



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 | August 1, 2024 | 10:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 308 2721
All meetings are streamed live at 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.

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 - #527

1. Call to Order – Jordan Maynard, Interim Chair
2. Meeting Minutes
 - a. February 8, 2024 **VOTE**
 - b. February 21, 2024 **VOTE**
 - c. February 28, 2024 **VOTE**
3. Administrative Update – Dean Serpa, Executive Director
4. Legislative Update – Commissioner Brad Hill
5. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. National Voluntary Self Exclusion Program Model – Mark Vander Linden, Director of Research and Responsible Gaming; Jonathan Aiwazian, CEO of idPair



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- b. Presentation of report, “A Framework for Independent Research Using Industry Funding: The Massachusetts Model” – Dr. Bonnie Andrews, Research Manager; Mark Vander Linden, Director of Research and Responsible Gaming
 - c. GameSense Fiscal Year 2023-2024 Fourth Quarter Report – Long Banh, Program Manager; Mark Vander Linden, Director of Research and Responsible Gaming; Marlene Warner, CEO of MACGH; Chelsea Turner, COO of MACGH
6. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau
- a. Briefing on noncompliance related to Temporary Category 3 Sports Wagering Licensee, BetMGM, LLC, including next steps. Alleged noncompliance relates to wagering on unauthorized events in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog – Nate Kennedy, Enforcement Counsel
 - b. Briefing on noncompliance related to Temporary Category 3 Sports Wagering Licensee Betfair Interactive, LLC, d/b/a FanDuel Sportsbook, including next steps. Alleged noncompliance relates to employee placing wagers on platform in contravention of 205 CMR 238.32(1) – Zac Mercer, Enforcement Counsel
 - c. Review of the IEB’s Recommendation of Assessment of a Civil Administrative Penalty Pursuant to 205 CMR 232.02(2) regarding noncompliance with permissible sports wagering offerings by MGM Springfield. – Caitlin Monahan, IEB Director; Kathleen Kramer, Interim Chief Enforcement Counsel; Diandra Franks, Enforcement Counsel **VOTE**
7. Sports Wagering Division – Bruce Band, Director of Sports Wagering
- a. DraftKings Request to Void Wagers per 205 CMR 238.35(2) – Andrew Steffen, Sports Wagering Operations Manager **VOTE**
 - b. Request for Amendment to House Rules: DraftKings – Andrew Steffen, Sports Wagering Operations Manager **VOTE**
 - c. Discussion of Wager Limitations by Operator Roundtable – All Commissioners; Crystal Beauchemin, Sports Wagering Business Manager
8. Discussion regarding upcoming five-year expiration of Wynn Resorts, Limited and Wynn MA, LLC Independent Compliance Monitor License Condition– Commissioner O’Brien; Todd Grossman, General Counsel



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9. Legal – Todd Grossman, General Counsel

- a. 205 CMR 3.00: Harness Horse Racing, specifically, 205 CMR 3.12: Judges – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission – Justin Stempeck, Deputy General Counsel, Dr. Alex Lightbown, Director of the Division of Racing **VOTE**
- b. 205 CMR 3.00: Harness Horse Racing, specifically, 205 CMR 3.29: Medications and Prohibited Substances – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission – Justin Stempeck, Deputy General Counsel, Dr. Alex Lightbown, Director of the Division of Racing **VOTE**
- c. 205 CMR 6.24: Deposits – Discussion and Review of Regulation Amendments and Amended Small Business Impact Statement for final adoption by Commission – Justin Stempeck, Deputy General Counsel, Dr. Alex Lightbown, Director of the Division of Racing **VOTE**
- d. 205 CMR 219.04: Applying for Leave to Obtain a Renewed Temporary License- Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission – Carrie Torrisi, Deputy General Counsel **VOTE**

10. Communications Division – Tom Mills, Chief of Communications

- a. Review of Final Seal of Approval Design **VOTE**

11. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau

- a. Security at the Casino Facilities
Executive Session **VOTE**
The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(4), c.30A, §21(a)(7), and G.L. c. 4, §7(26)(f) to discuss the use and deployment of security personnel or devices, or strategies with respect thereto at Encore Boston Harbor, MGM Springfield and Plainridge Park Casino, specifically with regard to firearms and parking garage security; to discuss investigatory materials related to MGM parking garage security, necessarily compiled out of the public view by the IEB the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest; and to review draft letters to Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino related to the same subject matter outlined herein. The public session of the Commission meeting will not reconvene at the conclusion of the executive session. **VOTE**



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12. Legal – Todd Grossman, General Counsel

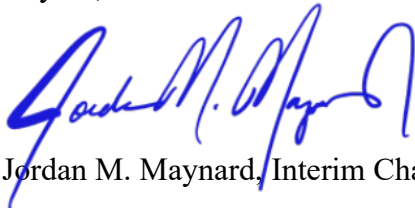
- a. The Commission anticipates that it will meet in executive session to review minutes from previous executive sessions, as their discussion at an open meeting may frustrate the intended purpose for which the executive sessions were convened pursuant to: G.L. c. 30A, §21(a)(4), c. 30A, §21(a)(7), and G.L. c. 4, §7(26)(f):
- | | |
|------------------------|-------------|
| I. March, 10, 2023 | VOTE |
| II. November 20, 2023 | VOTE |
| III. February 15, 2024 | VOTE |
| IV. July 11, 2024 | VOTE |

13. Commissioner Updates

14. 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 and emailed to regs@sec.state.ma.us. Posted to Website: July 30, 2024 | 10:00 a.m. EST

July 30, 2024



Jordan M. Maynard, Interim Chair

If there are any questions pertaining to accessibility and/or further assistance is needed, please email Grace.Robinson@massgaming.gov.



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 8, 2024, 11:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 313 5131

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard

1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 500th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Legal and Sports Wagering](#) (02:22)

- a. Betr Notice of Intent to Cease Operations pursuant to 205 CMR 258, including Request for Approval of Cessation Plan and Request for Waiver from 205 CMR 258.01(1)

Deputy General Counsel Carrie Torrisi stated that staff has worked closely with both Betr and WynnBET to make amendments to their cessation plans to ensure that they were compliant with all regulatory requirements and also were to the satisfaction of the sports wagering, finance, IT, and legal divisions. She noted that all four divisions had reviewed the final plans, were satisfied with all components of the submissions, and recommended approval by the Commission.

Deputy General Counsel Torrissi reminded the Commission that the regulations required operators to submit their notice of intent to cease operations no fewer than 90 days before the proposed cessation date, and that in this case, the notices of intent from both Betr and WynnBET were received with fewer than 90 days' notice. Deputy General Counsel Torrissi noted that if the Commission was inclined to approve the cessation plan, they would also need to issue a waiver from that 90-day notice requirement.

Deputy General Counsel Torrissi outlined the process for addressing the cessations moving forward, noting that the Commission could approve the cessation plans today, that WynnBET would report on the progress of their cessation plans in ten days, and that both operators would submit reports on the completion of their cessation plans on their approved cessation dates. Deputy General Counsel Torrissi noted that Betr would not submit a ten-day progress report because their ultimate cessation date would fall within that ten-day period.

Chair Judd-Stein asked if the Commission needed to address the waiver first. Deputy General Counsel Torrissi stated that the Commission should vote on the waiver before voting on the cessation plan, but that the Commission could hold both votes until the end of the discussion.

Deputy General Counsel Torrissi stated that Betr's anticipated closure date was February 16, 2024, and outlined the components of Betr's cessation plan as included in the Commissioners' Packet. Commissioner Skinner asked if Deputy General Counsel Torrissi could provide any additional information on the license surrender process for occupational licensees and vendors. Deputy General Counsel Torrissi stated that staff asked Betr and WynnBET to insert language into their cessation plans stating that they would notify all licensees of the requirement that such licenses be surrendered so that those individuals were on notice. She noted, as well, that while the regulation uses the word "surrender," the practical reality was that the licenses would become inactive. Commissioner Skinner asked if staff could explain the unclaimed property process. Chief Financial and Accounting Officer Derek Lennon stated that a check is active for six months and after three years the funds revert to the unclaimed property fund. Commissioner Skinner asked if the Commission had any affirmative obligation to notify the Treasurer of funds potentially being sent to the unclaimed property fund. CFAO Lennon stated that the Commission had no such obligation. Chair Judd-Stein noted that there was a discrepancy between the cessation process in the attached FAQs, and the submitted cessation plan with respect to this process. Alex Ursa, Head of Gaming at Betr, noted that there was a mistake in the FAQs and that it would be corrected.

Deputy General Counsel Torrissi walked through the regulatory requirements for the Commission to issue a waiver.

Commission Maynard moved that in accordance with 205 CMR 202.03(2), the Commission issue a waiver to Betr from the requirements outlined in 205 CMR 258.01(1) as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Maynard moved that the Commission approve the cessation plan submitted by Betr pursuant to 205 CMR 258.03(1) as required by 205 CMR 258.03(2) as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Chair Judd-Stein thanked Betr for entering the Massachusetts market. Chair Judd-Stein asked Deputy General Counsel Torrissi to walk through the next steps. Deputy General Counsel Torrissi stated that Betr would submit their final report on February 16th and that the Commission would review the report for potential final approval of the cessation the following week.

- b. WynnBET Notice of Intent to Cease Operations pursuant to 205 CMR 258, including Request for Approval of Cessation Plan and Request for Waiver from 205 CMR 258.01(1). [\(23:39\)](#)

Deputy General Counsel Torrissi stated that WynnBET's anticipated cessation date was February 23, 2024, and outlined the components of WynnBET's cessation plan as included in the Commissioners' Packet. Commissioner O'Brien asked for more information regarding the process for the settlement of wagers that would remain unsettled 30 days after completion of cessation. Jennifer Roberts, Vice President and General Counsel of WynnBET, explained that WynnBET would reach out to patrons to discuss how to resolve the settlement of such wagers and would give patrons the opportunity to receive a fair value payout of their wager that they could place with another operator or at the retail location, with a minimum settlement amount being a return of their stake.

Commission Skinner moved that in accordance with 205 CMR 202.03(2), the Commission issue a waiver to WynnBET from the requirements outlined in 205 CMR 258.01(1) as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Skinner moved that the Commission approve the cessation plan submitted by WynnBET pursuant to 205 CMR 258.03(1) as required by 205 CMR 258.03(2) as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Deputy General Counsel Torrissi stated that WynnBET would submit their 10-day report by February 18, 2024, and that staff would return to the Commission in the days following to review that report. She further stated that WynnBET would then submit their final report on February 23, 2024, and that staff would return to the Commission in the days following for the Commission to review and approve the ultimate cessation.

c. [Update from Encore Boston Harbor on Plans for Operation of Retail Sportsbook](#) (34:01)

Deputy General Counsel Torrissi stated that with WynnBET ceasing operations in the Commonwealth, the question remained as to what Encore Boston Harbor would do with their retail sportsbook. Jacqui Krum, Senior Vice President and General Counsel of Encore Boston Harbor, stated that moving forward, WynnBET would no longer provide sportsbook support services to Encore Boston Harbor and Encore Boston Harbor's team would fully operate the sportsbook. Ms. Krum stated that they believed that it would be a seamless transition. Chair Judd-Stein asked Deputy General Counsel Torrissi if she was satisfied with this plan from a legal perspective. Deputy General Counsel Torrissi stated that she had discussed the plan with IEB Director Caitlin Monahan and Licensing Division Chief Kara O'Brien and that all were satisfied. Commissioner Hill asked if the team had also consulted the IT division. Deputy General Counsel Torrissi stated that the team would ensure that the IT, sports wagering, and finance divisions were all comfortable with the plan.

Chair Judd-Stein asked how logos would be transitioned. Ms. Krum stated that they had not yet reached a decision on what the sportsbook would be called, but that they would keep the Commission informed. Commissioner Maynard asked what the retail sportsbook was called when it opened during the period when Encore Boston Harbor was operating a retail sportsbook, but WynnBET was not yet operating an online sportsbook. Ms. Krum stated that it opened as WynnBet. Ms. Krum further stated that a lot of the functions would be handled in-house by the Encore Boston Harbor team members who were already licensed. She noted that there was one

gap with respect to the trading team, but that they were currently working with Commission staff to resolve that matter. Commissioner Maynard asked if this was a material change to the license. Director Monahan stated that she did not believe so, particularly where Encore Boston Harbor would be taking all of the functions in-house and where WynnBET was essentially operating as a vendor to Encore Boston Harbor for its retail sportsbook. Commissioners Skinner and O'Brien stated that they were comfortable with legal and IEB's assessment, with Commissioner O'Brien raising requesting that if staff encountered any concerns in the process of changing vendors managing the platform, a deeper dive be performed. Chair Judd-Stein asked if the kiosks are labeled "WynnBET." Ms. Krum stated that they do have the WynnBET logo. Chair Judd-Stein asked if the name posed any legal or consumer protection issues. General Counsel Todd Grossman stated that the legal team was satisfied that there were no outstanding legal issues and that he was not concerned about the name from a consumer protection standpoint. Director Monahan also stated that she did not have any concerns from a consumer protection standpoint, particularly given that the retail sportsbook was called the WynnBET sports bar before WynnBET held a category 3 license.

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Skinner moved to adjourn. The motion was seconded by Commissioner O'Brien.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated February 8, 2024
2. [Commissioner's Packet](#) from the February 8, 2024, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 21, 2024, 9:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 545 5819

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard

1. Call to Order ([00:00](#))

Chair Judd-Stein called to order the 502nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. Legal and Sports Wagering ([01:00](#))

- a. Betr Report on Completion of Cessation Plan and Request to Approve Cessation of Operations pursuant to 205 CMR 258.05

Deputy General Counsel Carrie Torrissi provided background on Betr's cessation plan progress, noting that Betr submitted its notice of intent to cease operations on January 25th and that the Commission approved Betr's cessation plan in accordance with 205 CR 258.03 on February 8th. Deputy General Counsel Torrissi explained that 205 CMR 258.05(1) requires that when a sports wagering operator has completed all actions called for in its cessation plan or on the approved cessation date, whichever is earlier, the operator submit a written report to the Commission notifying the Commission that it has completed all actions necessary for cessation and requesting

that cessation become effective. Deputy General Counsel Torrissi stated that Betr had submitted its report pursuant to this section on February 16th. She explained that following receipt of the written report, 205 CMR 258.05(1) requires the Commission or its designee to issue a written decision approving or denying the cessation request, and that pursuant to 205 CMR 258.05(2), the cessation is not effective until the Commission issues a written decision approving the operator's cessation request. Deputy General Counsel Torrissi noted that while 205 CMR 258 requires a written decision, it does not dictate the format of the decision.

Deputy General Counsel Torrissi outlined the key elements of Betr's report, and stated that the Sports Wagering, IT and Legal divisions had all reviewed the report and were satisfied that Betr had complied with its cessation plan and completed all actions necessary for cessation, and that the team recommended the Commission approve Betr's cessation request.

Commissioner O'Brien requested that the footnote in the draft written decision regarding the waiver issued by the Commission be moved into the body of the decision. Deputy General Counsel Torrissi confirmed that she would move that language.

Commissioner Hill asked what would happen with any futures wagers. Deputy General Counsel Torrissi stated that Betr did not offer futures wagers and that all of their wagers had been settled.

Commissioner Hill moved that the Commission approve Betr's cessation request pursuant to 205 CMR 258.05 and further that staff be authorized to issue the written Decision Approving Betr Holdings Inc. d/b/a Betr's Request to Cease Operations in the Commonwealth as included in the Commissioners' Packet and discussed here today. The motion was seconded by Commissioner O'Brien.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. WynnBET Report on Progress of Cessation Plan pursuant to 205 CMR 258.04 ([11:20](#))

Deputy General Counsel Torrissi stated that due to the timing of WynnBET's overall plan for cessation, they were required to submit an interim progress report and that their final cessation report would be reviewed by the Commission at the next meeting.

Deputy General Counsel Torrissi provided background on WynnBET's cessation plan progress, noting that WynnBET submitted its notice of intent to cease operations on January 24th and that the Commission approved WynnBET's cessation plan in accordance with 205 CR 258.03 on February 8th. She further stated that 205 CMR 258.04(1) requires a sports wagering operator intending to cease operations to provide to the Commission written reports on its implementation

of the cessation plan at least every ten days after providing its notice of intended cessation. Deputy General Counsel Torrisi noted that WynnBET’s report did not include any requests for amendments or deviations from their approved cessation plan.

Deputy General Counsel Torrisi outlined the key elements of WynnBET’s report, and stated that the Sports Wagering, IT and Legal divisions had all reviewed the report and did not recommend the imposition of any modifications or conditions.

Commissioner Maynard asked how WynnBET planned to settle futures wagers. Jennifer Roberts, Vice President and General Counsel of WynnBET, stated that WynnBET had contacted all patrons with existing futures wagers and had settled approximately 75% of those wagers. She stated that of those that had not yet been settled, WynnBET was largely waiting for a response from the patron. She further stated that each settlement offer is, at a minimum, a return of the amount wagered, and that WynnBET also takes into account a fair market analysis of how much it would cost to place the bet with a competitor.

3. Communications Division ([17:41](#))

a. Discussion and Review of Draft Annual Report

Communications Division Chief Tom Mills presented the draft annual report, as included in the Commissioners’ Packet. He stated that upon approval, the Communications Division would finalize the table of contents and any copy edits before sharing the report with key legislative leaders and posting the report on the Commission’s website.

The Commission thanked the team for their excellent work.

Commissioner O’Brien moved that the Commission approve the 2023 Annual Report as included in the Commissioners’ Packet and discussed here today. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner O’Brien.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.
Commissioner Maynard: Aye.
Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated February 21, 2024
2. [Commissioner's Packet](#) from the February 21, 2024, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 28, 2024, 12:00 p.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 197 2524

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard

1. Call to Order ([00:00](#))

Chair Judd-Stein called to order the 505th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. Legal and Sports Wagering ([00:50](#))

- a. WynnBET Report on Completion of Cessation Plan and Request to Approve Cessation of Operations pursuant to 205 CMR 258.05

Deputy General Counsel Carrie Torrissi provided background on WynnBET's cessation plan progress, noting that WynnBET submitted its notice of intent to cease operations on January 24th, the Commission approved WynnBET's cessation plan in accordance with 205 CR 258.03 on February 8th, and the Commission reviewed WynnBET's cessation progress report on February 21st. Deputy General Counsel Torrissi explained that 205 CMR 258.05(1) requires that when a sports wagering operator has completed all actions called for in its cessation plan or on the approved cessation date, whichever is earlier, the operator submit a written report to the

Commission notifying the Commission that it has completed all actions necessary for cessation and requesting that cessation become effective. Deputy General Counsel Torrisi stated that WynnBET submitted its report pursuant to this section on February 23rd. She explained that following receipt of the written report, 205 CMR 258.05(1) requires the Commission or its designee to issue a written decision approving or denying the cessation request, and that pursuant to 205 CMR 258.05(2), the cessation is not effective until the Commission issues a written decision approving the operator's cessation request.

