 1) prevent underage gambling, 2) direct persons experiencing gambling-related harm to available resources, and 3) discourage people from playing beyond their means.

The American Gaming Association (AGA) has a [Responsible Gaming Code of Conduct](#) that was updated in 2018. The code applies to AGA member companies' advertising and marketing of casino gambling, including sports betting with a specific message to members to “advertise responsibly”. The objectives of the advertising and marketing section of the code is in line with the Massachusetts RGF. In 2020 the AGA released a [Responsible Code for Sports Wagering](#). This version of the code provides additional details about location and placement of sports wagering advertising and messages, including controlling digital media and websites as well as a mechanism to monitor compliance.

2. An overview of relevant research findings

What is the effect of advertising on gambling behavior? Research on the effects gambling advertising has on gambling behavior is sparse, as opposed to comparable areas with more robust data, such as alcohol and tobacco (1, 2). Researchers have been challenged with determining the specific impact of gambling advertising on gambling-related harms, as advertising is only one of several environmental factors that may influence gambling behavior (3). Nonetheless, existing evidence suggests that exposure to gambling advertising is associated with more positive gambling related-attitudes, greater gambling intentions, and increases in gambling and problem gambling behavior (1). These patterns are consistent with those found in the fields of alcohol and tobacco, and electronic cigarettes (4-8).

While gambling in moderation may be thought of as not inherently harmful, it is an activity with a propensity for risks at higher frequency or amounts, and thus warrants regulation at the individual and the environmental level (9). Prior investigations on reducing harms associated with alcohol and tobacco use have found that restrictions on advertising, along with availability and pricing, is one of the most cost-effective measures (10) and might also be effective for gambling.

Gambling advertising should accurately represent gambling as an activity associated with risks, and not be overly enticing or glamorized so that people can make a fully informed decision. However, existing research indicates that gambling advertising usually presents gambling as a harmless, normal, and fun behavior (11-14). A recently released study in Massachusetts looking at the impact of MGM Springfield found that the casino uses advertising and marketing strategies to offer hope combined with leisure and entertainment opportunities—offerings that could help release stress to some residents that are looking for an escape to cope with stress (15).

The overly positive framing of gambling in advertisements can reach and impact unintended vulnerable populations. For example, a German research study with young people (13–25-year-old) found a positive correlation between exposure to gambling advertising and gambling frequency, noting that part of the central message being extracted by young people from the advertisements is that gambling leads to winning money and having fun (11).

Evidence has found that an early age of initiation is strongly associated with the development of problem gambling later in life and with greater severity of problem gambling (16, 17). Even though Massachusetts prohibits people under the age of 21 from gambling, underage people still find ways to gamble (18) and exposure to advertising may increase this risk (19).

People experiencing gambling problems have also been identified as a population particularly vulnerable to gambling advertisements and promotions. Research has found that people with gambling problems were significantly more likely than non-problem gamblers to be influenced

by gambling promotions and incentives (20), and that advertising was a catalyst for people with gambling problems' relapse (1, 13, 14).

Similarly, a recently released prospective study of gambling and problem gambling in Massachusetts found a significant increase in problem gambling relapse in 2018. That period saw an increased number of news stories related to the planned opening of one of the Massachusetts casinos. The increased publicity and media attention concerning gambling aligned with the elevated rates of problem gambling, indicating that the problem gambling relapses in Massachusetts was not likely due to the physical availability to gamble, but rather due to the increased publicity and media attention in advance of the opening of the casino (21).

The same study identified demographic groups at higher risk of experiencing gambling-related problems in Massachusetts, specifically males and lower income households (the latter is composed of mostly African Americans and Hispanics). One of the key recommendations in response to the study findings was to limit gambling advertising and availability, especially in lower socioeconomic neighborhoods, or to groups that may be at increased risk of experiencing gambling harms. (21).

Asian communities have also been identified as a population at greater risk of experiencing problems related to gambling (22, 23). As such, gambling advertising targeting Asian communities also deserves scrutiny. A recent study investigated the causes of problem gambling in the Asian Community in Boston's Chinatown and surrounding communities. This study found that people in the Asian community felt targeted by casinos to entice them into gambling through seductive marketing and advertising (24).