Deputy General Counsel Torrisi outlined the key elements of WynnBET's report. With respect to futures wagers and parlay legs that would remain unsettled after the 30-day wind-down period elapsed, Deputy General Counsel Torrisi stated that WynnBET had reached out to all relevant patrons regarding settlement and that as of February 27th, they had resolved 92% of those wagers. Deputy General Counsel Torrisi stated that the Sports Wagering, IT and Legal divisions had all reviewed the report and were satisfied that WynnBET had complied with its cessation plan and completed all actions necessary for cessation.

Deputy General Counsel Torrisi stated that staff recommended imposing a condition on WynnBET's approval given that there were outstanding futures wagers and parlay legs that WynnBET had not yet settled. She recommended that the Commission approve WynnBET's cessation request subject to the condition that patrons with futures wagers and parlay legs that would remain unsettled after the 30-day wind down period has elapsed continue to be offered a settlement amount based upon a fair market valuation of the same bet in the Massachusetts market which includes, at a minimum, the amount wagered returned to the patron. She noted that this is the process that WynnBET has been following and that this was contemplated in the cessation plan.

Chair Judd-Stein asked for clarification on the timeframe of the 30-day wind-down period. Deputy General Counsel Torrisi stated that it was 30 days from the date on which notice was provided to patrons. Jennifer Roberts, Vice President General Counsel of WynnBET, confirmed that the conclusion of the 30-day wind down period was March 14th.

Commissioner Hill stated that he was apprehensive about voting to approve the final cessation while there were still unsettled wagers, but that he was comfortable moving forward if the Commission imposed the condition recommended by staff. Commissioner Maynard asked if the Commission could receive an update regarding the settlement of wagers after March 14th. Deputy General Counsel confirmed that they would return with an update.

Chair Judd-Stein asked what would happen if WynnBET was unable to resolve 100% of the unsettled wagers. Deputy General Counsel Torrisi stated that if WynnBET and a patron were unable to come to a mutually agreed upon settlement amount, WynnBET would send to the patron the amount that WynnBET had offered, which would be based on the fair market valuation previously discussed. Jennifer Roberts confirmed that this is how WynnBET would handle such a situation.

Commissioner Hill moved that the Commission approve WynnBET's cessation request pursuant to 205 CMR 258.05 subject to the condition that patrons with futures wagers and parlay legs that

will remain unsettled after the 30-day wind-down period has elapsed continue to be offered a settlement amount that is based upon a fair market valuation of the same bet in the Massachusetts market, which includes, at a minimum, the original amount wagered returned to the patron, and further moved that staff be authorized to issue the written Decision Approving WSI US, LLC d/b/a WynnBET's Request to Cease Operations in the Commonwealth as included in the Commissioner's Packet and discussed here today. The motion was seconded by Commissioner O'Brien.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

2. Sports Wagering Division ([13:01](#))

a. Sports Wagering 2023 Q4 Reports

i. DraftKings

Sports Wagering Business Manager Crystal Beauchemin introduced Jake List, Senior Director of Regulatory Operations at DraftKings, to present DraftKings' 2023 Q4 quarterly report. Mr. List was joined by Christina Ackins, Vice President of Inclusion, Equity, & Belonging; Jared Hess, Director of Communications; and Julie Hynes, Senior Manager of Responsible Gaming. The report is included in the Commissioners' Packet on page 81.

With respect to voluntary self-exclusion, Chair Judd-Stein noted that DraftKings' number was higher than that from other operators. Mr. List explained that the number included all patrons on the VSE list who have an account with DraftKings. Business Manager Beauchemin clarified that the number provided in the DraftKings report was cumulative since launch, while some operators included a total number for the existing quarter only.

With respect to under 25 player onboarding, Commissioner O'Brien asked if the popups regarding responsible gaming appeared only when someone was already engaged with the platform or if such popups appeared outside of the platform and could prompt someone to reengage. Ms. Hynes confirmed that the popups only appear when a player is engaged with the platform.

Commissioner O'Brien asked if DraftKings had contemplated default limits for players under the age of 25 such that players would have to actively remove the limits should they not want to use them. Mr. List stated that DraftKings would review this issue and provide additional information at a future meeting.

The Commission thanked DraftKings for their report.

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Skinner moved to adjourn. The motion was seconded by Commissioner O'Brien.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated February 28, 2024
2. [Commissioner's Packet](#) from the February 28, 2024, meeting (posted on massgaming.com)



TO: Interim Chair Maynard, Commissioners O'Brien, Hill, and Skinner
FROM: Mark Vander Linden, Director of Research and Responsible Gaming
CC: Dean Serpa, Executive Director
DATE: August 1, 2024
RE: National Voluntary Self-Exclusion Program Model

Background on Current Program

205 CMR 133.00 governs procedures and protocols relative to the list of self-excluded persons from entering the gaming area of the gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. 205 CMR 233 extends the list to the sports wagering. To date, there are 1,908 persons enrolled in the voluntary self-exclusion (VSE) program.

The VSE lists are enforced in Massachusetts by the MGC; however, casino and sports wagering licensees generally chose to extend the list to affiliated properties in other jurisdictions which they operate. For example, Penn Gaming will enforce the exclusion list at its property in Bangor, ME. This is allowed by M.G.L. 23k, Section 45.(3)(h) which states; *Nothing in this section shall prohibit a gaming establishment from disclosing the identity of persons on the self-excluded persons list under this section to affiliated gaming establishments in this commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.*

The Justification for a National VSE Program

There isn't currently VSE reciprocity between states in the U.S. For example, enrolling in the VSE program in Massachusetts may not apply to other gaming facilities or platforms across the border in Rhode Island or Connecticut.

As gambling opportunities have become increasingly accessible via mobile and brick and mortar casinos across New England, this is proving to be a limitation of the current program and a burden for persons wishing to block themselves from gambling.

idPair proposed model for a National Voluntary Self-Exclusion Program (NVSEP) offers individuals the opportunity to enroll in voluntary self-exclusion and apply across multiple states and gambling products in one online form.

How it Works

The NVSEP consist of a platform that will encompass a diverse array of gambling activities across the participating states, including casinos, online sports betting, casino games, poker, fantasy sports, and horseracing. Each state's distinct regulatory framework will be accommodated, allowing individuals to explore tailored self-exclusion options specific to their jurisdiction. In Massachusetts, individuals would be able to enroll



Massachusetts Gaming Commission

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in the state-wide program outlined in 205 CMR 133 and 233. They would also have the option of enrolling in the NVSEP. If they choose this option, they would select which participating states they'd like to exclude from.

Participating states

Advancing this model requires the cooperation and collaboration of state regulators and policy makers. idPair anticipates to support the respective VSE enrollment forms in California, Colorado, Iowa, and Michigan patrons on idPair website in August. This program will be most successful in Massachusetts if other New England states agree to participate. I have been in communication with ME, VT, NH, CT, and RI. There is support and interest, but a reluctance to be the first in the region to participate.

Today, we have Jonathan Aiwazian, CEO of idPair to present and discuss the idPair's proposed NSVEP.



Massachusetts Gaming Commission



National Voluntary Self-Exclusion Program

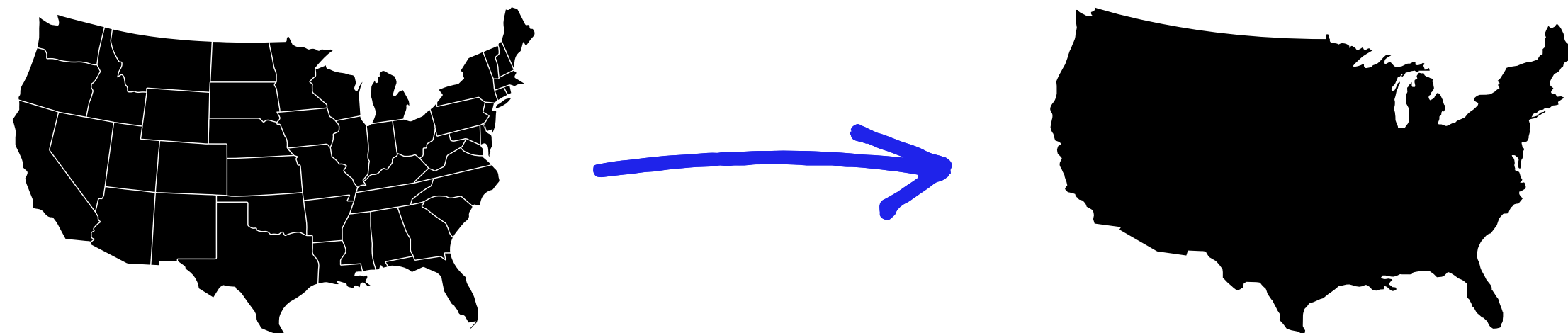
Prepared for the Massachusetts Gaming Commission

08/01/2024



WHY IS A NATIONAL PROGRAM NEEDED?

- State programs only provide protection within the state . With casinos and online gambling sometimes minutes away in another state, the protection provided could be more effective .
- For people to get VSE to work for them, they sometimes need to go to extraordinary lengths, which not everyone has the means to do .
- The current process of applying in multiple states is confusing for people and creates dozens of lists for operators to maintain and process .
- Simplifying the process for both consumers and operators is a win for everyone .



HOW THE NATIONAL PROGRAM HELPS

“More than once I have had people ask if the exclusion they were doing with me counted for CT and RI casinos as well.

They were all visibly disappointed that they would have to make those extra trips or fill out extra forms. RI you must do in person.

They would have all preferred getting it all taken care of in one sitting.”

HOW THE NATIONAL PROGRAM HELPS (CONT.)

“We have multiple people excluding in NY and then coming to MGM Springfield to gamble. They were on the MGM self-limit list but were still allowed to gamble as cash players and without promos and benefits.

One man spoke to me a long time about how all that started happening was that he was traveling further and wasting more time and gas but was still gambling.

He ended up doing the MA exclusion with me so was no longer able to play at MGM Springfield either.

He is not the only one that simply switched which casinos they would go to after doing an exclusion in a particular state, say RI or CT.”

REGIONAL GAMBLING

Within 50 miles of the MA border, the following gambling options still exist for someone self-excluded in MA, some just minutes from the state line.

- Bally's Twin River and Bally's Tiverton (Rhode Island)
- Foxwoods and Mohegan Sun (Connecticut)
- Rivers Casino and Resort and Saratoga Casino (New York)
- Several casinos in New Hampshire
- Online gambling in CT, NH, VT, RI

Through states collaborating via NVSEP, consumers can achieve a greater level of protection from self-exclusion.

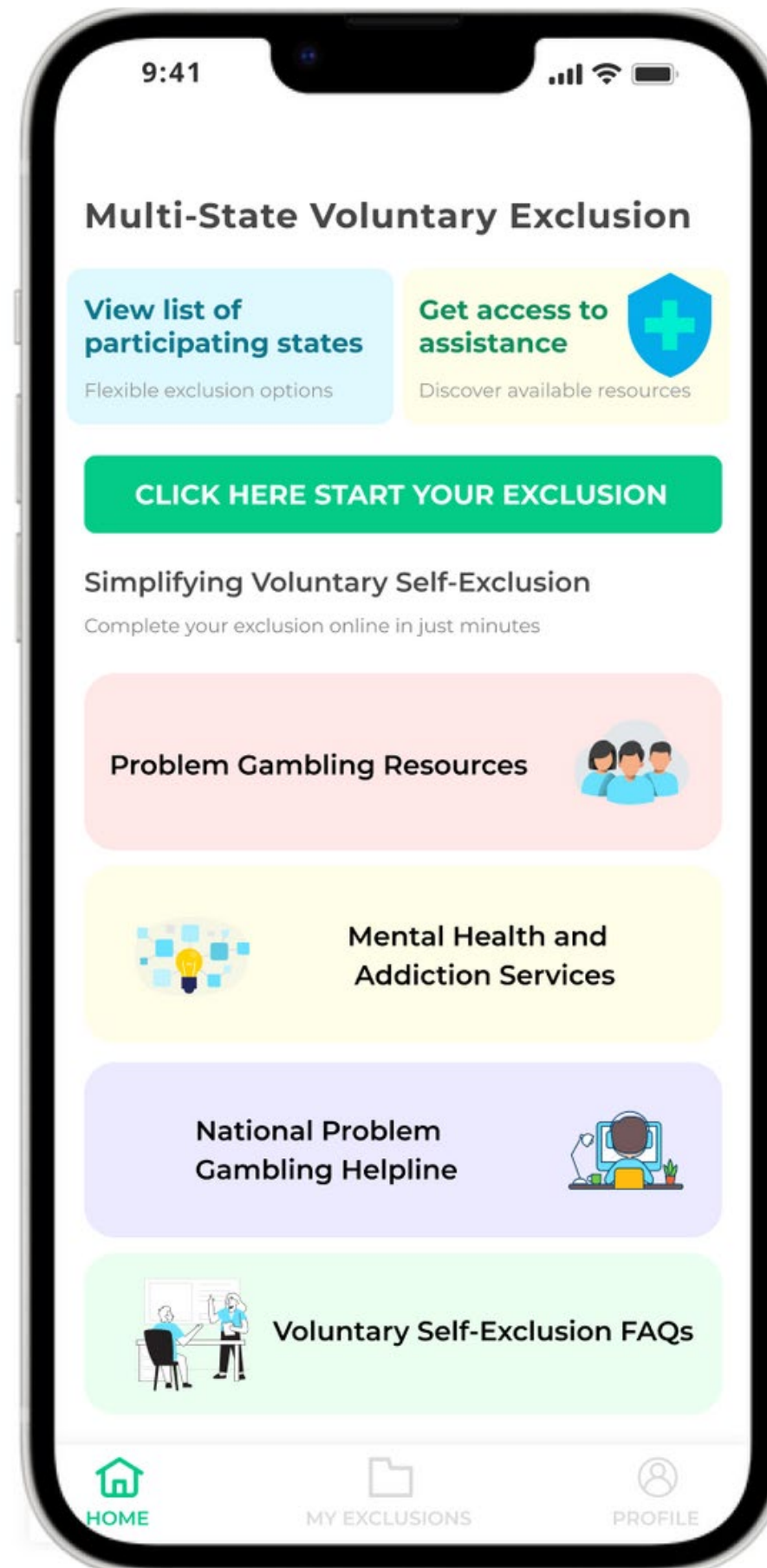


KEY POINTS

- No change to state programs to join NVSEP.
- NVSEP does not take data from existing state lists.
 - A new list is formed for this program starting from zero.
 - The lists continue to operate in parallel until each state decides to move solely to the national program, which can be over the course of several years.
- Operators get consistent data, only of individuals that have opted into their states/ products (however, they may still use their own corporate policies on exclusion).
- NVSEP intakes the information from consumers looking to self-exclude, delivers it to selected regulators and optionally to corresponding operators.

GOALS

Create a Voluntary Self-Exclusion system which is account-based, welcoming, and customizable to allow individuals to exclude in the way that is most effective for their personal needs.



Simple Sign Up

Familiar interface which maintains the formality of the process.

Easy State Selection

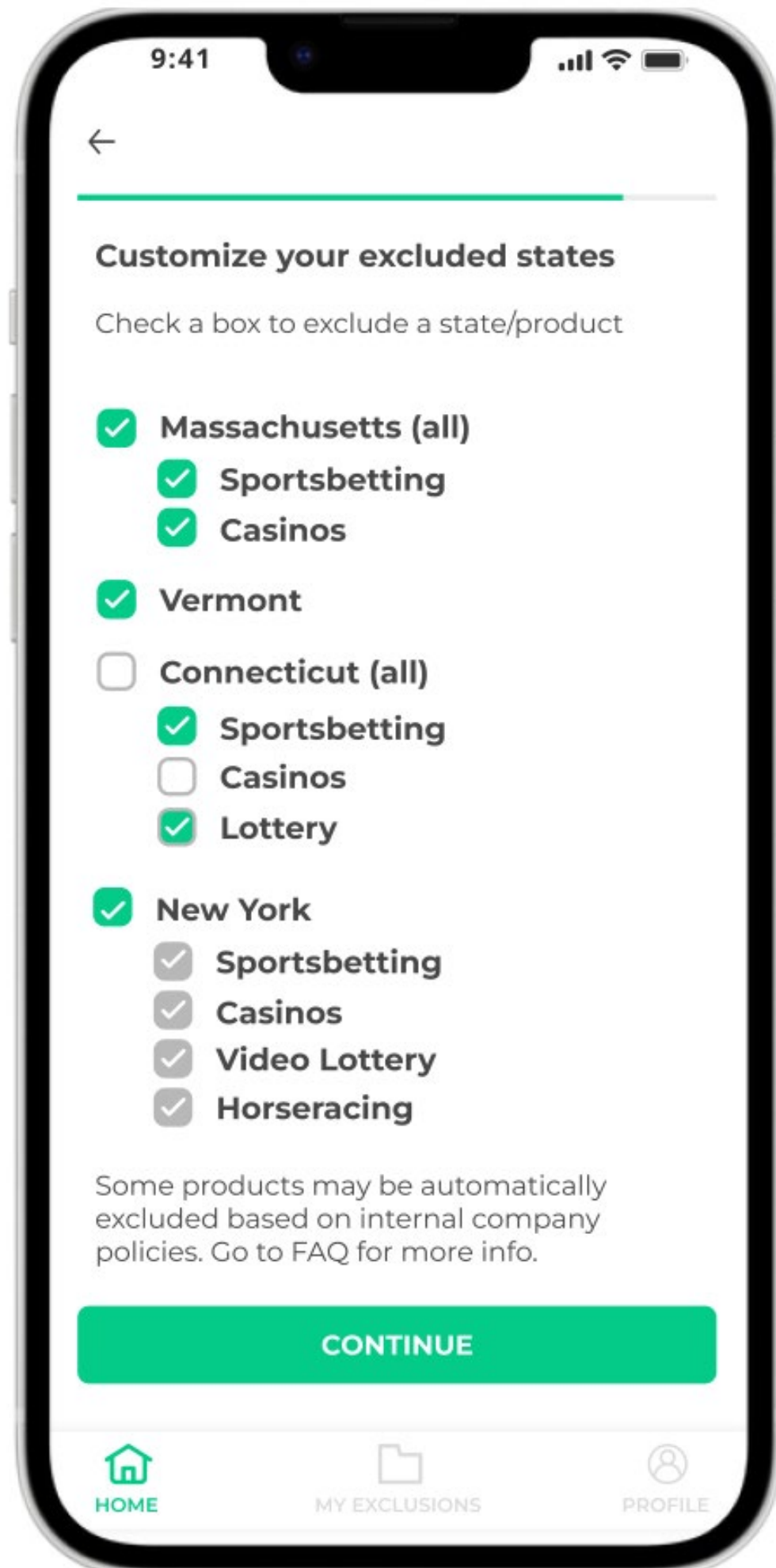
Customize selection of states and products to increase effectiveness.