Gambling advertising can potentially reach many population groups, including young people and other vulnerable groups. There is a need to balance this overwhelmingly positive representation of gambling with more accurate information on the low probability of winning and the risk of harm associated with gambling (14). Research has shown that gambling advertising has a potential impact on gambling behavior, independent of physical gambling location. Careful consideration is needed in terms of the content, and distribution of gambling advertising.

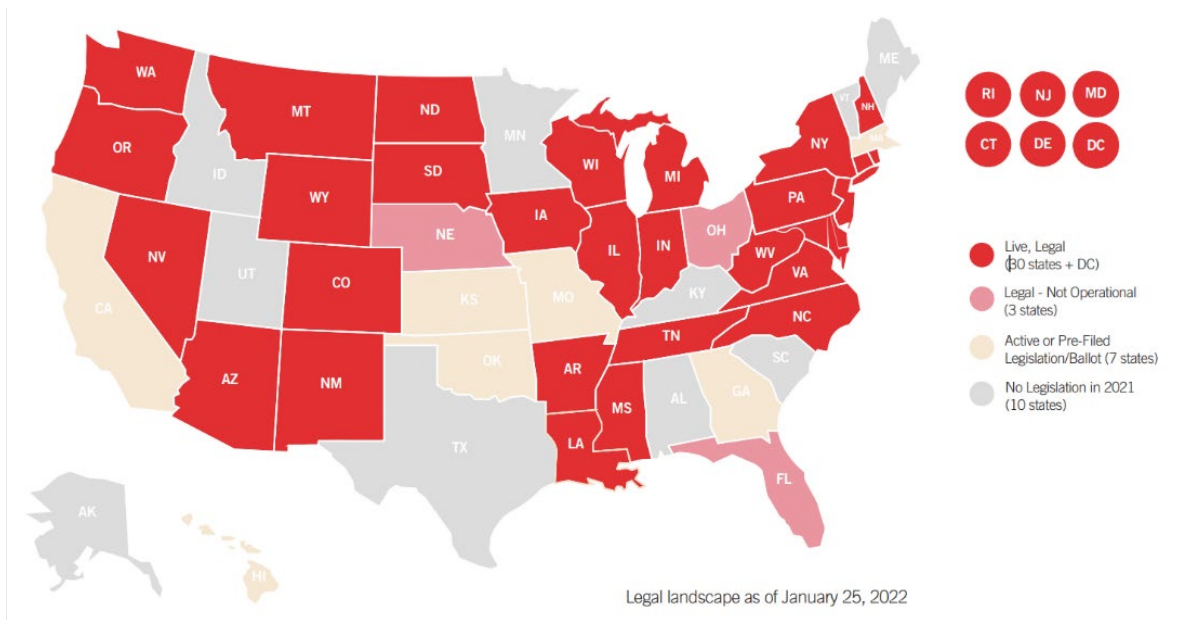
Based on existing evidence in this area, future direction of the MGC Research Agenda should include:

- Measuring the impact of gambling advertising on the Massachusetts population, with specific attention to persons under the legal gambling age and vulnerable groups.
- Conducting research to monitor the impact of the changes in gambling advertising regulation, gambling behavior and gambling harms.
- Exploring the reach and impact of newer modes of gambling advertising, such as via the internet and social networks.

3. A review of select regulations in the US and other jurisdictions

As of January 2022, in the United States, all the states but two, Utah and Hawaii, have legalized gambling. Of the 48 states that have legalized gambling, 33 states and the District of Columbia have legalized sports betting. Only three states out of the 33 that legalized sports betting, Florida, Ohio, and Nebraska have not operationalized sports betting (Fig. 1).