Minimal Regulatory Changes

To help drive momentum from states to adopt the National list.

Straightforward Implementation

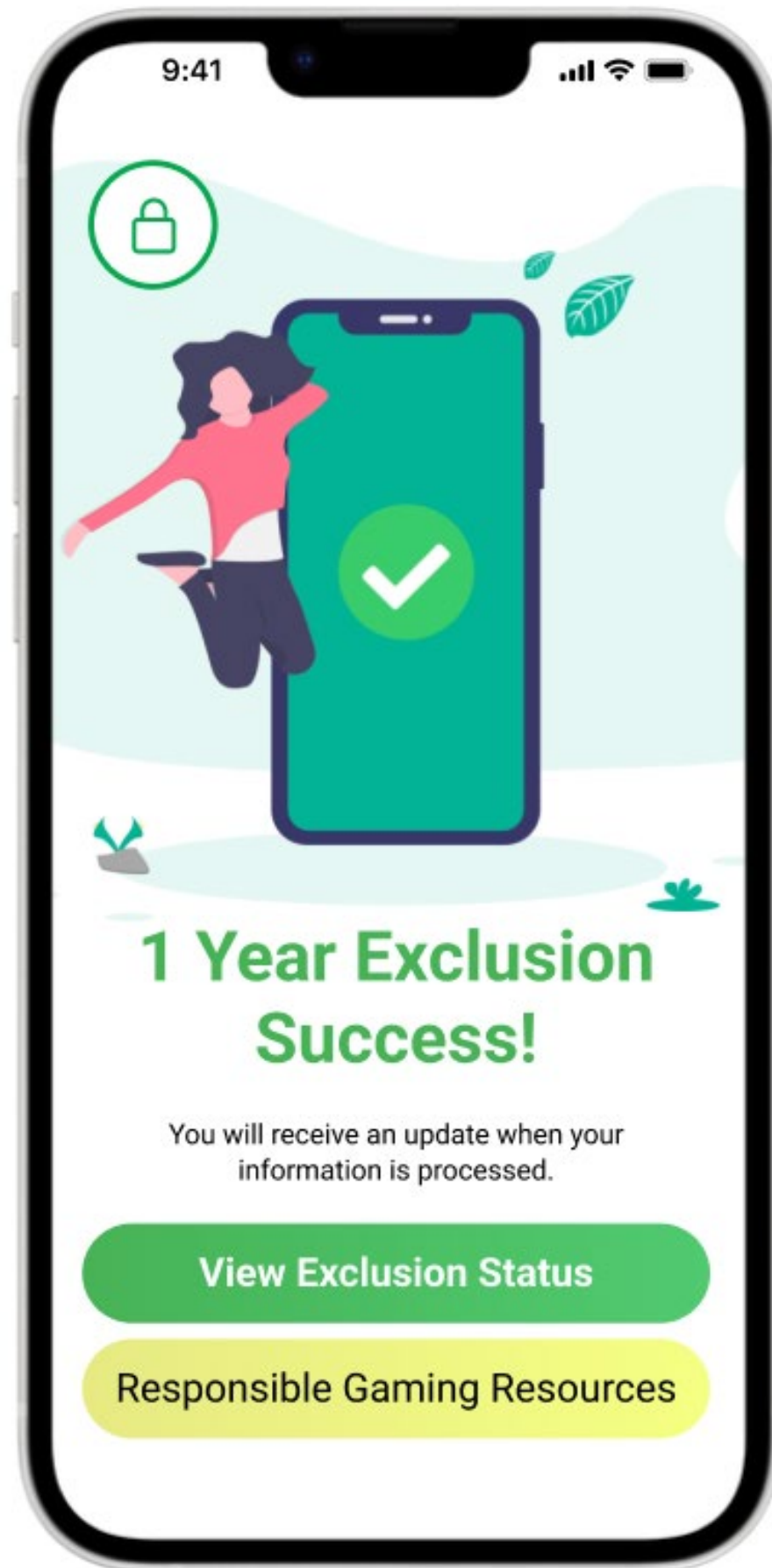
Easy for regulators and operators to receive data, optional Player Account Management (PAM) integration.



STATE + PRODUCT SELECTION OPTIONS

States shown for example purposes only.

- People are different with different needs when it comes to their gambling.
- Having options allows for excluding from products and locations that are problematic, while also maintaining the ability to patronize products and locations that are not an issue.



CONSUMERS CAN STAY INFORMED

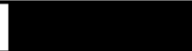

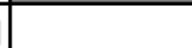
- View the status of active VSE(s)
- Guidance on reinstatement when the time comes
- Expiration dates and violation information
- Properties and Products excluded
- Access to resources
- Information is available whenever individuals seeks it, or if they have requested to be contacted when the exclusion is expired and/or eligible for reinstatement.

COMPLETE AND CONSISTENT DATA

States shown for example purposes only.

- Uniform data across multiple jurisdictions makes managing and matching the data easier for compliance teams.
- By requiring several key fields, operators can be confident there are no false positives or missed individuals from the list that are active on their sites.

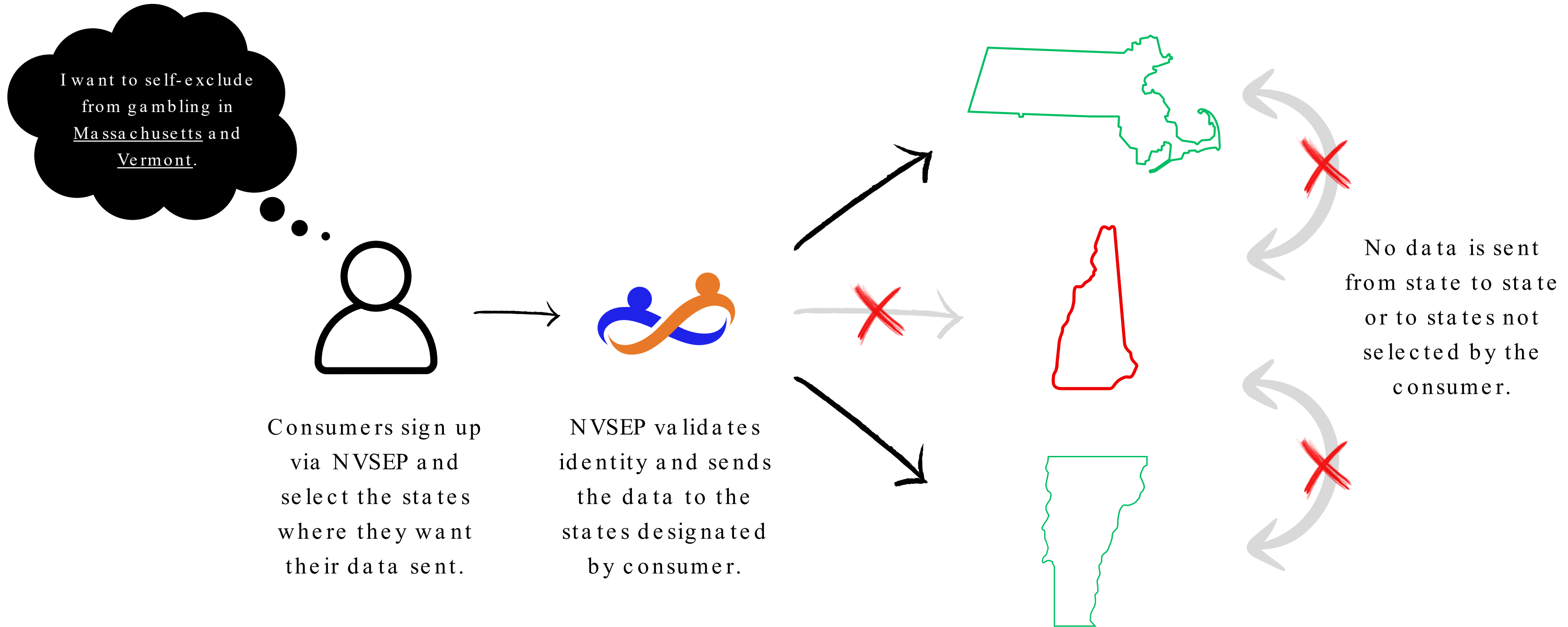
Key

Included	
Optional	
Not Included	

Component	Multi-State	NJ	OH	OK
Name/Alias/DOB/Address/Phone				
Marriage Status				
Previous Usage of VSE				
Mailing Address				
Other Phone				
Cell Phone				
Email Address				
SSN				
Ht/Wt/Hair/Eye/Ethnicity/Physical Marks				
Gender				
Contact Lenses				
Nation Origin				
Passport number				
Alien Registration Number				
Country of Citizenship				
Complexion				
Are you required to enter a casino to do your job?				
if yes to above, employer				
if yes to above, job title				
if yes to above, location entry may be needed				
Referred by - Multiple choice				
1 Year				
3 Years				
5 Years				
10 Years				
Lifetime				
Waiver				
Release				
Signature				
Photo (selfie)				
ID Type				
Notary				
DL Copy				

FLOW OF DATA

States shown for example purposes only.



Multi-State Voluntary Exclusion

Enter your email to get started:

jane@example.com

Request Sign-in Code

Complete your exclusion online in just minutes

Problem Gambling Resources



Mental Health and Addiction Services

National Problem Gambling Helpline



Voluntary Self-Exclusion FAQs

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SIGN UP - VERIFICATION

<https://www.youtube.com/watch?v=eTf4p4WuprA>

REGULATOR INTERFACE

idPair: Foxwoods Resort Welcome, John!

Home

Properties 6	Active Exclusions 32	New Exclusions Past 7 days 15 -	Expiring Exclusions Next 7 days 0 -
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Properties

Exclusion requests active for the following properties:

Connecticut

- Casinos
- Sportsbooks

Activity

Exclusions

Month	Excluded Players
May	1
Jun	3
Jul	1
Aug	3
Sep	0
Oct	1
Nov	2
Dec	0
Jan	2
Feb	2
Mar	0
Apr	15

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POTENTIAL FUTURE SAFER GAMBLING TECHNOLOGY

Connectivity of the data can achieve additional benefits in the future, if states elect to implement:

- Cool-off periods that extend to multiple operators and jurisdictions.

RESPONSIBLE GAMING

LIMITS

COOL OFF

SELF EXCLUSION

As part of our commitment to responsible gaming we give the option to suspend access to your account for a period of your choosing.

Select Period



SET COOL OFF PERIOD

ABOUT IDPAIR

- idPair is a safe gambling company made up of former operators and big data engineers focused on advancing technologies that help consumers keep gambling under control .
- We believe that connectivity of data is paramount to adapting to the change in consumer behaviors that comes with online gaming .
- We are committed to working with operators, regulators, and universities to keep gambling safe for consumers.
- We have partnered with several universities with the goal of conducting anonymized data research on transactional behaviors and/or VSEusage to inform and improve policy .



THANK YOU

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(805) 300-7300





TO: Interim Chair Maynard, Commissioners O'Brien, Hill, and Skinner

FROM: Mark Vander Linden, Director of Research and Responsible Gaming,
Bonnie Andrews, Research Manager

CC: Dean Serpa, Executive Director

DATE: August 1, 2024

RE: A Framework for Independent Research Using Industry Funding: The Massachusetts Model

Receiving research funding from industry has sparked considerable controversy across various fields. Among other concerns, research from an array of fields of study has found a funding effect (i.e., an association between research outcomes and funding source) as well as industry influence related to topics studied and research questions asked. Although two recent reviews of the literature within the gambling field did not find evidence of differences in methodological quality or outcomes in industry-funded research compared to research funded from other sources, some gambling researchers have expressed concern for such a potential to exist in industry-funded research.

Further complicating the gambling research environment is that in most countries, including the United States, there is no federal agency explicitly dedicated to funding gambling research. It is thus both necessary and important to identify and address ethical issues related to industry funding, even when industry funding is indirect. This paper describes the approach of the Massachusetts Gaming Commission to research of casino gambling and sports wagering activities, and particularly how the Massachusetts Model has navigated considerations of indirect industry funding with the aim of advancing knowledge in the public health interest.

Attached are the draft manuscript and a presentation.



Massachusetts Gaming Commission

A Framework for Independent Research Using Industry Funding: The Massachusetts Model

Bonnie K. Andrews, Mark Vander Linden, and Michael J. A. Wohl

Industry-funded research has sparked considerable controversy across an array of academic fields of study, including the field of gambling studies (see Cassidy, 2014; Collins et al., 2020; Louderback et al., 2021; Wohl & Wood, 2015). Previous research in fields other than gambling has found evidence of a “funding effect,” or association between research outcomes and funding source (Krimsky, 2013). An additional point of concern is industry influence on the research questions asked and the topics investigated (Fabbri et al., 2018). Although two recent reviews of the literature within the gambling field did not find evidence of differences in methodological quality or outcomes in industry-funded research compared to research funded from other sources (Shaffer et al., 2019), some gambling researchers (e.g., van Schalkwyk et al., 2021) have expressed legitimate concern—a concern shared by all three authors of this paper (the first two of which are policymakers for gambling in Massachusetts and third is a Canadian academic).

Further complicating the gambling research environment is that in most countries, including the United States and Canada (the countries in which the current authors work), there is no federal agency explicitly dedicated to addressing gambling-related issues, including provision of research funding. It is thus both necessary and important to identify and address ethical issues related to industry funding, even when industry funding is indirect.

Regulatory and Structural Backdrop of the Massachusetts Model

In 2011, the Massachusetts Legislature legalized casino gambling and formed the Massachusetts Gaming Commission (MGC). The MGC is responsible for providing regulatory oversight of casino gaming, sports wagering, and horse racing. The mission of the agency includes a goal to “to maximize consumer protections, minimize negative impacts, and promote responsible gaming through regulation, research, and informed policy making,” (MassGaming, n.d.) thus adopting a regulatory approach which prioritizes harm minimization.

The Massachusetts Legislature statutorily directed the MGC to carry out an annual research agenda. This directive is satisfied with proceeds from gaming licensees that are deposited into a dedicated Public Health Trust Fund and administered by the Research and Responsible Gambling (RRG) division of MGC for research and array of responsible gaming initiatives, including the operation of responsible gambling information centers at each of the three casinos in the State. The Massachusetts Department of Public Health is also allocated a majority share of the Public Health Trust Fund and is responsible for developing and administering problem gambling prevention and treatment initiatives (but has no research mandate).

To fulfil the research mandate, an annual research agenda is developed with advice from with the Gaming Policy Advisory Committee (GPAC). The GPAC is an advisory body consisting of members who serve for two-year terms and meet at least once annually to discuss research priorities and gaming policy matters (The Massachusetts Gaming Commission, 2012). Of note, a minority of appointees may include persons who have an affiliation with the industry; however, the GPAC includes a large and diverse group of stakeholders (e.g., the governor or designee, the MGC chair, four legislators, the Commissioner of Public Health or designee, a representative of

organized labor, and community members). Approved agenda items are broadly defined, including monitoring of population-level impacts (e.g., social and economic) of expanded gambling in the Commonwealth as well as the etiology, neuroscience, psychology, public safety, and sociology of gambling.

Critical and, to our knowledge, unique to the research mandate in Massachusetts is the legislative provision that explicitly compels casino licensees to provide player-account data to MGC and that MGC will then provide qualified researchers access to the data for analysis. The aim of this provision is to improve understanding of problem gambling, develop evidence-based harm minimization strategies, and build evidence-based systems to identify and respond to high-risk gambling behaviors (An Act Establishing Expanded Gaming in the Commonwealth, 2011). It also paves the way for evidence-based decision making in the Commonwealth of Massachusetts (and ideally beyond the State's borders). For instance, information generated by way of the research mandate is the basis for recommendations made to the Massachusetts legislature (The Massachusetts Gaming Commission, 2012; Authorization and Regulation of Sports Wagering, 2022).

The Massachusetts Model: Fulfilling the research mandate with transparency

With the ongoing debate about industry-funded or facilitated research as a backdrop, a structure was developed by MGC (spearheaded by the second author) to fulfil the gambling research mandate in Massachusetts—a structure we refer to as the Massachusetts Model. This structure incorporates experts in both the field of gambling studies for oversight and open science practices (e.g., sharing of data, methods, and findings openly with the scientific community and the public; see Cumming, 2014; Open Science Collaboration, 2015) to increase the transparency of scientific research conducted in the Commonwealth of Massachusetts.

Once the research agenda is approved, an open procurement process for research proposals is initiated. To adjudicate the research proposals received, MGC secures the services of experts (e.g., academics, public sector researchers) in relevant fields, including but not limited to gambling, health policy, psychology, and public health. Members form the Research Review Committee (RRC). RRC are financially compensated for their time, but do not have a vested interest in the success of gaming in the Commonwealth and serve as consultants to the MGC. They are charged with conducting a research peer review of all proposals submitted to the MGC, making recommendations related to funding proposals, and providing the MGC and research teams with advice and feedback on gaming research methods and analysis. The first author is the Chair of the RRC and the third author is a long-serving member.