Figure 1. American Gaming Association’s map of Legal Sports Betting in the US (25)



In 2021, when *The Marketing Moment: Sports, Wagering, and Advertising in the United States* was published, there were only 13 states and District of Columbia that have legalized sports betting. This paper is specific to the general advertising regulations on gambling, however, with 20 states legalizing sports wagering within one year of publication and the limited body of research on gambling advertising, the paper reviews regulations pertaining to sports wagering (26).

Shatley, Ghararian, Benhard, Feldman, and Harris found that regulations for sport wagering advertising in the United States can be divided into three main categories: responsible gaming messaging, target audience, and content.

The first category of regulations in the United States, responsible gambling messaging, all 14 states require a toll-free problem gambling helpline be featured on all marketing materials (Table 1).

In the second category, target audience, all 14 states have regulations prohibiting marketing that targets individuals on self-exclusion lists and those below the legal age to gamble.

However, District of Columbia extends advertising prohibitions to those who *“are considered moderate and high-risk groups for gambling addiction.”*

The final category, content, of the 14 states that legalized state-regulated sports betting, only eight states include advertising requirements prohibiting operators from engaging in false or misleading advertising and adhere to standards of good taste and decency.

However, there are some jurisdictions that extended requirements beyond the three main categories such as regulating the placement or frequency of sports wagering advertising and an approval process for sports wagering advertising.

There are two jurisdictions that extended requirements to include regulation around the placement or frequency of sports wagering advertising. District of Columbia prohibits the placement of advertising within *“two (2) blocks of any of the designated Class A Sports Wagering Facilities.”* Tennessee regulations stipulate *“advertisements shall not be placed with such intensity and frequency that they represent saturation of that medium or become excessive.”*

Finally, the two states that require advertising to be submitted to the regulatory agency in advance for approval prior to publication or dissemination are Tennessee and West Virginia.

Table 1. States/Jurisdiction’s specific gaming advertising regulations (26)

Regulation Category	States/Jurisdictions	Regulation
Responsible Gambling Messaging	NV, NJ, WV, PA, RI, IA, OR, IN, NH, IL, MI, CO, DC, TN, NY, OH, CT, LA, FL, MA*	Toll-free problem gambling hotline featured on marketing materials across variety of media
Target Audience	NV, NJ, WV, PA, RI, IA, OR, IN, NH, IL, MI, CO, DC, TN, WY, NC, CT, MA	Prohibits marketing that targets individuals on self-exclusion lists and those below the legal age to gamble
	DC	Prohibits marketing to “those considered moderate and high-risk groups for gambling addiction”
Content	CO, DC, IA, NV, NJ, PA, IL, TN, WY, MS, OH, CT, AR	Prohibits operators from engaging in false or misleading advertising and require to adherence to standards of good taste and decency
	DC, CT	Advertising content must not <i>“encourage players to chase their losses or re-invest their winnings”</i> or <i>“suggest that betting is a means of solving financial problems”</i> ; mandates advertising provide “balance message with regard to winning and losing”

	TN, CT	Requires advertising to avoid claims that gambling will <i>“guarantee an individual’s social, financial, or personal success”</i>
Placement	DC	Prohibits advertising within <i>“two (2) blocks of any of the designated Class A Sports Wagering Facilities”</i>
	TN	Prohibits advertising on any medium that is <i>“exclusively devoted to responsible gaming”</i>
Frequency	TN	<i>“Advertisements shall not be placed with such intensity and frequency that they represent saturation of that medium or become excessive”</i>
Approval Process	TN, WV, DE	Requires advertising be submitted to the regulatory agency in advance for approval prior to publication or dissemination

*Massachusetts statute: 2011 Massachusetts Acts 194, Section 9(a)(8) and Section 21(a)(17).

Because regulations on gambling advertising tend to be general and brief, this paper will also draw on insights and experiences from the alcohol industry self-regulations on advertising (Table 2).

Table 2. The Alcohol Industry’s Self-Regulatory Codes and practices in the US, from the 2014 Federal Trade Commission (27):

	Practices
Online and Other Digital Marketing	<p>“Age-Gated”: consumer must enter date of birth showing legal age status or certify being 21+ before entry into site is permitted</p> <ul style="list-style-type: none"> • Company websites are age-gated • Facebook age-gated; limiting alcohol company page viewing and “likes” to persons registered as 21+ and delivering alcohol ads only to persons registered • Twitter age-gating tool: customized pop-up age gate • Not all companies are taking advantage of age-gating technologies offered by YouTube
	<p>Consumers are generally advised:</p> <ul style="list-style-type: none"> • Online registration opportunities • How information will be used • Consumers opt-in to receive further communications • Have ability to readily opt-out when they want to stop receiving marketing information <p>Company websites include privacy policies that are lengthy and difficult to understand</p>
	<p>Use of cookies and tracking tools on brand websites appears limited to permit re-entry of consumers who previously provided date of</p>

	birth or determine optimal site content and facilitate browsing within a site
External Review of Complaints	A procedure for external review of complaints regarding alcohol advertising

Finally, this paper will draw on advertising regulations from the Massachusetts’ Cannabis Control Commission, which regulates medical use and adult recreational use of marijuana (Table 3).

Table 3: Massachusetts Cannabis Control Commission’s Prohibited Practices Regulations (28, 29):

Regulations	Medical Use of Marijuana (935 CMR 501)	Adult Use of Marijuana (935 CMR 500)
Prohibits advertising in such a manner that is deemed to be is deceptive, misleading, false or fraudulent, or that tends to deceive or create a misleading impression, whether directly or by omission or ambiguity	✓	✓
Prohibit use of unsolicited pop-up advertisements on the internet or text message; unless advertisement is a mobile device application installed on the device by the owner of the device who is a Qualifying Patient or Caregiver or 21 years of age or older and includes a permanent and easy opt-out feature	✓	
Prohibit operation of any website of a Marijuana Establishment that fails to verify that the entrant is 21 years of age or older		✓
Prohibit advertising by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor Advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older or comprised of individuals with debilitating conditions, as determined by reliable and current audience composition data	✓	✓

4. Considerations for additional strategies and measures regarding gambling advertising

Existing MGC regulations provide protection for persons under the age of 21, and participants in the voluntary self-exclusion program. Though it doesn’t have the force of regulation, the *MGC Responsible Gaming Framework* and the *AGA Responsible Gaming Code of Conduct* add additional guidance to operators for target audiences and content. Based on evidence that supports the need for additional measures and the evolving advertising landscape discussed in this paper, we recommend the MGC consider the following additional measures where feasible

and consistent with statute. Certainly, the particulars of these recommendations would, if pursued, require refinement.

1) Strengthen MGC regulations by adding the following requirements:

- Restrict advertising and marketing campaigns which disproportionately target groups identified by empirical evidence to be considered at high-risk of experiencing gambling-related harm;
- Require a portion of the licensee's total marketing and advertising budget be exclusively dedicated to RG messaging;
- Require that MGC approved GameSense, Safer Gambling Education, and/or problem gambling helpline messaging be incorporated into all casino advertising and marketing materials;
- Prohibit advertising placed with such intensity and frequency that it saturates that communication medium, or in some cases, location;
- Ensure that any advertising restrictions include messages placed in digital media, including third-party internet and mobile sites, commercial marketing emails or text messages, social media sites and downloadable content;
- Prohibit advertising that is false, misleading or encourages risky gambling behavior, such as advertising which:
 - Encourages players to chase their loss or re-invest their winning;
 - Suggests that gambling is a means of solving financial problems or way to pay bills; or
 - Guarantees winning or social, financial, or personal success.
- Strengthen protections for persons under the legal gambling age such as:
 - Should not advertise by means of television, radio, internet, mobile applications, social media, or other electronic communications, billboard or other outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data;
 - Should not feature anyone who is, or appears to be, under the age of 21;
 - Should not contain images or likeness, symbols, or language designed to appeal specifically to those under the age of 21;
 - Should not be placed before any audience where the majority of the viewers or participants is presumed to be under the age of 21, including college sports venues and social media;
 - Should not use unsolicited pop-up advertisements on the internet or text message; unless the advertisement is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature;
 - Should verify that entrant on website is 21 years of age or older.