The role of the RRC does not stop at the adjudication stage. Once funded research has been conducted and a report submitted, members of the RRC serve as a quasi-editorial board. A subset (two or three) members read and provide the MGC with a peer-review of the report. Akin to an academic journal, researchers must respond to the reviews in a response letter format. It is not uncommon for there to be multiple rounds of review before a report is accepted for public release. In short, the RRC evaluates research both pre- and post-execution. This bifurcated evaluative mechanism underscores the commitment to research integrity.

The establishment of broad and diverse research areas of focus in legislation, collaboration with outside stakeholders to develop the annual research agenda, the use of an open procurement

process (request for proposals are advertised locally, nationally, and internationally) and having research conducted by outside researchers, helps to ensure separation from industry influence.

Open Science is Central to the Massachusetts Model

The burgeoning open science trend in academic research aims to enhance the caliber of scientific investigations through the enhancement and uniformity of methodologies, concurrently fostering the development of a substantial repository of dependable and reproducible research outcomes. These methodologies encompass initiatives such as publicly accessible datasets, freely available scientific articles, and openly shared survey documents via online repositories. Additionally, Open Science has been advocated as a possible way to combat bias and facilitate ethical, transparent research in the gambling field (Louderback et al., 2021). While not a specific statutory requirement, the Massachusetts Model articulates a dedicated commitment to Open Science principles materialized through the public dissemination of research materials, reports, and data, as the MGC makes datasets from funded research available to qualified researchers and will soon make player-level data available. This deliberate transparency not only substantiates the model's fidelity to scholarly ideals but also serves as an exemplar in engendering confidence in the verifiability of the research conducted.

The Massachusetts Model in Action

The placement of the research agenda with the MGC, as well as the mandate for annual recommendations to the legislature, ensures that research findings may inform policy directly and on a continual basis. Indeed, grounded in a public health approach, the Massachusetts Model aspires not merely to advance understanding of the etiology of disordered gambling but also to fund research to proactively prevent and mitigate gambling-related harm. Thus, the focus of the funded research projects is often on systemic and social determinants of health, individual gambling behavior, and the evaluation of prevention and harm reduction initiatives.

For instance, a longitudinal study funded by MGC and conducted by researchers at the University of Massachusetts Amherst found it is common for an individual's pattern of gambling behavior-- and thus level of risk--to shift back and forth over time (Williams et al., 2021). On a population level, the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) team found that approximately 70% of all gambling harms occur in the low-risk adult general population due to the high number of people in these groups, even though people in the high-risk population suffer the greatest amount of harm per individual (Volberg et al., 2021). One community-engaged research project focused on understanding the root causes of problem gambling in the Asian community, and developing community-driven recommendations to address these root causes (Rubin & Colby, 2021). Additional impacts of the research agenda on policy and practice include regulations related to gambling advertising (Vander Linden et al., 2022), as well as consumer protections related to sports wagering (Volberg et al., 2022).

In keeping with its charge of regulation with a focus on harm minimization, the MGC also leverages its regulatory relationship with industry to facilitate obtaining additional data for research purposes and fulfill its statutory mandate. Licensees provide operational data, some of which is at the record level, to MGC-funded researchers that enables a thorough investigation on social and economic impacts in the public interest on issues such as operational diversity and job quality (Breest et al., 2023). MGC also facilitates connections between researchers and licensees

for evaluation of responsible gaming initiatives taking place within casinos, including research that is not funded by MGC. For instance, the third author leveraged the Massachusetts Model to conduct research on the responsible gambling utility of the pre-commitment tool (PlayMyWay) used in the three casinos in Massachusetts. He was permitted to email patrons at one of the three casinos a survey (by way of the reward program listserv) in advance of the launch of PlayMyWay and again following the release. He was also given access to the player account data (from participants who provided consent to do so). There was no restriction on publication of the research findings, and data was made open access.

A Call to Regulators and Legislators

The efficacy of the Massachusetts Model lies not only in the funding and facilitation of gambling research, but also its adept handling of ethical intricacies related to indirect industry funding and its steadfast commitment to open science (i.e., research transparency). Its unique capacity to leverage its regulatory charge it as an exemplar worthy of emulation by jurisdictions contemplating analogous research initiatives. This paper advocates for a nuanced consideration of the Massachusetts Model as a template, one uniquely positioned to advance the discourse on gaming studies with a heightened emphasis on public health. This model puts forth a scientifically rigorous process grounded in open science that yields findings advancing the prevention and mitigation of gambling-related harm. We call on regulators and legislators to adopt such a model. However, adoption alone is insufficient.

Indeed, although we advocate for the adoptions of the Massachusetts Model in other jurisdictions, it is important to note that the Model is not static. It is continually monitored for possible industry influence as well as latent biases and assumptions in the research agenda as well as the reports produced from funded research (Philander, 2024). Should issues arise, they must be engaged with rigorously, thoughtfully, and openly to ensure rigor, independence, and transparency in both the funding of research and the research conducted. Doing so helps grow the knowledge base and optimally positions research to inform policy in the public interest.

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A Framework for Independent Research Using Industry Funding: The Massachusetts Model

Bonnie Andrews, Research Manager

Mark Vander Linden, Director of Research and Responsible Gaming

August 1, 2024

Background

- Industry-funded research has sparked considerable controversy across an array of fields of study, including gambling studies
- In most countries, there is no federal agency explicitly dedicated to addressing gambling-related issues
 - Both necessary and important to identify and address ethical issues related to industry funding, even when industry funding is indirect


Regulatory and Structural Backdrop of the Massachusetts Model

2011: Expanded Gaming in MA

- MGC formed
 - Mission: "to maximize consumer protections, minimize negative impacts, and promote responsible gaming through regulation, research, and informed policy making"
 - Adopting a regulatory approach which prioritizes harm minimization
- Directed MGC to implement annual research agenda
- **Funding:** Public Health Trust Fund
- Annual research agenda is developed with advice from with the Gaming Policy Advisory Committee (GPAC)
- Casino licensees to provide player data to MGC and make available to qualified researchers

The Massachusetts Model: Fulfilling the research mandate with transparency


- Research projects awarded through open procurement process
- Experts in relevant fields, including but not limited to gambling, health policy, psychology, and public health form Research Review Committee
 - Review and score proposals
 - Review reports and research plans
- Commitment to Open Science principles (public dissemination of research materials, reports, and data, as the MGC makes datasets from funded research available to qualified researchers and will soon make player-level data available)

- 
- Helping to ensure separation from industry influence:
 - Establishment of broad and diverse research areas of focus in legislation
 - Collaboration with outside stakeholders to develop the annual research agenda
 - Use of an open procurement process (request for proposals are advertised locally, nationally, and internationally) and
 - Having research conducted by outside researchers

Massachusetts Model in Action

- Placement of the research agenda with the MGC, as well as the mandate for annual recommendations to the legislature, ensures that research findings may inform policy directly and on a continual basis
- Grounded in a public health approach, focus of the funded research projects is often on systemic and social determinants of health, individual gambling behavior, and the evaluation of prevention and harm reduction initiatives.
 - A longitudinal study funded by MGC and conducted by researchers at the University of Massachusetts Amherst found it is common for an individual's pattern of gambling behavior-- and thus level of risk--to shift back and forth over time (Williams et al., 2021)
 - On a population level, the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) team found that approximately 70% of all gambling harms occur in the low-risk adult general population due to the high number of people in these groups, even though people in the high-risk population suffer the greatest amount of harm per individual (Volberg et al., 2021).
 - One community-engaged research project focused on understanding the root causes of problem gambling in the Asian community, and developing community-driven recommendations to address these root causes (Rubin & Colby, 2021).
- MGC also leverages its regulatory relationship with industry to facilitate obtaining additional data for research purposes and fulfill its statutory mandate

A Call to Regulators and Legislators

- 
- This paper advocates for a nuanced consideration of the Massachusetts Model for other jurisdictions
 - Important to note that the Model is not static. It is continually monitored for possible industry influence as well as latent biases and assumptions in the research agenda as well as the reports produced from funded research (Philander, 2024).



Thank You!
Questions?

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TO: Interim Chair Maynard, Commissioners O'Brien, Hill, and Skinner

FROM: Mark Vander Linden, Director of Research and Responsible Gaming;
Long Banh, Responsible Gaming Program Manager

DATE: August 1, 2024

RE: GameSense Fiscal Year 2023-2024 Fourth Quarter Report


The Expanded Gaming Act includes a number of key mandates to ensure the successful implementation of expanded gaming, including the prevention of and mitigation of social impacts and costs. Chapter 23k section 21(16) requires casino operators to provide an on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior.

To fulfill this mandate, the Commission adopted GameSense, an innovative responsible gaming program that equips casino patrons who chose to gamble with information and tools to adopt positive play behaviors and offers resources to individuals in distress from gambling-related harm. The Commission has a contract with the Massachusetts Council on Gaming and Health (MCGH) to operate the GameSense Information Centers, located on-site at all Massachusetts casinos and staffed 16-24 hours daily by trained GameSense Advisors.

Today, Chelsea Turner, COO; Marlene Warner, CEO; Janine Ruggiero, CCO; and Odessa Dwarika, CPO of Massachusetts Council on Gaming and Health will share with you the GameSense activities and highlights from the fourth quarter of Fiscal Year 2023-2024.



Massachusetts Gaming Commission



GameSense FY24 Q4 Presentation

Marlene Warner, CEO, MACGH
Chelsea Turner, COO, MACGH
Odessa Dwarika, CPO, MACGH
Janine Ruggiero, CCO, MACGH

August 1, 2024

GameSense

Agenda

Interaction Numbers

Magic Moments

Champion Award Winners

Community Engagement

New GSIC Activities & Trainings

Increasing Resource Toolbox

Highlights for FY25

Personnel Updates

Questions



GSA Cindy Signing up at Patron for PMW at EBH

FY24 Interaction Data

<u>Type of Interaction:</u>	<u>FY</u>	<u>EBH</u>	<u>MGM</u>	<u>PPC</u>	<u>FY Totals All 3 Properties</u>
Simple Interaction:	FY21	81015	37951	32766	151732
	FY22	92656	54155	43512	190323
	FY23	73912	45209	38474	157595
	FY24	65774	45047	58238	169059
Demonstration:	FY21	11322	7791	2868	21981
	FY22	17485	17428	6609	41522
	FY23	21644	18203	8534	48381
	FY24	17400	15279	15374	48053
Exchange:	FY21	4480	3692	2904	11076
	FY22	3844	8750	3562	16156
	FY23	15395	13508	3017	31920
	FY24	14114	13291	8002	35407
Casino Related:	FY21	30395	14642	5669	50706
	FY22	46096	17184	6148	69428
	FY23	33676	14063	6269	54008
	FY24	34461	10563	7721	52745

FY24 Interaction Data - Con't

<u>Type of Interaction:</u>	<u>FY</u>	<u>EBH</u>	<u>MGM</u>	<u>PPC</u>	<u>FY Totals</u> <u>All 3</u> <u>Properties</u>
VSEs:	FY21	171	84	56	311
	FY22	254	101	81	436
	FY23	251	136	103	490
	FY24	364	171	162	697
	FY22 VSE Overnight:	36	0	0	36
	FY23 VSE Overnight:	62	0	0	62
	FY24 VSE Overnight:	99	0	0	99
	FY22 Remote:	74	13	9	96
	FY23 Remote:	75	47	34	156
	FY24 Remote:	136	71	75	282
	FY22 VSE + Reinst. Initiated by LC:	20	6	9	35
	FY23 VSE + Reinst. Initiated by LC:	44	47	32	123
	FY24 VSE + Reinst. Initiated by LC:	75	69	68	212
	FY24 # of VSES requesting follow up:	28	33	25	86
Reinstatements:	FY21	40	38	40	118
	FY22	66	46	46	158
	FY 23	109	57	66	232
	FY24	119	72	59	250
	FY22 Reinstatement Overnight:	10	0	0	10
	FY23 Reinstatement Overnight:	15	0	0	15
	FY24 Reinstatement Overnight:	26	0	0	26
	F23 Remote Reinstatements:	7	5	3	15
FY24 Remote Reinstatements:	21	17	6	44	
PlayMyWay:	FY21	0	0	2509	2509
	FY22	0	2210	2144	4354
	FY 23	6245	3863	1407	11515
	FY24	4755	2155	1468	8378
Raffle Baskets:	FY23	10847	15928	8678	35453
	FY24	9052	14732	11624	35408

- 48% of the interactions were with men, 52% with women
- 15% of the interactions were with folks between the ages of 21-34, 22% between the ages of 35-49, 29% between the ages of 50-64, 20% between the ages of 65-69, and 15% were 70+ years old
- 25% of the interactions were about GS generally, 14% about budgeting, 14% about PlayMyWay, 12% about Positive Play, 11% about debunking odds and myths, 9% about slots, 7% about PG, 4% about table games, 3% about VSEs and Reinstatements
- 27% of folks who VSE'd heard about it from a GSA, 18% from GS website, 11% from "other", 8% from re-enrollment, 6% from family or friends, 4% from GS signage, 4% from MACGH website, 1% from social media, 1% from a clinician, 1% from DPH Helpline and 1% from MGC website

Add'l Info Not in the Charts



Add'l Info Not in the Charts – Con't

- 86% of folks who VSE'd had not used a play management tool before, 7% had tried a cooling off period, 3% had tried a wagering limit, 3% had tried a time limit, 2% had tried PlayMyWay, 1% had tried a deposit limit, 1% had tried something else or “other”
- 12% of the interactions took place between 9:00 AM and noon, 33% between noon and 5:00 PM, 30% between 5:00 PM and 10:00 PM, 11% between 10:00 PM and 1:00 AM, 7% between 1:00 AM and 5:00 AM and 7% between 5:00 AM and 9:00 AM
- 74% of the interactions were less than 5 minutes, 17% were 5-9 minutes, 5% were 10-19 minutes and 4% were 20 minutes or more



Magic Moments

- Aisha (MGM)
- Mark (PPC)
- Winnie (EBH)



Champion Awards - EBH

Michael Byrnes, Security

Javier Fondecca, Security

Rajaram Malla, Slots

GameSense



Champion Awards - MGM

Sandro Gonzalez, Security

Beverly Nelson, Table Games

Lisa Skaza, Slots

GameSense



Champion Awards - PPC

Sara Collins, Security

Hannah Walters, Host

Cindy Cassisus, Security

GameSense



Community Engagement



New GSIC Activities



GSA LouLouse Facilitating the RG Pride Month Quiz at EBH

- “Be Like Izzy”
- RG Light Night Trivia
- RG and Poker
- Neurodivergent Quiz
- May the 4th Be With You (May 4th)
- Hispanic Heritage Month (Sept. 15 – Oct. 15)
- House Edge
- Fun Facts

“Be Like Izzy” RG Quiz – Let’s Begin



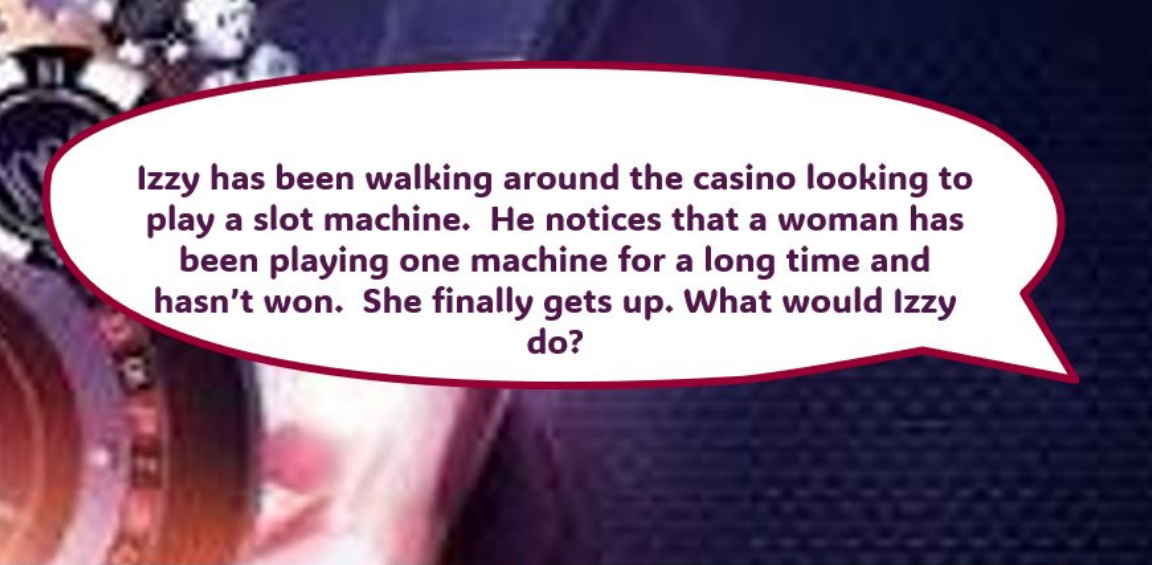
**IZZY'S CASINO
ADVENTURE GAME**

**ONCE UPON A TIME, THERE WAS A GUY NAMED IZZY WHO
PLAYED ALL KINDS OF CASINO GAMES. IZZY KNOWS A
LOT ABOUT HOW CASINO GAMES ARE PLAYED AND HOW
TO KEEP IT FUN!
BE LIKE IZZY!!!**

GameSense

GameSense

“Be Like Izzy” RG Quiz – Question 1




Izzy has been walking around the casino looking to play a slot machine. He notices that a woman has been playing one machine for a long time and hasn't won. She finally gets up. What would Izzy do?

Grab that slot machine. Izzy knows it is due to hit soon!

Consider playing the machine because he likes that style but he understands that just because it hasn't hit, doesn't mean that it will soon.



“Be Like Izzy” RG Quiz – Answer 1



Consider playing the machine because he likes that style but he understands that just because it hasn't hit, doesn't mean that it will soon.

Izzy knows that slot machines run on a random generator, and they are never due just because someone has been playing them all day. He also knows that setting a budget is important!
BE LIKE IZZY!!!