2) Establish a compliance process

Following a model developed by the American Gaming Association, we recommend the MGC establish a complaint process for suspected violations of MGC advertising regulation.

The [MGC's Fair Deal](#) tip line could include a mechanism to file a complaint about licensee's advertising and marketing practices which potentially violate MGC regulations.

We further recommend that the MGC establish an Advertising Review Advisory Committee (ARAC) to review marketing and advertising complaints that are submitted to Fair Deal. The ARAC should include representation from the MGC, as well as external expertise, if appropriate.

The complaint review process should offer the licensee an opportunity to respond to the complaint, including the licensee's assessment of the claim's merit and any action taken in response.

If the ARAC determines there is sufficient evidence the licensee violated the MGC regulation, the matter should be elevated to an MGC adjudicatory hearing.

3) Require awareness and capacity building training

We recommend mandatory training for casino hosts and key positions identified with involvement in advertising or marketing. The training would consist of a review of up-to-date relevant regulations and policies.

To promote safe and healthy gaming messages, ensure advertising materials are culturally appropriate, and mitigate harm to communities at moderate and high risk of problem gambling, following the Massachusetts' Culturally and Linguistically Appropriate Services (CLAS) Initiatives, we recommend that diversity training is required for, but not limited to ARAC members, licensee managers, and positions identified by MGC. All trainings will be approved by the Commission for the purpose of ensuring diversity and inclusion including, but not limited to race, gender, age, sexual orientation, education, ethnicity, income, and socio-economic status.

4) Update the MGC Responsible Gaming Framework

To keep up with the evolving landscape, we suggest updating the *MGC Responsible Gaming Framework*, to strengthen the content and recommendations, especially regarding gambling advertising. The updated RGF would provide more accurate and timely recommendations for gaming practices and policies to the MGC and gaming licensees.

5) Conduct research to inform regulations, training, and problem gambling programs

Finally, because there is ambiguity on the impact gambling advertising has on Massachusetts residents, we recommend the MGC add to the research agenda studies which investigate:

- The impact of gambling advertising on the Massachusetts population, with specific attention to vulnerable groups

- The impact of the changes in gambling advertising regulation, on gambling behavior and gambling harms
- The reach and impact of newer modes of gambling advertising, such as via the internet and social networks.
- The correlation between gambling advertising and increased gambling-related harms among Massachusetts residents and specifically high-risk populations.

References

1. Bouguettaya, A., Lynott, D., Carter, A., Zerhouni, O., Meyer, S., Ladegaard, I., ... & O'Brien, K. S. (2020). The relationship between gambling advertising and gambling attitudes, intentions and behaviours: a critical and meta-analytic review. *Current Opinion in Behavioral Sciences*, 31, 89-101.
2. Williams, R. J., West, B. L., & Simpson, R. I. (2012). Prevention of problem gambling: A comprehensive review of the evidence and identified best practices.
3. Binde, P. (2014). Gambling advertising: A critical research review.
4. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies. *Alcohol and alcoholism*, 44(3), 229-243.
5. Smith, L. A., & Foxcroft, D. R. (2009). The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. *BMC public health*, 9(1), 1-11.
6. Lovato, C., Watts, A., & Stead, L. F. (2011). Impact of tobacco advertising and promotion on increasing adolescent smoking behaviours. *Cochrane database of systematic reviews*, (10).
7. Hansen, J., Hanewinkel, R., & Morgenstern, M. (2020). Electronic cigarette advertising and teen smoking initiation. *Addictive behaviors*, 103, 106243.
8. Lee, H. S., Lemanski, J. L., & Jun, J. W. (2008). Role of gambling media exposure in influencing trajectories among college students. *Journal of Gambling Studies*, 24(1), 25-37.
9. Blaszczynski, A., Ladouceur, R., & Shaffer, H. J. (2004). A science-based framework for responsible gambling: The Reno model. *Journal of Gambling studies*, 20(3), 301-317.
10. Lancet, T. (2017). Problem gambling is a public health concern. *Lancet (London, England)*, 390(10098), 913.
11. Clemens, F., Hanewinkel, R., & Morgenstern, M. (2017). Exposure to gambling advertisements and gambling behavior in young people. *Journal of Gambling Studies*, 33(1), 1-13.
12. Monaghan, S., Derevensky, J., & Sklar, A. (2008). Impact of gambling advertisements and marketing on children and adolescents: Policy recommendations to minimise harm. *Journal of gambling issues*, (22), 252-274.
13. Planzer, S., & Wardle, H. (2011). The comparative effectiveness of regulatory approaches and the impact of advertising on propensity for problem gambling. *Responsible Gambling Fund*.
14. Parke, A., Harris, A., Parke, J., Rigbye, J., & Blaszczynski, A. (2014). Responsible marketing and advertising in gambling: A critical review. *The journal of gambling business and economics*, 8(3), 21-35.