New GS Trainings



Certified QPR Trainer, GSA Mark, Leading a Training

- QPR Training
- LiveChat / GamLine Refresher Trainings
- Keep it Fresh RG Flashcards



Increasing Resource Toolbox

- Operation Hope
- evive App

- RAB
- LEAP
- GRIN



peer support

Enhanced Services

COMING THIS SEPTEMBER

RGEM

- Theme: “Play it Smart from the Start”
- Patron Facing
- New RG Activities
- Weekly Tabling Back of the House
- RG Media Toolkits
- And more to come
- Thank you to the properties for their contributions!

Recovery Month



HIGHLIGHTS FOR FY25



- GS evaluation, including PMW
- SEIGMA data
- LGBTQI+
- ESG
- OUI data
- Working with DPH on Promoting Treatment Resources and their Prevention Programming

Personnel Update

- Janine Ruggiero: Chief Communications Officer
- Ray Flurette: Director of GS Operations
- Amy Gabrila: Director of Player Health
- GSMs: Jason DiCarlo (EBH - day), Linh Ho (EBH – night), Aisha Shambley (MGM) and Jolyn Barreuther (PPC)
- Chelsea Turner, COO: new opportunity



Questions?

Thank you

GameSense



TO: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

FROM: Kathleen Kramer, Interim Chief Enforcement Counsel/Assistant Director/Senior Enforcement Counsel

CC: Caitlin Monahan, Director, IEB
Todd Grossman, General Counsel

DATE: July 25, 2024

RE: Sports Wagering Noncompliance Matters

At the August 1, 2024, Public Meeting, the IEB will be presenting the following Sports Wagering Noncompliance matters to the Commission:

1. BetMGM, LLC, Temporary Category 3 Sports Wagering Operator, 2024-SWN-041: This matter relates to whether between March 10, 2023, and October 7, 2023, the Operator allowed approximately 2,221 wagers on Belarusian athletic leagues in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i) and the Massachusetts Sports Wagering Catalog. The total stakes involved were approximately \$22,324.14.
2. Betfair Interactive US LLC, d/b/a FanDuel Sportsbook, Temporary Category 3 Sports Wagering Operator, 2024-SWN-035: This matter relates to the question of whether between April 19, 2024, and April 21, 2024, the Operator allowed an employee to sports wager in contravention of 205 CMR 238.22(1). The total stakes involved was approximately \$542.00.



Massachusetts Gaming Commission



On June 28, at approximately 17:50 ET, DraftKings informed the Sports Wagering Division of the incident, providing a detailed breakdown of all 13 wagers requesting to be void. On July 15, after completing their investigation, DraftKings provided a detailed incident report, timeline, and response.

DISCUSSION:

For F1 events, selections and prices are created and updated using CSV upload by a member of the DraftKings trading team. The root cause of this incident stems from the incorrect participant being created as a selection by the trading team in 2022 and including the incorrect participant in an uploaded document when pricing this event. The system only allowed the upload due to the correct participant also being included.

As the driver finished in 17th place, all wagers on the incorrect participant will be settled as a loss if not voided. DraftKings is requesting to void all wagers on the incorrect participant and refund the initial stake to the customers.

CONCLUDING STATEMENT:

The Sports Wagering Division confirms all requirements have been met under 205 CMR 238.35(2) and recommends these requested wagers be void and funds returned to the customers.



DraftKings Incident Report

Incorrect participant offered in F1 Austrian Grand Prix

INCIDENT DATE

6/24/2024- 6/27/2024

POPULATION

13 wagers, \$15.76 handle, \$246,439.00 liability

PRIMARY CONTACT

Joe McCann

CONTACT EMAIL

jmccann@draftkings.com

Summary and Root Cause

From 6/24/2024 until 6/27/2024, DraftKings accepted wagers with selections on an incorrect participant (Guanya Zhou) in the Formula 1 Austrian Grand Prix on 6/30/2024. Guanya Zhou does not exist. The correct participant, Guanyu Zhou, was simultaneously offered and a number of patrons parlayed selections on the correct participant and the incorrect participant such that the wagers were only dependent on a single outcome (*e.g.*, Guanya Zhou to finish Top-4 and Guanyu Zhou to finish Top-4).

The root cause of Guanya Zhou being offered was that the incorrect participant was created as a selection by the Trading team in 2022 and inadvertently included in a CSV uploaded when pricing this event. While the incorrect participant Guanya Zhou was created in 2022, the selection was never offered prior to this market.

For Formula 1 events, selections and prices are created and updated using CSV upload by a member of the Trading team. If a selection is not in our system, then the system will not allow the CSV upload to create the selection in the market. The selections and prices are provided by the trader. On this occasion, the trader included both the correct and incorrect selection through the CSV upload process.

Resolution and Remediation

- All selections placed on Guanya Zhou are pending further regulatory guidance for settlement
- Once the issue was discovered DraftKings immediately removed the selection of Guanya Zhou from the event. Additionally, DraftKings has removed the incorrect participant from its system



- DraftKings has advised its Trading team that these markets should not be enabled until a quality assurance check has been performed by the Creation team.
- DraftKings is assessing handing over the F1 market creation process from the Trading team to the Creation team

Site	BetId	PurchaseDate	BetType	IsLive	Sport	League	Event	EventDate	Market	EventId	Selection	SelectionId	Odds	Stake	Status	ProfitLoss
DKUSMA	'638550300894775752'	6/26/2024 20:21	Single	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Race Winner	6/28/2024 10:30	Winner	201744314	Guanya Zhou	1820219846	501	0.1	Opened	-50
DKUSMA	'638548862651342288'	6/25/2024 13:10	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Race Winner	6/28/2024 10:30	Winner	201744314	Guanya Zhou	1820219846	501	1	Opened	-94250
DKUSMA	'638549187104407238'	6/25/2024 13:25	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-9150
DKUSMA	'638549183230314078'	6/25/2024 13:18	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-15150
DKUSMA	'638549182322896850'	6/25/2024 13:17	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-15150
DKUSMA	'638549179321164895'	6/25/2024 13:12	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1.41	Opened	-12901.5
DKUSMA	'638549178767692916'	6/25/2024 13:11	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-15150
DKUSMA	'638549178549588918'	6/25/2024 13:10	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-9150
DKUSMA	'638548856175221600'	6/25/2024 4:13	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-9150
DKUSMA	'638548855839677018'	6/25/2024 4:13	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-9150
DKUSMA	'638548855822899790'	6/25/2024 4:13	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	0.25	Opened	-2287.5
DKUSMA	'638548855821442690'	6/25/2024 4:13	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	1	Opened	-9150
DKUSMA	'638548855772568114'	6/25/2024 4:12	Combo-Doubles (2)	FALSE	Motor Racing	Formula 1	Formula 1 Austria GP 2024 - Top 4 Finish	6/28/2024 10:30	Formula 1 Austria GP 2024 - Top 4 Finish	201744106	Guanya Zhou	1820536912	151	5	Opened	-45750

(c) An explanation why cancelling or voiding the Wager is in the best interests of the Commonwealth or ensures the integrity of the Sports Wagering industry.

Voiding the requested wagers ensures the integrity of the sports wagering industry because it reaffirms the expectations of both operators and customers that wagering within the Commonwealth will be administered consistent with operators' established rules that are required by regulation.

As required pursuant to 205 CMR 247.02, DraftKings has adopted House Rules, which include DraftKings' process for handling incorrectly posted odds and policy for cancelling or voiding Sports Wagers. In relevant part, the House Rules state that DraftKings reserves the right to declare a bet void "offered, placed and/or accepted due to an Error" and defines an Error to include, among other things, "bets placed on odds containing incorrect participants."

Here, DraftKings simultaneously offered Formula 1 markets on driver Zhou Guanyu and on Zhou Guanya for the Austrian Grand Prix event. Zhou Guanya is not a Formula 1 driver, and thus is an incorrect participant for the event. Accordingly, in advance of the event, DraftKings requested that bets on the incorrect participant be declared void pursuant to its approved House Rules.

Notably, DraftKings does not benefit if this void request is approved. All Massachusetts wagers containing Zhou Guanya would be losing wagers if this selection was assumed to be the actual Formula 1 driver Zhou Guanyu. DraftKings nevertheless maintains its position that the wagers should be resettled as void. DraftKings made the request in good faith and with the belief that the circumstances surrounding the offering of these markets qualifies as an Error under DraftKings' House Rules. DraftKings believes that operators following through on such requests is in the best interest of the Commonwealth and the sports wagering industry.



Sports Wagering Division

TO: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner

FROM: Andrew Steffen – Sports Wagering Operations Manager

MEMO DATE: 7/25/2024 **MEETING DATE:** 8/1/24

RE: Update to DraftKings House Rules

Pursuant to 205 CMR 247.02(4), the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission.

EXECUTIVE SUMMARY:

DraftKings Sportsbook has requested changes to their Massachusetts online house rules. A full detailed summary of changes can be found in the attached redline exhibit.

The summary of changes are as follows:

1. **Basketball:** Revision for settlement clarification. Addition of rules to address market types.
2. **Tennis:** Revision for settlement clarification. Addition of rules to address market types.
3. **Football:** Revision for settlement clarification. Addition of rules to address market types. Removal of markets.
4. **Baseball:** Addition of rules to address market types.
5. **Cricket:** Addition of rules to address market types.
6. **Golf:** Revision for settlement clarification. Addition of rules to address market types.
7. **Lacrosse:** Revision for settlement clarification.



Sports Wagering Division

8. **Sailing:** Revision for settlement clarification.

CONCLUDING STATEMENT:

The Sports Wagering Division confirms all requirements have been met under 205 CMR 247.02 and has no reservations approving these changes.

Basketball

General Rules

- So long as there are no changes to a season or series format, in the event the settlement for a market is already determined and could not possibly be settled or determined otherwise with the occurrence of future events, it will be settled according to such determined outcome.

Specific Market Rules

- Largest Comeback (Points) – This market is settled based on the largest deficit by points faced by the winning team (several selections can win).

Player Props

- **Player Performance Markets** - Relevant player(s) (all relevant players in the case of head-to-head markets or combined O/U markets) must receive playing time for bets to have action. In the case of combined markets where no under selections are offered, bets will be void if the selection is not achieved and any of the relevant participants did not receive any playing time.
- Double-Double, Triple-Double, and Quadruple-Double markets will only take into account the following statistics: points, rebounds, assists, steals, and blocks.
- **First Field Goal/Rebound/Assist/etc. markets** - Settled on the first stated statistic recorded by any player, even in the event such a player is not listed (in such a case where a not listed player records the first stated statistic, all bets on such market will be settled as a loss).
All bets on players who start the game are action. Bets on players who do not start the game are void. Free throws do not count as a field goal in first field goal wagers.

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Daily Props

- **Daily Player Markets** - If the player wagered on does not receive any playing time, bets on that player are void. For Daily player leader markets, if the winning leading player is not listed, all bets on such market will be settled as a loss.

Futures/Other Props

- Most Points/Rebounds/Assists/Threes Made/Steals/Blocks In etc. in season/Sseries Markets - All Bets are action unless void in the event the player that was wagered on does not receive any playing time in the season/series. If two or more players tie, Dead Heat rules apply. If the winning statistical leading player is not listed in a market, all bets on such market will be settled as a loss.
- **Player Regular Season Averages or H2H Regular Season Averages (Points/Rebounds/Assists/Threes Made/Steals/Blocks per Game) – The player (or all**

players specified in the case of H2H markets) must play at least 41 regular season games for bets to have action. This includes any legs involving season averages in Team Specials markets. Bets are settled using the statistics provided by the official website of the league's governing body or league's official statistical provider which may be rounded by the league's governing body or league's official statistical provider.

- **Player Playoffs/Playoff Series Averages (Points/Rebounds/Assists/Threes Made/Steals/Blocks per Game)** – Listed player must play 4+ games in playoffs for playoff averages and 3+ games in series for series averages for bets to be action. Bets are settled using the statistics provided by the official website of the league's governing body or league's official statistical provider which may be rounded by the league's governing body or league's official statistical provider.
- **Next Player to Record X+ Points/Rebounds/Assists/Threes Made/Steals/Blocks** – In the event that on the same day that the next player records the stated amount one or more additional players also record the stated amount on that same day, all such players that recorded the stated amount on such day will be settled as winners (all games will be treated as played on the day they start local time). If a non-listed player is the next to achieve the stated amount, all bets lose. If no player achieves the stated amount in the remainder of the mentioned season, all bets are void.

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Tennis

General Rules

- Tie breakers and super tie breakers are each considered as one (1) game for total game markets. A super tie breaker is considered as one (1) set for total set markets. In the event the total is exactly equal to the betting line, then all bets on the selection will be settled as push.
- For futures bets, bets are void if the player selected **doesn't participate in at least one (1) point in the does not start the 1st round of the tournament.**

Specific Market Rules

- **Game and Set Spreads** - Predict the winner of the set or match applying the given spread. In the event the match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), provided at least one (1) set has been completed, the spread markets will be settled on lines that have already been determined. For example only, if a player retires with the score 6-3 and 4-2, the spread will be settled as winners on bets with +5.5 and above; bets will be void on +4.5 and below. Bets will be settled as losers with -8.5 and above; bets with -7.5 and below will be void. A super tie break is considered as one set for settlement purposes.

- **Totals** - Totals, or over/under bets refer to the total number of games/sets played. Win/loss is determined by the number of games/sets accumulated by both players, unless otherwise stated. ~~A tie break is considered as one game for game bets. A super tiebreak is considered as one game for game bets, and one set for set bets.~~ In the event that the total is exactly equal to the betting line, then all bets on this offer will be settled as push.

- **Total Games** – In the event the match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), provided at least one (1) set has been completed, total games bets will be settled as win/loss based on the minimum games possible if the match had concluded. For example, a player retires with the score 6-3 and 4-2, total games will be settled off the shortest amount of games which the match could finish in; e.g. 6-3, 6-2 (17 games). Undetermined bets above the lowest amount of games which the match could finish in will be void; e.g. bets on under/over 17.5 would be void.

- **Total Games Set X** - In the event the set does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), total games bets will be settled as win/loss based on the minimum games possible if the set had concluded. For example, with a retirement at 2-2 they could not finish in under 8 games, therefore bets over 6.5 and 7.5 would be winners; bets under 6.5 and 7.5 will be losers, but all other undetermined bets will be void.

- **Correct Score X Set** - In the event a match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), all bets for this specific market are void unless settlement has already been determined. For example, the score is 3-3 and the selections are 6-0 and 6-1, the bet will be settled as a loss.
- **Set Spread** - In the event a match does not reach its natural conclusion (e.g. retirement, disqualification, match suspension or cancellation), a bet on a player with a -1.5 set spread will be settled as a loss if the selected player loses a set in the match.

Fast Markets

- ~~To Win 1st Game/Point~~ - All bets placed after the coin toss will be void.

Statistical and Player Markets

- **Win The Match and Hit Most Aces/Win The Match, Hit Most Aces and Least Double Faults/Match Combo** – In the event the aces are tied or double faults are tied, bets will be settled as a loss.
- **1st Player to Break Serve** – The selected player to be the 1st to win a game when their opponent is serving. Tie breaks do not count as service games. In the event there are no

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service breaks, bets will be settled as a loss. For this wager to be a winner, the player specified must lose a service game.

Futures/Other Props

- **Not to Win** – The selected player not to win the tournament. The player must play at least one (1) point in the tournament for bets on the player to ~~stand~~ be action. In the event a player retires, is disqualified, or withdraws due to injury between matches, all bets placed within the timeframe will be void unless such bets can otherwise be settled or determined.
- **Stage of Elimination** - In the event a player retires, is disqualified, or withdraws due to injury between matches, all bets placed within the timeframe will be void unless such bets can otherwise be settled or determined.

Football

General Rules

- In the event the game venue remains the same, but the home and away team's designations are reversed (i.e. the home team becomes the away team), all bets placed with the original designation will stand and are action.

Specific Market Rules

- **Defensive/Special Teams Touchdown Scored** – Defensive conversions on all Point(s) After Touchdown (PAT) 2 point attempts do not count.
- **Result of Drive Markets** - All result of drive markets start on the first offensive snap of the ball. Any drives which are completed due to the end of the half or game, and do not explicitly result in one of the outcomes listed, will be void. The outcomes are as follows:
 - Rouge (CFL only) – Rouge is deemed the winner if a rouge is scored. If the ball is kicked into the Goal Area by an opponent, a rouge is scored:
 - When the ball becomes dead in possession of a team in its own Goal Area
or,
When the ball touches or crosses the Dead Line or a Sideline in Goal, and touches the ground, a player or some object beyond these lines.
- **Drive Crosses X Yard Line Markets** – In the event of time expiring. the final spot of the ball, which could either be the forward progress of the ball during a play while time expires, or the line of scrimmage of a play that is not ran due to time expiring, will be considered the final yard line. If the ball is fumbled, settlement is determined on the yard line of fumble. The line of scrimmage must be established past the yard line stated. Markets that specify if the current or upcoming drive will cross a particular yard line will be settled as "Yes" when a drive begins beyond that yard line (for example only, a punt is returned to the opponent 30 yard line; Drive Crosses 50 yard line and Drive Crosses 35 yard line markets will be settled as "Yes").

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- **3 Point Conversion (UFL only)** – All bets are void if a 1-point or 2-point conversion is attempted. All bets are void if a pre or post snap penalty is called on the play and the play is negated.
- **DK Squares** – Pick a correct “square score” for any end of quarter result. Wagers will be settled based on the end of quarter scores (4th Quarter includes OT). For example, the score in the match is 3-7 (end of Q1), 3-21 (End of Q2), 21-21 (End of Q3), 27-24 (End of game including OT) then the winning selections will be 3:7, 3:1, 1:1 and 7:4. Winning selections will only be paid once and will be settled at the conclusion of the applicable winning quarter.
- **Final Two Minute Markets** – Markets are only for the final 2 minutes of regular time. Only plays snapped after the 4th quarter 2-minute warning and before the end of regular time count. Overtime is not included.
- **Any Kick to Hit the Uprights** – Field goal/extra point attempts only. Punts/kick-offs do not count.
- **Octopus** – When a player scores a valid touchdown that is not overturned, and the same player scores a valid 2pt attempt immediately after the touchdown. A player throwing a passing touchdown and a player throwing a 2pt conversion does not count as that player scoring an octopus.
- **Three and Out** - A drive consisting exactly of three plays from scrimmage followed by a punt. Any play ruled no play is disregarded.
- **Red Zone Play** - Any play which is snapped in the area inside (and including) the 20-yard line on the opponent's side of the field.
- **Red Zone Touchdown %** - The number of valid touchdowns scored from inside the red zone, divided by the number of drives where at least one snap was taken inside the red zone. The red zone is defined as the area inside (and including) the 20-yard line on the opponent's side of the field.
- **Quarterback Sneak** - A Quarterback (“QB”) attempts a rush up the middle and while under center, where the QB pushes/dives ahead with the offensive line. A QB scramble is not a QB sneak.
- **Flea Flicker** - A play in which the QB gives the ball to a player in the backfield, who runs with it and then throws the ball back to the QB before the QB subsequently throws it to an eligible receiver. Bets will be settled as a winner with any attempted Flea Flicker that isn't negated by a penalty.
- **Scorigami** – A final scoring combination that has never happened in NFL history before.

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Player Props

On any player prop market, player(s) must participate in at least one (1) play (including special teams) for bets to have action. In the event a player is listed as “inactive” or “did not play” for the relevant game, bets on that player/market will be void. Markets are settled according to the official NFL game statistics at the time DraftKings settles the applicable markets.

- **Touchdown Scorer** – Player must participate in at least one (1) play (including special teams) for bets to have action. In the event a player is listed as “inactive” or “did not play” for the relevant game, bets on that player will be void. A touchdown scorer is

defined as the player in possession of the ball in the opposing end zone (a touchdown scorer is not the player who throws the touchdown). Passing touchdowns do not count. All 1st touchdown scorer bets are action unless the selected player is listed as “inactive” or “did not play”. If any other player that is not listed scores the next touchdown (i.e. an Offensive Lineman), all bets lose.

- 1st Reception Receiving Yards/1st Rush Attempt Rush Yards/1st Pass Completion Pass Yards – Bets void if the player has no receptions/rush attempts/pass attempts or does not play in the game. If the player plays in the game but does not record a respective stat, bets are void. If the play result is no play or if the play is overturned, the next play will be considered the first.

Daily Props

- 1st Player to Score on Sunday - Listed players and valid touchdowns only. In the event one or more non-listed player scores a touchdown before a listed player scores a touchdown, the first listed player to score a touchdown will be settled as the winner. Bet is settled by individual game clock via official NFL.com Gamebook, rather than the time of day.

Futures/Other Props

- Weekly Props (Highest/Lowest Scoring Team/Game, Total Points Scored, Player with Most, etc.) – Markets will include only games played on Sunday. All scheduled Sunday games for that week must be completed (in accordance with the general rules) for bets to stand. Dead Heat rules apply.
- Team to Have a Perfect/Winless Regular Season - Team(s) listed on the wager must complete all scheduled regular season games (using official NFL schedule from Week 1 of regular season) for bets to have action. Any forfeited game that is considered an official result will count as a loss attributable to the forfeiting team towards season long bets. A perfect season is when a team wins all their scheduled regular season games.
- Last Winless/Undefeated Team – Dead Heat rules apply if multiple teams tie. Bets are settled based on the schedule week, regardless of what time or day the game is played.
- Draft Props – Player’s position will be determined by the listed position on the official NFL Draft website. EDGE is classified as defensive lineman for settlement purposes. Punters/kickers/long snappers do not count as offensive or defensive players. Fullbacks (FB) are classified as running backs. If a player is undrafted, the “over” on draft position will be the winner for settlement purposes.
- Team/Player Specials – Player must play at least one (1) snap for bets to stand.
- Team H2H to Win a Playoff Game Against... – Bets stand whether the teams play against each other or not. If the teams do not play each other, bets are settled as a loss.
- Team H2H - Which Team Will Progress Further in the Playoffs? – Determined by round of elimination. If both teams are eliminated in the same round of the playoffs, Dead

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Heat rules apply. Winning the Super Bowl is considered progressing further than losing the Super Bowl.

- Player Playoff Futures (Playoff Most Rush/Rec Yards, To Score in 3+ Playoff Games etc.) – Bets will stand if a player plays at least one (1) snap in any game during the playoffs.

Baseball

Daily Specials

For all Daily Specials, all scheduled games (quantity listed in the market title) must be played to completion on the listed date and go at least 8.5 innings for bets to have action, unless settlement has already been determined as stated below:

- Any Team/Game to Score X+ Runs – All bets have action if the “Yes” selection is determined at any stage, regardless of the quantity of games played to completion.

Cricket

Specific Market Rules

- Both Teams to Score ‘X’ Runs – Predict if both teams combined will score the specified number of runs. Each inning will be determined to be complete if at least 80% of the scheduled overs at the time of placing the bet have been bowled. If both innings are determined complete all bets on this market are action.
In drawn First Class matches, bets will be void if fewer than 100 overs have been bowled in either team’s first inning, unless settlement of the bet has already been determined. Only runs scored in the first inning count. If a team declares, that inning will be considered complete for the settlement purposes.
- Wicket Off Delivery - Predict whether a wicket will fall in the specified delivery. The specified delivery must be completed for bets to stand. For settlement purposes, any wicket will count, including run outs. In the event a batter is ‘retired hurt’, the wicket does not count. In the event a batter is ‘timed out’ or ‘retired out’, the wicket is deemed to have taken place on the previous ball.
- Next Batter Out - Predict which batter will be the next to be out. In the event either batter retires hurt or the batters at the crease are different from those listed, the bets placed on both batters will be void. In the event no further wickets fall, all bets will be void.
- Batter Method of Dismissal (Out) - Predict the method by which the specified batter will be out. In the event the specified batter is not out, all bets are void. In the event the specified batter retires, and does not return to bat later, all bets are void. In the event the batter does return to bat later and is out, bets will stand. Caught and bowled is included in fielder catch.

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- **Last Batter Standing** - Predict which batter will be 'not out' at the completion of the innings. In the event there are two or more batters who are 'not out' upon completion of the innings, the winner for settlement purposes will be the last batter to face a delivery (legal or not). Players will not be deemed to have been 'not out' in the event they were no longer at the crease having retired hurt or did not bat. In the event more than 11 players bat, the market will be void. In limited overs matches, bets on Last Batter Standing will be void in the event the innings has been reduced in any way due to external factors, including, without limitation, bad weather. All players who played in the innings will be settled, including substitutes.
- **Both Batters to Score a Boundary In Over** - Predict if both batters will score a boundary in the over. The specified over must be completed for bets to stand unless settlement has already been determined. In the event an innings ends during an over, then that over will be deemed to be complete unless the innings is ended due to external factors, including, without limitation, bad weather, in which case all bets will be void, unless settlement has already been determined. In the event the over does not commence for any reason, all Both Batters to Score a Boundary In Over bets will be void. Both fours and sixes count as boundaries. Only fours or sixes scored from the bat (off any delivery - legal or not) will count for settlement purposes. Overthrows, all run fours and extras do not count for settlement purposes. Bets will settle regardless of whether or not either specified batter is dismissed or 'retired hurt' before the over commences.
- **Both Four and Six to Be Scored in an Over** - Predict if both a four or a six will be scored in the over. The specified over must be completed for bets to stand unless settlement has already been determined. In the event an innings ends during an over, then that over will be deemed to be complete unless the innings is ended due to external factors, including, without limitation, bad weather, in which case all bets will be void, unless settlement has already been determined. In the event the over does not commence for any reason, all Both Four and Six to Be Scored in an Over bets will be void. Only fours or sixes scored from the bat (off any delivery - legal or not) will count for settlement purposes. Overthrows, all run fours and extras do not count for settlement purposes.
- **Bowler Total Wickets** - Bet on whether the named bowler will take more or less wickets than a specified total. In all forms of cricket, the bowler must bowl at least one (1) delivery for bets to stand. Limited overs matches markets will be void in the event at least eighty percent (80%) of the scheduled overs have not been completed in the relevant innings due to external factors, including, without limitation, bad weather, unless settlement has already been determined. Settlement will be considered determined in the event the line at which the bet was placed is passed. In drawn First Class matches, bets will be void if fewer than 200 overs have been bowled, unless the player's bowling innings is complete. Wickets taken in a super over will not count for settlement purposes. All bets will be void in the event, after the bets were placed, the number of overs or balls is reduced for the innings by more than the values stated below for the applicable format unless settlement has already been determined.
 - One Day Matches — 5 or more overs.—
 - Twenty20 Matches — 3 or more overs.—
 - 10 Matches — 1 or more overs.—

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~~○ 100-Ball Matches – 21 or more balls.~~

~~● **Batter to Score 50+/100+ Runs** – Bets will stand after the specified batter has faced one delivery or is given out without facing a delivery.~~

~~○ Test and First Class Matches – All bets will stand irrespective of delays caused by rain or for any other reason providing a single ball is bowled.~~

~~○ Limited Overs Matches – All bets will be void in the event, after the bets were placed, the number of overs or balls is reduced for the innings by more than the values stated below for the applicable format unless settlement has already been determined.~~

~~■ One Day Matches – 5 or more overs.~~

~~■ Twenty20 Matches – 3 or more overs.~~

~~■ T10 Matches – 1 or more overs.~~

~~■ 100-Ball Matches – 21 or more balls.~~

~~● **Top Batter/Top Bowler** – Bets on players not selected in the starting 11 or designated as substitutes, will be void. Bets on players who are selected but do not bat or field will be settled as losers. For Top Batter markets, in the event two or more batters end on an equal number of runs scored, then Dead Heat rules apply. For Top Bowler markets, in the event two or more bowlers end on an equal number of wickets, then the bowler with the least number of runs conceded will be deemed the winner. In the event two or more bowlers also concede the same number of runs, then Dead Heat rules apply. All Top Batter/Top Bowler bets will be void in the event the number of played overs or balls per innings is not at least equal to the values stated below for the applicable format unless teams are all out:~~

~~○ Test and First Class Matches – 1* innings only counts. 50 overs.~~

~~○ One Day Internationals – 20 overs.~~

~~○ Domestic 50 Over Competitions – 20 overs.~~

~~○ Domestic 40 Over Competitions – 10 overs.~~

~~○ Twenty20 Matches – 6 overs.~~

~~○ T10 Matches – 6 overs.~~

~~○ 100-Ball Matches – 40 balls.~~

~~● **Top Batter in Innings** - Bets are settled on the player with the highest individual score in a team's innings. In limited over matches, bets on Top Batter in Innings will be void in the event at least 50% of the overs scheduled to have been bowled at the time of bet placement could not be completed, due to external factors, including, without limitation, bad weather.~~

~~○ Pre-Live top batter bets for First Class matches apply only to the first innings of each team and will be void if fewer than 200 overs have been bowled, unless settlement has been determined. In the event a player was named at the toss, but later removed as a 'concussion substitute', the player will still be counted, in addition to the replacement player.~~

~~○ In the event a batter does not bat, but was named in the starting 11, bets on the batter will stand.~~

~~○ In the event a substitute batter is added during the batting innings, but after the in-play market was offered, the original market will settle as normal and be removed, regardless of if the substitute player scored the highest individual score (e.g. all selections for the original market are settled as losers if the substitute batter scores~~

the highest individual score). A new bet may be offered with the updated selections. In the event a batter is substituted into the match after the batting innings is over, bets on that batter will be void.

- In the event two or more players score the same number of runs in the innings, Dead Heat rules apply.
- Runs scored in a super over do not count.

- **Top Bowler in Innings** - Bets are settled on the bowler with the highest individual number of wickets in an individual innings. In limited over matches, bets on Top Bowler in Innings will be void in the event at least 50% of the overs scheduled to have been bowled at the time of bet placement could not be completed, due to external factors, including without limitation, bad weather.

- Pre-Live top batter bets for First Class matches apply only to the first innings of each team and will be void if fewer than 200 overs have been bowled, unless settlement has been determined. If a player was named at the toss, but later removed as a 'concussion substitute', the player will still be counted, in addition to the replacement player.
- In the event a bowler does not bowl, but is named in the starting 11, bets will stand.
- In the event a substitute bowler is added after the in-play market was offered, the original market will settle as normal and be removed, regardless of if the substitute player takes the most wickets (e.g. all selections for the original market are settled as losers if the substitute player takes the most wickets). A new bet may be offered with the updated selection. In the event a bowler is substituted into the match after the bowling innings is over, bets on that bowler will be void.
- In the event two or more bowlers have taken the same number of wickets, the bowler who has conceded the fewest runs will be the winner. In the event there are two or more bowlers with the same wickets taken and runs conceded, Dead Heat rules apply.
- Wickets taken in a super over do not count.
- In the event no bowlers take a wicket in an innings, all bets will be void.

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Golf

General Rules

- Notwithstanding any other house rule(s) and unless settlement has already been determined, in the event there is a reduction in scheduled rounds played, bets placed on any market will be void if either less than thirty-six (36) holes of the tournament have been completed by all remaining golfers or the bet(s) are placed after the final shot of the most recently completed round.

Specific Market Rules

- **Tournament Futures Winner** - All futures bets are settled on the player/team winning the trophy. The result of playoffs is taken into account. All bets stand except for those placed on participants not competing in the first round. In the event a player selected

for this market does not tee off on their first hole, bets on such selected player will void.

In the event that there is a change to or decrease in the booked number of rounds or openings played in the competition, wagers set on this market will stand if 36 holes of the tournament have been completed. If less than 36 holes have been completed, or futures bets were placed after the last shot of the previous completed round, bets will be void.

- **Top Nationality/Player Betting** - The winners will be settled in the same way as futures bets, subject to Dead Heat deductions, with only the players quoted counting for settlement purposes. Bets stand once the player has teed off the first hole. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.
- **End of Round Leader /End of Round (X) Top (X) Finish** - The player with the leading score/those in the specified top finish positions at the end of the named specified-round will be deemed the winner/s. Dead Heat rules apply. Bets stand once the player has teed off the first hole. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.
- **Top Specified Finish** - A Player to finish within the Top 4, Top 5, Top 6, Top 10, or Top 20 etc. of a specific tournament. Dead Heat rules apply. Bets stand once the player has teed off the first hole. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.
- **Top Specified Finish (including ties)** – A Player to finish within the Top 5, 10, 20, etc. of a specific tournament. In the event of ties, winning selections will be paid in full. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.
- **Outright betting including “The Field”** - In betting with a “group of players” vs. “The Field”, if any of the named players within the “group of players” against the field do not tee off on their first hole, then all bets will be void. The field is deemed as all other players excluding any referenced player or group of players whether the players in the field are quoted or not. Above Tournament Futures Winner rules apply to determining the winner.
- **18 Hole 2 & 3 Ball Match Bet Markets** - Bets stand void in the event once the players have teed do not tee off on their first hole. If a round is abandoned, bets on that round will be void. In the event that pairings or groups change, then all bets will be void. The winner will be the player with the lowest score over 18 holes. For tournaments using the Stableford scoring system the highest points scorer during the round is the winner. For 2 ball betting, where a price is not offered for the tie, bets will be settled push in the event of a tie and wagers refunded. In 3 ball betting Dead Heat rules will apply. For hole winner markets, bets void in the event stand once all nominated the players do not tee off on their first designated hole. Dead Heat rules apply in the event of tied scores. If a player withdraws during the hole, bets on the withdrawn player will be settled as losers. Bets are settled once the players leave the green. For hole group betting, bets are settled based on the score over a specified group of holes. Dead Heat rules apply in the event of tied scores. Bets will be void if one of the players does not tee off on the first of

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the specified holes. If a player withdraws during the specified group of holes, bets on that player will be settled as losers.

- **Six Shooter** - Predict which of the 5 or 6 players in a group will win the round. Dead Heat rules apply. ~~Bets stand once the players have teed off the first hole. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.~~
- **Player Finishing Positions** - All rounds of the tournament scheduled to be played as of bet placement must be completed for bets to qualify otherwise bets will be void. In the event a player misses the cut, then their finishing position will be determined at this point. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.
- **Tournament Match Bets**
~~Bets stand once the players have teed off the first hole. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.~~
If a player withdraws, whichever player completes the most holes is deemed the winner. If both players complete the same number of holes, the player with the lowest score is deemed the winner.
- **Tournament Trio/Group Betting** - Bet on which player will achieve the highest placing at the end of the tournament from the group of named players. Players are grouped together for betting purposes. ~~In the event if a player in the group withdraws before the tournament begins does not tee off on their first hole,~~ the market will be void. Dead Heat rules apply. At least 36 holes must be completed.
- **Tournament Specials/Props**
 - **Hole in One Markets**
 - **Will Specified Player Make a Hole in One During the Specified Round or Tournament** - ~~Player must tee off for bets to stand. In the event the player selected for this market does not tee off on their first hole, bets on such selected player will void.~~
 - **Tournament Wire to Wire Winner** - Bet on the winner of the tournament to be the tournament leader at the end of each specified round ~~from round one to round four.~~ All rounds of the tournament scheduled to be played as of bet placement ~~rounds~~ must be completed for bets to stand.

Ryder/Presidents/Solheim Cup and Any Other International Matchplay Markets

- **Fourballs/Foursomes/Greensomes/Scramble** - ~~Bets stand once both pairings have teed off the first hole. In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.~~ For all other bets involving groups of more than 3 players together over 18 holes (e.g. 4-ball, 5-ball, etc.) Dead Heat rules apply.
- **Top Tournament Points Scorer/Top Nationality Points Scorer Markets/Top Team/Top Rookie/Top Wildcard (or Top Captain's pick) Markets** - Markets will be settled on the whole tournament. Dead Heat rules apply. ~~Bets will stand once the player has teed off.~~

In the event a player selected for this market does not tee off on their first hole, bets on such selected player will void.

Lacrosse

General Rules

- Game must start on the scheduled day (local stadium time) for bets to have action. The exception is in the event we advertise an incorrect start time. In the event a game is postponed and rescheduled to take place within 48 hours of the original start time, all bets on the game will stand.

Sailing

Events must start within one (1) week (i.e., seven (7) calendar days) of the originally scheduled date for action. In the event a race is suspended or shortened and a winner is declared, then all bets will stand. In the event that no winner is declared, all bets are void unless otherwise determined or settled.

- **To Win Match**—In the event a race starts but is not completed, the player/team progressing to the next round or being awarded the victory will be deemed the winner for settlement purposes.