15. Vega, R. R., Royo, A., Mahania, K., Rivera, Z., & Velez, J. (under review). *MGM Impact on Springfield: Community Based Participatory Research*. Boston, MA: Massachusetts Gaming Commission.
16. Burge, A. N., Pietrzak, R. H., Molina, C. A., & Petry, N. M. (2004). Age of gambling initiation and severity of gambling and health problems among older adult problem gamblers. *Psychiatric services*, 55(12), 1437-1439.
17. Jiménez-Murcia, S., Alvarez-Moya, E. M., Stinchfield, R., Fernández-Aranda, F., Granero, R., Aymamí, N., ... & Menchón, J. M. (2010). Age of onset in pathological gambling: clinical, therapeutic and personality correlates. *Journal of Gambling Studies*, 26(2), 235-248.
18. "Massachusetts Gaming Commission Issues \$100,000 Fine to MGM Springfield." *Massachusetts Gaming Commission*, 23 May 2019, <https://massgaming.com/blog-post/massachusetts-gaming-commission-issues-100000-fine-to-mgm-springfield/>.
19. Freund, M., Noble, N., Hill, D., White, V., Evans, T., Oldmeadow, C., ... & Sanson-Fisher, R. (2022). The Prevalence and Correlates of Gambling in Australian Secondary School Students. *Journal of Gambling Studies*, 1-22.
20. Gainsbury, S. M., Russell, A., Wood, R., Hing, N., & Blaszczynski, A. (2015). How risky is Internet gambling? A comparison of subgroups of Internet gamblers based on problem gambling status. *New media & society*, 17(6), 861-879.
21. MAGIC Research Team (2021). *MAGIC: A Six Year Longitudinal Study of Gambling and Problem Gambling in Massachusetts*. Amherst, MA: School of Public Health and Health Sciences, *UMass Amherst*. April 16, 2021
22. Fong, T. W., & Tsuang, J. (2007). Asian-Americans, addictions, and barriers to treatment. *Psychiatry (Edgmont)*, 4(11), 51.
23. Kong, G., Tsai, J., Pilver, C. E., Tan, H. S., Hoff, R. A., Cavallo, D. A., ... & Potenza, M. N. (2013). Differences in gambling problem severity and gambling and health/functioning characteristics among Asian-American and Caucasian high-school students. *Psychiatry research*, 210(3), 1071-1078.
24. Rubin, H. L., Colby M., Yau, Y., Hires, B. (2021). *Unpacking the Root Causes of Problem Gambling in the Asian Community*. Boston, MA: *Massachusetts Gaming Commission*.
25. American Gaming Association 2022, *Interactive Map: Sports Betting in the U.S.*, viewed February 15 2022, < <https://www.americangaming.org/research/state-gaming-map/>>
26. Shatley, J., Ghaharian, K., Bernhard, B., Feldman, A., Harris, B. (2021). *The Marketing Moment: Sports, Wagering, and Advertising in the United States* International Gaming Institute, UNLV
27. Ramirez, E., Brill, J., Ohlhausen, M.K., Wright, J.D. (2014). *Self-Regulation in the Alcohol Industry: Report of the Federal Trade Commission*. Federal Trade Commission, viewed February 15, 2022 <<https://www.ftc.gov/system/files/documents/reports/self-regulation-alcohol-industry-report-federal-trade-commission/140320alcoholreport.pdf>>
28. 935 CMR 500.105(4)b, viewed March 1, 2022 <<https://mass.gov/doc/935-cmr-500-adult-use-of-marijuana/download>>
29. 935 CMR 501.105(4)b, viewed March 1, 2022 <<https://mass.gov/doc/935-cmr-501-medical-use-of-marijuana/download>>