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TO: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

FROM: Crystal Beauchemin, Sports Wagering Business Manager
Bruce Band, Director

DATE: July 26, 2024

RE: Discussion re: Bettor/Patron Limits

BACKGROUND

On May 21, 2024, the MGC held a round table discussion. Originally all of our Massachusetts sports wagering operators identified they would be attending. However, once the agenda was released, every Operator (aside from Ballys) submitted letters which indicated they had withdrawn participation.

A majority of those Operators commented to MGC staff that aside from the complexity of addressing a majority of the intended questions in a public forum, a significant reason for their withdrawal was the inclusion of particular individuals in the forum who would be representing the "patron perspective," and are known professional bettors.

Each Operator has since expressed commitment to have an Operator-only discussion with the Commission regarding this issue during a public meeting or round table.

OPERATOR-FOCUSED CONVERSATION REQUESTED

Each of the Operators has expressed significant reservations in engaging in a conversation which would include additional participants. While they understand that the Commission would be interested in hearing multiple viewpoints, the Operators are requesting that there be an initial session dedicated to conversation with Operators only.

OVERVIEW

To assist today's discussion, the sports wagering division has compiled the following generalized points and common themes that have been communicated by Operators regarding bettor limits and industry practices.

- Limiting patrons in mobile sports wagering correlates with two well-established risk management practices in brick-and-mortar casinos: 1) table limits; and 2) limiting play by patrons that engage in advantage play (i.e., card counting)
- It is both a risk-management practice and a fair play business practice
- Many limited bettors are not your common customer.
- Across the board, a very low percentage of players are limited*
- Some of the leaders of the sharp bettor community have been convicted of gaming-related criminal felonies. Sharps engage in various ways to get around limits.
- Placing restrictions or regulations on the ability for Operators to limit bettors will harm the industry's risk-management practices and result in a detrimental impact in the Commonwealth
- In some cases, a patron has claimed to be limited, but the account is actually closed due to KYC issues, AML risk, or other suspicious/criminal activity.
- No law or regulation prohibiting limits could be identified in other SW jurisdictions

*Below is a statement recently made by DraftKings that appeared in the Wall Street Journal:

“DraftKings Sportsbook offers tens of thousands of wagers on any given day, all with market-specific betting limits. In order to provide the best possible customer experience for our players, we restrict less than 1% of players below the market limit based largely on betting behaviors.”

The sports wagering division has also attached a document with some potential considerations for discussion points, questions or prompts which may assist in guiding future conversations.

Considerations for Questions/Prompts for future discussions related to Limiting Bettors

How are Casino limits and SW betting limits similar or dissimilar?

How do such limits benefit customers? How would restricting such limits benefit/impact customers?

How does an individual know when they have been/are limited in their wagering?

Are patron limits related to violations of a provision of the Terms of Service they have agreed to, a Massachusetts regulation, or statute?

What could the consumer, financial/revenue, and business impacts be in Massachusetts, if regulations were set to restrict limits or require all limits to be the same?

Are there any general examples of advantage play, proxy wagering or other practices Operators may be able to provide to give some context?

How is integrity ensured amongst these practices?

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

MASSACHUSETTS GAMING COMMISSION

_____)
)
In the Matter of Wynn MA, LLC)
)
 _____)

PREAMBLE

The Commission recognizes that at the heart of its responsibilities is an obligation to ensure public confidence in the integrity of the gaming license process and strict oversight of the gaming establishments. Our lawmakers set the stakes high when they capped the number of full casino licenses at up to three. The award of a gaming license in Massachusetts was never intended to be anything short of a peerless privilege and our laws require gaming licensees to be held to the highest standards – on a continuing basis. We have exercised care as we weighed the evidence in this matter, conforming to the standards of review required of us. At no time was it our obligation to assess the truth of the allegations that gave rise to this matter. Indeed, given systemic corporate failures, the truth may never be uncovered, which troubled us most. We are, however, at an important juncture and we recognize that no casino in Massachusetts should ever operate at the risk of the safety and well-being of its employees. We note the artificial lines drawn by the licensee in this matter, attempting to distinguish sexual assault and misconduct from acts where power is so unequally distributed that individual choice is inherently absent. We in the Commonwealth will always err on behalf of the most vulnerable and expect our corporate citizens to lead in that effort. The law of Massachusetts affords the Commission significant breadth in our decision-making. With that comes an equally significant duty of fairness. We are confident that we have struck the correct balance and met our legal and ethical burdens.

DECISION AND ORDER

This matter came before the Massachusetts Gaming Commission (“Commission”) to address certain issues presented in the comprehensive report (“IEB Report”) issued by the Investigations and Enforcement Bureau (“IEB”) relative to the status of the holder of the Region A gaming license, Wynn MA, LLC, and its qualifiers, Wynn Resorts, Limited and such other individuals as described in this decision (collectively, “the Company”). The Commission conducted an adjudicatory hearing to consider the matter, as requested by the Company, from April 2, 2019, through April 4, 2019, at the Boston Convention and Exposition Center in Boston, Massachusetts. **For the reasons that follow, the Commission has determined that Wynn MA, LLC, Wynn Resorts, Limited, Matthew Maddox, Elaine Wynn, and Elizabeth Patricia Mulroy remain suitable, subject to the fines and conditions set forth in this decision, and all new qualifiers are deemed suitable.** While the Commission did not find substantial evidence that the Company or any qualifier willfully provided false or misleading information to the

- (1) to penalize the Company for systemic failures of certain executives and members of the Board of Directors, past violations, and lack of compliance, and
- (2) to deter future violations and, in conjunction with the conditions that follow, to help ensure compliance moving forward.

The size of the fine is commensurate with the scope of the violations, and designed to be sizeable enough to have a meaningful impact. Given our findings, it is now in the interest of the Commonwealth that the gaming licensee move forward in establishing and maintaining a successful gaming establishment in Massachusetts. One of the key metrics by which we will measure that success will be the overall wellbeing, safety, and welfare of the employees. A second but equally important metric is the importance of compliance and communication with the regulator. This penalty is designed to guarantee these practices.

“[G]aming licensees shall be held to the highest standards of licensing and shall have a continuing duty to maintain their integrity” G.L. c. 23K, § 1(3). We believe the fine in this case is appropriately tailored to ensure that this ideal is backed by the level of import that the law intended. To be clear, the fine is based on acts and omissions that occurred from the moment the Company first availed itself of the Commission’s jurisdiction through to the present. In particular, the fine is based on the violations specified in section V of this decision, and the general failure by the company to notify the Commission of potentially derogatory information particularly where, as a gaming licensee, it did not notify the Nevada regulators. This failure shows that the Company did not appreciate the value of its Massachusetts license.

B. CONDITIONS IMPOSED ON THE COMPANY AND THE BOARD OF DIRECTORS³⁰

1. Wynn Resorts shall maintain the separation of Chair and CEO for at least the term of the license (15 years).
2. At the Company’s expense and with the Company’s full cooperation, the Commission shall select an independent monitor: (i) to conduct a baseline assessment that will include, *without limitation*, a full review and evaluation of all policies and organizational changes adopted by the Company as described by the Company to the Commission as part of the Adjudicatory Record and the following business practices:
 - (a) Implementation of and compliance with all human resource or “HR” policies that reflect current best practices;
 - (b) Use of retractions, mandatory arbitration provisions, gag orders, confidentiality clauses, and non-disparagement provisions of all employees, with particular attention to the use of such measures and their impact on non-executive employees;

³⁰ The Commission notes that the Company raised a number of suggested conditions in its post-hearing brief, including, but not limited to: (1) a prohibition on Wynn Resorts, Limited, Wynn MA, LLC, their qualifiers, and any employee thereof entering into a business relationships with Mr. Wynn; and (2) a prohibition banning Mr. Wynn from its properties. While the Commission does not adopt these suggestions, it leaves it to the Company to make the determination to adopt whatever conditions it deems necessary and prudent.

- (c) Adequacy of internal reporting and communication channels throughout the Company and their alignment with up-to-date organizational charts and reporting structures; and
- (d) Use of outside counsel and maintenance of and adherence to de-conflicting policies and procedures;

and (ii) to recommend to the Company such measures and other changes necessary to correct any deficiencies identified through such baseline assessment, such recommendations of the monitor may be adopted as license conditions at the Commission's discretion. The Company shall comply with the recommendations of the independent monitor, unless relief is otherwise petitioned for by the Company and granted by the Commission. The independent monitor shall present the baseline assessment and any initial recommendations to the Commission within six months of its selection and shall report to the Commission no less than annually in accord with a mutually agreed upon schedule between the independent monitor and the Commission. The independent monitor shall make such additional recommendations to the Company that the monitor deems appropriate on an ongoing basis over the course of its engagement.

As to the Board of Directors, the independent monitor shall assess the structure and effectiveness of the Compliance Committee (and related Compliance Program and Plan), the Audit Committee, and training programs for new and current members.

The independent monitor will be responsible for evaluating and reporting to the Commission on the effectiveness of the Company's policies, practices and programs under the purview of the independent monitor.

The Commission reserves the right to further clarify the scope of the independent monitor's role in documents required as part of a competitive selection bid.

The condition set forth in this paragraph two requiring an independent monitor shall be in place for five years, subject to any petition for relief to the Commission after three years.

3. The Board of Directors shall provide to the Commission timely reports of all Directors' attendance records of both Board and assigned Committee meetings until otherwise directed.
4. Wynn MA, LLC shall train all new employees on the Preventing Harassment and Discrimination Policy (or equivalent policy) within three months of opening.
5. Any civil or criminal complaints or other actions filed in any court or administrative tribunal against a qualifier shall be reported to the Commission immediately upon notice of the action.



TO: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

FROM: Justin Stempeck, Deputy General Counsel
Judith Young, Associate General Counsel

CC: Todd Grossman, Interim Executive Director, and General Counsel
Dr. Alexandra Lightbown, Director of Division of Racing

DATE: August 1, 2024

RE: 205 CMR 3.12: Judges

205 CMR 3.12 has completed the promulgation process after being filed with the Senate Clerk's office for 60 days, in accordance with M.G.L. c. 128A, § 9B. A public hearing was held on May 21, 2024, and one comment in support of the regulation was provided by HHANE. Since its presentation to the Commission on April 11, 2024, no additional edits to the regulations have been made. We are seeking a vote of finalization, so that the regulation may be filed with the Secretary of State on August 2, 2024, and go into effect on August 16, 2024. A final version of the regulation- showing changes in red line, a clean copy, and accompanying amended small business impact statement have been included in the Commissioners' Packet.

Overview:

The proposed amendments to 205 CMR 3.12 address two subsections, subsection (7) addressing horses required to go a qualifying mile and subsection (20) concerning the Judges' penalizing authority.

The proposed change to 205 CMR 3.12(7) extends the amount of time that horses have to show a satisfactory racing line from 30 to 45 days. The Commission has been routinely approving this request from PPC since 2018 and the Division of Racing has no objection to making this change. The satisfactory racing line is a non-betting event that allows a horse to be evaluated by the track veterinarian before it may race.

The proposed change to 205 CMR 3.12(20) was made to align with the range of penalties set forth in the Association of Racing Commissioners International's (ARCI) Uniform Classification Guidelines for Foreign Substances. Existing language in 205 CMR 3.29 already refers to this document for guidance on penalties, and the recommended penalties may exceed the existing Judge's authority as set forth in 205 CMR 3.12(20). This change alters the language for consistency with 205 CMR 3.29 and the ARCI guidance document while providing wider discretion for the Judges to implement financial and other penalties. The existing regulation limits suspensions to 180 days and fines to \$3,000, but the ARCI recommendations often recommend stricter penalties for more serious infractions. Further, this proposed change provides the Judges with broader discretion to impose financial and suspension penalties generally in non-medication instances.



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3.12: Judges

- (1) The Judges shall have the power to interpret 205 CMR 3.00 and to decide all questions not specifically covered by them, such decisions to be reported to the Commission within 24 hours.
- (2) In matters pertaining to racing, the orders of the Judges supersede the orders of the officers and directors of the Association.
- (3) The Judges shall have general supervision over owners, trainers, drivers, grooms and other persons attendant on horses, and also over all the other officials of the meeting.
- (4) Judges' Authority Concerning Race Objections.
 - (a) An objection to an incident alleged to have occurred during a race shall be received only when lodged with the Judges, by the owner, the authorized agent of the owner, the trainer or the driver of a horse engaged in the same race.
 - (b) An objection following the completion of any race must be filed before the race results are declared official.
 - (c) The Judges shall make all findings of fact as to all matters occurring during and incident to the completion of a race; shall determine all objections and inquiries, and shall determine the extent of disqualification, if any, of horses in the race. Such findings of fact and determinations shall be final and shall not be appealable.
 - (d) In the case of disqualification the Judges shall immediately make public the reason for the disqualification and the same shall be announced over the public address system.
- (5) During each racing day the Judges of the meeting shall be at the office building on the grounds of the Association where the racing meeting is being held not later than one hour before post time of the first race of the day to exercise the authority and perform the duties imposed on the Judges by the Rules of Racing.
- (6) At least one Judge shall occupy the Judges' Stand during the running of all qualifying races and non-wagering races.
- (7) The Judges shall require all horses not showing a satisfactory racing line during the previous ~~30~~45 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.
- (8) All questions pertaining to the conduct of the meeting shall be determined by a majority of the Judges.
- (9) No hearing shall be held on 205 CMR 3.00 following the last race of any day during the racing meeting, unless by special permission of the Commission. 205 CMR 3.12(8) shall not apply on the last day of any racing meeting.
- (10) The Judges shall occupy the Judges Stand, from the time the post parade is formed for each race until the race is made official, and their duty shall be to place and record five horses or as many more as they think proper in the order of their finish in each race.
- (11) The Judges shall properly display the numbers of the first four horses in each race in the order of their finish.
- (12) When the Judges differ in their placing the majority shall prevail.
- (13) The Judges shall make public their decision as promptly as possible.
- (14) If it is considered advisable to consult a picture from the finish camera, the Judges shall post, without waiting for a picture, such placements as are in their opinion unquestionable, and after consulting the picture, make the other placements.
- (15) The Judges may call for a picture from the photo-finish camera to aid them in arriving at a decision. However, in all cases the camera is merely an aid and the decision of the Judges shall be final.
- (16) In determining the places of the horses at the finish of a race, the Judges shall consider only the relative position of the

205 CMR: MASSACHUSETTS GAMING COMMISSION

respective noses of such horses.

(17) After the finish of the race all drivers shall report to the Judges' Stand. The Judges shall not declare the race official until each driver has had an opportunity to file a protest as to what occurred in the race.

(18) There shall be no alteration of placement after the sign "Official" has been purposely displayed, except as in provided in 205 CMR 6.00: *Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

(19) The Judges shall each day file with the Commission a copy of the official placement of the first five horses in each race of that day and shall supply to the other officials such information in respect to the racing as the Association may require.

(20) The Judges may suspend ~~for no greater period than 180 days~~ anyone whom they have authority to supervise, and/or they may impose a forfeiture. In the case of a finding of a violation of 205 CMR 3.29, the Judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein, not exceeding \$3,000.00. All such suspensions and forfeitures must be reported to the Commission. ~~If the punishment to be imposed is not in the opinion of the Judges sufficient, they shall so report to the Commission.~~

REGULATORY AUTHORITY

205 CMR 3.00: M.G.L. c. 128A, § 9.

205 CMR: MASSACHUSETTS GAMING COMMISSION

3.12: Judges

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 - (b) An objection following the completion of any race must be filed before the race results are declared official.
 - (c) The Judges shall make all findings of fact as to all matters occurring during and incident to the completion of a race; shall determine all objections and inquiries, and shall determine the extent of disqualification, if any, of horses in the race. Such findings of fact and determinations shall be final and shall not be appealable.
 - (d) In the case of disqualification the Judges shall immediately make public the reason for the disqualification and the same shall be announced over the public address system.
- (5) During each racing day the Judges of the meeting shall be at the office building on the grounds of the Association where the racing meeting is being held not later than one hour before post time of the first race of the day to exercise the authority and perform the duties imposed on the Judges by the Rules of Racing.
- (6) At least one Judge shall occupy the Judges' Stand during the running of all qualifying races and non-wagering races.
- (7) The Judges shall require all horses not showing a satisfactory racing line during the previous 45 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.
- (8) All questions pertaining to the conduct of the meeting shall be determined by a majority of the Judges.
- (9) No hearing shall be held on 205 CMR 3.00 following the last race of any day during the racing meeting, unless by special permission of the Commission. 205 CMR 3.12(8) shall not apply on the last day of any racing meeting.
- (10) The Judges shall occupy the Judges Stand, from the time the post parade is formed for each race until the race is made official, and their duty shall be to place and record five horses or as many more as they think proper in the order of their finish in each race.
- (11) The Judges shall properly display the numbers of the first four horses in each race in the order of their finish.
- (12) When the Judges differ in their placing the majority shall prevail.
- (13) The Judges shall make public their decision as promptly as possible.
- (14) If it is considered advisable to consult a picture from the finish camera, the Judges shall post, without waiting for a picture, such placements as are in their opinion unquestionable, and after consulting the picture, make the other placements.
- (15) The Judges may call for a picture from the photo-finish camera to aid them in arriving at a decision. However, in all cases the camera is merely an aid and the decision of the Judges shall be final.
- (16) In determining the places of the horses at the finish of a race, the Judges shall consider only the relative position of the

205 CMR: MASSACHUSETTS GAMING COMMISSION

respective noses of such horses.

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(19) The Judges shall each day file with the Commission a copy of the official placement of the first five horses in each race of that day and shall supply to the other officials such information in respect to the racing as the Association may require.

(20) The Judges may suspend anyone whom they have authority to supervise, and/or they may impose a forfeiture. In the case of a finding of a violation of 205 CMR 3.29, the Judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. All such suspensions and forfeitures must be reported to the Commission.

REGULATORY AUTHORITY

205 CMR 3.00: M.G.L. c. 128A, § 9.

From: president@hhane.com
To: [Young, Judith](mailto:Young.Judith)
Cc: alice.md@hhane.com
Subject: Request for Comment
Date: Monday, May 20, 2024 3:38:52 PM

This email is in response to the MGC's request for comments that will be reviewed at the Public Hearing on May 21, 2024. Our Comments are in response to the changes in 208 CMR 3.12 Judges and 205 CMR 3.29 Medications and Prohibited Substances.