DRAFT

The conditions attached to the Category 1 gaming license awarded to Wynn MA, LLC as prescribed in the November 7, 2014 decision issued by the Commission are hereby amended to add the following conditions that relate to the proposed development east of Broadway in Everett, MA across from Encore Boston Harbor (hereinafter, “the project”). Wynn MA, LLC, and Wynn Resorts, Limited, as applicable, shall ensure that:

1. Any entertainment venue that is developed as part of the project for purposes of hosting live entertainment, in whole or in part, shall at all times contain less than 1000 or more than 3500 ticketed seats whether such seating is permanent, temporary, or a combination thereof. Further, no more than 999 ticketed patrons, whether paid or complimentary, may be permitted entry for any live entertainment event at a single time. If live entertainment in the entertainment venue will be viewable from any restaurant or other amenity on the premises, any such seats or positions shall be counted towards the aforementioned figures.
2. Booking agreements and/or contracts executed for the provision of live entertainment at the live entertainment venue shall not include any provision establishing a radius restriction that would actually or effectively prevent the entertainer(s) from performing elsewhere within any specific geographic area within the Commonwealth of Massachusetts.
3. A Notice of Project Change, Request for Advisory Opinion or Environmental Notification Form shall be submitted, as appropriate, to the Massachusetts Environmental Policy Act Office (hereinafter, “MEPA”) of the Executive Office of Energy and Environmental Affairs. Promptly upon such filing, a copy of said documents as well as any MEPA decisions shall be submitted to the Commission. The Commission reserves the right to provide comments on any application submitted relative to the project.
4. A security plan for the parking garage proposed as part of the project shall be submitted to the Commission for approval at least 60 days prior to opening of such garage. The security plan shall include, at a minimum, a provision that requires security personnel to conduct regular checks of parking areas for minors left in motor vehicles and immediately report any such finding to the City of Everett Police Department. Upon approval, Wynn MA, LLC, and Wynn Resorts, Limited, as applicable, shall implement and comply with the approved plan.
5. The licensee shall submit any proposed plan for further development or construction on Lower Broadway in Everett, MA by any entity owned or controlled by Wynn Resorts, Limited, or affiliated with Wynn MA, LLC, or upon any land owned by said entities, to the Commission for review prior to or contemporaneous with its filing with any other governmental agency.
6. Employees of the facilities on the project site shall not be afforded access to any restricted areas of the gaming establishment unless they follow the applicable visitor access protocols.
7. The licensee shall submit a plan relative to the proposed pedestrian bridge connecting the project site to the existing gaming establishment to the Commission for approval within 60 days of execution of this decision that includes, at a minimum, the following:

- a) A depiction of a point of egress from the bridge in the vicinity where patrons would enter the gaming establishment to allow the public to depart the bridge without entering the gaming establishment. The licensee shall submit the final design plans for the bridge, which shall incorporate said point of egress, to the Commission promptly upon submission to the City of Everett building department; and
- b) A security outline for the bridge which includes, but is not limited to:
 - 1. a description of any surveillance camera coverage;
 - 2. a schematic of the security checkpoint and the interior area of the existing gaming establishment at the point of entry;
 - 3. security department patrol procedures; and
 - 4. a plan identifying the coordination with the relevant law enforcement authorities to address security and incident response.

Upon approval, Wynn MA, LLC, and Wynn Resorts, Limited, as applicable, shall implement and comply with the approved plan.