208 CMR 3.12 Judges- The HHANE supports the amendment that addresses the timing of qualifying miles and to provide broader discretion to impose financial and suspension penalties in accordance with the recommendation of the ARCI.

205 CMR 3.29 Medications and Prohibited Substances- The HHANE also supports the amendment to clarify the discretion of racing stewards to craft penalties for medication violations, including consideration of the USTA and ARCI records.

Thanks for giving us the opportunity to comment on the proposed regulatory changes



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in 205 CMR 3.00: Harness Horse Racing. Specifically, **205 CMR 3.12: Judges** is being amended to address qualifying mile requirements of race horses; and to provide Racing Judges with broader discretion to impose penalties –consistent with the recommendations of the Association of Racing Commissioners International (A.R.C.I.); and **205 CMR 3.29: Medications and Prohibited Substances** being amended to clarify the discretion of racing stewards in crafting penalties for medication violations, and their ability to consider United States Trotting Association (USTA) records in addition to ARCI records. A public hearing on these amendments took place on May 21, 2024.

As these amendments apply directly to Standardbred racing licensees, racing officials, and trainers. These amendments are unlikely to impact small businesses.

In accordance with M.G.L. c.30A, §5, the Commission offers the following responses as to whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder the achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be impacted by these amendments as they apply directly to Standardbred racing licensees and employees, and racing officials. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no schedules or deadlines for compliance or reporting requirements for small businesses created by this amendment.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

These amendments do not impose reporting requirements upon small businesses.



Massachusetts Gaming Commission

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:

The amendments are prescriptive in nature. They are appropriate because every participant should have access to a uniform regulatory process. The best way to ensure this uniformity is via prescriptive rules of procedure.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments apply solely to racing licensees and employees; therefore, they are not expected to deter or encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

The proposed amendments are not likely to create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

_____/s/ Judith Young

Judith A. Young

Associate General Counsel

Dated: August 1st, 2024



Massachusetts Gaming Commission



TO: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

FROM: Justin Stempeck, Deputy General Counsel
Judith Young, Associate General Counsel

CC: Todd Grossman, Interim Executive Director, and General Counsel
Dr. Alexandra Lightbown, Director of Division of Racing

DATE: August 1, 2024

RE: 205 CMR 3.29: Medications and Prohibited Substances

205 CMR 3.29 has completed the promulgation process after being filed with the Senate Clerk's office for 60 days, in accordance with M.G.L. c. 128A, § 9B. A public hearing was held on May 21, 2024, and one comment in support of the regulation was provided by HHANE. Since its presentation to the Commission on April 11, 2024, no additional edits to the regulation have been made. We are asking for a vote of finalization, so that the regulation may be filed with the Secretary of State on August 2nd, 2024; and go into effect on August 16, 2024. A final version of the regulation showing changes in red line, a clean copy and accompanying amended small business impact statement have been included in the Commissioners' Packet.

Overview:

The proposed updates to 205 CMR 3.29 clarify the discretion of the racing stewards in crafting penalties for multiple medication violations that occur before official notice of a violation is provided to a trainer. Because of the inherent delays in receiving drug testing results there is the possibility that a trainer can be found positive multiple times for the same medication without an opportunity to respond and investigate or change their practices to try and prevent the positives, thus this change would allow the stewards to consolidate such violations into a single violation, if the circumstances warrant. Judges have previously utilized their inherent discretion to make these determinations and this change would memorialize this practice. Additionally, in the event of that a single post-race sample results in multiple different medication positives, this change would permit the stewards to penalize the trainer for each medication positive and not simply as one violation.

The proposed additional language states:

(f) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation, depending upon the facts and circumstances of the case.

Notably, similar language exists with respect to the ARCI Multiple Medication Violation program at 205 CMR 3.29(2A)(c), however; penalties under that program would be in addition to any penalties imposed by the stewards under this proposal as set forth in 205 CMR 3.29(2)(f).



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The second minor change to 205 CMR 3.29(2A)(d) simply adds language allowing the Stewards to consider the USTA records in addition to the ARCI records. Given that the USTA records are the primary record source this change merely clarifies actual practice.



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3.29: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of 205 CMR 3.29, the judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The judges shall also consult with the official veterinarian, laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (a) The past record of the trainer, veterinarian and owner in drug cases;
- (b) The potential of the drug(s) to influence a horse's racing performance;
- (c) The legal availability of the drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (i) Whether there was any suspicious betting pattern in the race; and
- (j) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties.

- (a) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (b) If a licensed veterinarian is administering or prescribing a drug not listed in the ARCI *Uniform Classification Guidelines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the version of the ARCI *Uniform Classification Guidelines for Foreign Substances* in

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effect at the time of the violation shall be assumed to be a ARCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” therein unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

(d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(f) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation, depending upon the facts and circumstances of the case.

(2A) Multiple Medication Violations (MMV). A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI *Uniform Classification Guidelines for Foreign Substances*, or similar state regulatory guidelines, shall be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-controlled Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days ¹ one for first violation with an additional ½ point for each additional violation within 365 days	
Class D	0	0

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points

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are not to be separately assigned for a stacking violation.

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

(a) The points assigned to a medication violation by the Stewards' or Commission's Ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including, when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in [205 CMR 6.29\(3\)\(d\)](#), whether they constitute a single violation. The Stewards' or Commission's Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(b) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in 205 CMR 3.00.

(c) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

(d) The official ARCI record **and/or USTA record** shall be used to advise the Stewards or Commission of a trainer's past record of violations and cumulative points. Nothing in 205 CMR 3.00 shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(e) The Stewards or Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in 205 CMR 3.00 shall be imposed.

(f) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60

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9-10.5	90 to 180
11 or more	180 to 360

(g) MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

1. Has had more than one medication violation for the relevant time period, and
2. Exceeds the permissible number of points.

(h) The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer’s prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

1. The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.
2. The Stewards’ or Commission’s Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Steward or Commission review of the trainer’s cumulative points and regulatory record, which may be considered an aggravating factor in a case.
3. Points shall expire as follows:

Penalty Classification	Time to Expire
A	three years
B	two years
C	one year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(3) Medication Restrictions.

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(a) A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is *prima facie* evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

1. Drugs or medications for which no acceptable threshold concentration has been established;
2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication Schedule in effect at the time of the violation;
3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and
4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 3.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 3.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling.

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 3.29(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

1. The name of the product;
2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;
3. The name of each patient (horse) for whom the product is intended/prescribed;
4. The dose, dosage, duration of treatment and expiration date of the prescribed/ dispensed product; and
5. The name of the person (trainer) to whom the product was dispensed.

(5) Non-steroidal Anti-inflammatory Drugs (NSAIDs). The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

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1. Phenylbutazone. two micrograms per milliliter;
2. Flunixin. 20 nanograms per milliliter;
3. Ketoprofen. two nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs in the post-race serum or plasma sample is not permitted.

1. A finding of phenylbutazone below a concentration of .5 microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

2. A finding of flunixin below a concentration of three nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

(d) The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(e) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(6) Furosemide.

(a) In order for a horse to be placed on the Furosemide List the following process must be followed.

1. After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the official veterinarian or his or her designee shall be notified, using the prescribed form, that the horse is to be put on the Furosemide List.

2. The form must be received by the official veterinarian or his or her designee by the time of entry.

3. A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.

4. After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

5. Furosemide shall only be administered on association grounds.

6. Furosemide shall be the only authorized bleeder medication.

7. The use of furosemide shall not be permitted in two year olds.

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

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1. Furosemide shall be administered by single intravenous injection no less than four hours prior to post time for the race for which the horse is entered.
2. The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg.
3. After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(c) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

1. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;
2. Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse which has been placed on the Furosemide List in another jurisdiction pursuant to 205 CMR 3.00 shall be placed on the Furosemide List in this jurisdiction. A notation on the horse's electronic eligibility certificate of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

(7) Bleeder List.

(a) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the minimum following time periods:

1. First incident - 14 days;
2. Second incident - 30 days;
3. Third incident - 180 days; and
4. Fourth incident - barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by 205 CMR 3.29(7).

(e) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to rules similar to 205 CMR 3.29(7) shall be placed on a Bleeder List in this jurisdiction.

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(8) Androgenic-anabolic Steroids (AAS).

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following plasma or serum thresholds for unchanged (*i.e.*, not conjugated) substance or urine threshold concentrations (*i.e.*, free drug or metabolite and drug or metabolite liberated from its conjugates):

1. Boldenone: 15 ng/ml of total boldenone in urine of male horses other than geldings, or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;

2. Nandrolone: 1 ng/ml of total nandrolone in urine for fillies, mares, and geldings, or 45 ng/ml (as 5 α -estrane-3 β , 17 α -diol) in urine, in male horses other than geldings, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares.

3. Testosterone:

a. In Geldings. 20 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum; and

b. In Fillies and Mares. 55 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum.

(c) Any other anabolic steroids are prohibited in racing horses.

(d) Post-race urine samples must have the sex of the horse identified to the laboratory.

(9) Alkalinizing Substances. The use of agents that elevate the horse's TCO₂ or Base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited.

(a) The following levels also apply to blood gas analysis:

1. The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum or a Base excess level of 10.0 millimoles; and

2. The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample or a Base excess level of 10.4 millimoles per liter of plasma/serum.

(b)1. If the level of TCO₂ is determined to exceed 37.0 millimoles per liter of plasma/ serum plus the laboratory's measurement of uncertainty and the owner or trainer of the horse certifies in writing to the judges within 24 hours after the notification of the test results that the level is normal for that horse, the owner or trainer may request in writing that the horse be held in quarantine. If quarantine is requested, the licensed association shall make guarded quarantine available for that horse for a period of time to be determined by the steward or judges, but in no event for more than 72 hours.

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2. The expense to maintain the quarantine shall be borne by the owner or trainer.
3. During quarantine, the horse shall be retested periodically by the Commission veterinarian.
4. The horse shall not be permitted to race during a quarantine period, but it may be exercised and trained at times prescribed by the licensed association and in a manner that allows monitoring of the horse by a Commission representative.
5. During quarantine, the horse shall be fed only hay, oats, and water.
6. If the Commission veterinarian is satisfied that the horse's level of TCO₂, as registered in the original test, is physiologically normal for that horse, the judges:
 - a. Shall permit the horse to race; and
 - b. May require repetition of the quarantine procedure established in 205 CMR 3.29(9)(b)1. through 6. to reestablish that the horse's TCO₂ level is physiologically normal.

REGULATORY AUTHORITY

205 CMR 3.00: M.G.L. c. 128A, § 9

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3.29: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of 205 CMR 3.29, the judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The judges shall also consult with the official veterinarian, laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (a) The past record of the trainer, veterinarian and owner in drug cases;
- (b) The potential of the drug(s) to influence a horse's racing performance;
- (c) The legal availability of the drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (i) Whether there was any suspicious betting pattern in the race; and
- (j) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties.

- (a) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (b) If a licensed veterinarian is administering or prescribing a drug not listed in the *ARCI Uniform Classification Guidelines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the version of the *ARCI Uniform Classification Guidelines for Foreign Substances* in

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effect at the time of the violation shall be assumed to be a ARCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” therein unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

(d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(f) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation, depending upon the facts and circumstances of the case.

(2A) Multiple Medication Violations (MMV). A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI *Uniform Classification Guidelines for Foreign Substances*, or similar state regulatory guidelines, shall be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-controlled Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days ¹ one for first violation with an additional ½ point for each additional violation within 365 days	
Class D	0	0

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points

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are not to be separately assigned for a stacking violation.

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

(a) The points assigned to a medication violation by the Stewards' or Commission's Ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including, when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in 205 CMR 6.29(3)(d), whether they constitute a single violation. The Stewards' or Commission's Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(b) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in 205 CMR 3.00.

(c) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

(d) The official ARCI record and/or USTA record shall be used to advise the Stewards or Commission of a trainer's past record of violations and cumulative points. Nothing in 205 CMR 3.00 shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(e) The Stewards or Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in 205 CMR 3.00 shall be imposed.

(f) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60

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9-10.5	90 to 180
11 or more	180 to 360

(g) MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

1. Has had more than one medication violation for the relevant time period, and
2. Exceeds the permissible number of points.

(h) The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer’s prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

1. The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.
2. The Stewards’ or Commission’s Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Steward or Commission review of the trainer’s cumulative points and regulatory record, which may be considered an aggravating factor in a case.
3. Points shall expire as follows:

Penalty Classification	Time to Expire
A	three years
B	two years
C	one year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(3) Medication Restrictions.

(a) A finding by the Commission approved laboratory of a prohibited drug, chemical or other

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substance in a test specimen of a horse is *prima facie* evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

1. Drugs or medications for which no acceptable threshold concentration has been established;
2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication Schedule in effect at the time of the violation;
3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and
4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 3.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 3.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling.

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 3.29(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

1. The name of the product;
2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;
3. The name of each patient (horse) for whom the product is intended/prescribed;
4. The dose, dosage, duration of treatment and expiration date of the prescribed/ dispensed product; and
5. The name of the person (trainer) to whom the product was dispensed.

(5) Non-steroidal Anti-inflammatory Drugs (NSAIDs). The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

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1. Phenylbutazone. two micrograms per milliliter;
2. Flunixin. 20 nanograms per milliliter;
3. Ketoprofen. two nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs in the post-race serum or plasma sample is not permitted.

1. A finding of phenylbutazone below a concentration of .5 microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

2. A finding of flunixin below a concentration of three nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

(d) The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(e) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(6) Furosemide.

(a) In order for a horse to be placed on the Furosemide List the following process must be followed.

1. After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the official veterinarian or his or her designee shall be notified, using the prescribed form, that the horse is to be put on the Furosemide List.

2. The form must be received by the official veterinarian or his or her designee by the time of entry.

3. A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.

4. After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

5. Furosemide shall only be administered on association grounds.

6. Furosemide shall be the only authorized bleeder medication.

7. The use of furosemide shall not be permitted in two year olds.

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

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1. Furosemide shall be administered by single intravenous injection no less than four hours prior to post time for the race for which the horse is entered.

2. The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg.

3. After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(c) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

1. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;

2. Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse which has been placed on the Furosemide List in another jurisdiction pursuant to 205 CMR 3.00 shall be placed on the Furosemide List in this jurisdiction. A notation on the horse's electronic eligibility certificate of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

(7) Bleeder List.

(a) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the minimum following time periods:

1. First incident - 14 days;

2. Second incident - 30 days;

3. Third incident - 180 days; and

4. Fourth incident - barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by 205 CMR 3.29(7).

(e) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to rules similar to 205 CMR 3.29(7) shall be placed on a Bleeder List in this jurisdiction.

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(8) Androgenic-anabolic Steroids (AAS).

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following plasma or serum thresholds for unchanged (*i.e.*, not conjugated) substance or urine threshold concentrations (*i.e.*, free drug or metabolite and drug or metabolite liberated from its conjugates):

1. Boldenone: 15 ng/ml of total boldenone in urine of male horses other than geldings, or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;

2. Nandrolone: 1 ng/ml of total nandrolone in urine for fillies, mares, and geldings, or 45 ng/ml (as 5 α -estrane-3 β , 17 α -diol) in urine, in male horses other than geldings, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares.

3. Testosterone:

a. In Geldings. 20 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum; and

b. In Fillies and Mares. 55 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum.

(c) Any other anabolic steroids are prohibited in racing horses.

(d) Post-race urine samples must have the sex of the horse identified to the laboratory.

(9) Alkalinizing Substances. The use of agents that elevate the horse's TCO₂ or Base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited.

(a) The following levels also apply to blood gas analysis:

1. The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum or a Base excess level of 10.0 millimoles; and

2. The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample or a Base excess level of 10.4 millimoles per liter of plasma/serum.

(b)1. If the level of TCO₂ is determined to exceed 37.0 millimoles per liter of plasma/ serum plus the laboratory's measurement of uncertainty and the owner or trainer of the horse certifies in writing to the judges within 24 hours after the notification of the test results that the level is normal for that horse, the owner or trainer may request in writing that the horse be held in quarantine. If quarantine is requested, the licensed association shall make guarded quarantine available for that horse for a period of time to be determined by the steward or judges, but in no event for more than 72 hours.

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2. The expense to maintain the quarantine shall be borne by the owner or trainer.
3. During quarantine, the horse shall be retested periodically by the Commission veterinarian.
4. The horse shall not be permitted to race during a quarantine period, but it may be exercised and trained at times prescribed by the licensed association and in a manner that allows monitoring of the horse by a Commission representative.
5. During quarantine, the horse shall be fed only hay, oats, and water.
6. If the Commission veterinarian is satisfied that the horse's level of TCO₂, as registered in the original test, is physiologically normal for that horse, the judges:
 - a. Shall permit the horse to race; and
 - b. May require repetition of the quarantine procedure established in 205 CMR 3.29(9)(b)1. through 6. to reestablish that the horse's TCO₂ level is physiologically normal.

REGULATORY AUTHORITY

205 CMR 3.00: M.G.L. c. 128A, § 9

From: president.hhane.com
To: [Young, Judith](#)
Cc: alice.md.hhane.com
Subject: Request for Comment
Date: Monday, May 20, 2024 3:38:52 PM

This email is in response to the MGC's request for comments that will be reviewed at the Public Hearing on May 21, 2024. Our Comments are in response to the changes in 208 CMR 3.12 Judges and 205 CMR 3.29 Medications and Prohibited Substances.

208 CMR 3.12 Judges- The HHANE supports the amendment that addresses the timing of qualifying miles and to provide broader discretion to impose financial and suspension penalties in accordance with the recommendation of the ARCI.

205 CMR 3.29 Medications and Prohibited Substances- The HHANE also supports the amendment to clarify the discretion of racing stewards to craft penalties for medication violations, including consideration of the USTA and ARCI records.

Thanks for giving us the opportunity to comment on the proposed regulatory changes



TO: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

FROM: Justin Stempeck, Deputy General Counsel
Judith Young, Associate General Counsel

CC: Todd Grossman, Interim Executive Director, and General Counsel
Dr. Alexandra Lightbown, Director of Division of Racing

DATE: August 1, 2024

RE: 205 CMR 6.24: Deposits

205 CMR 6.24 has completed the promulgation process after being filed with the Senate Clerk's office for 60 days, in accordance with M.G.L. c. 128A, § 9B. A public hearing was held on May 21, 2024. No comments pertaining to this regulation were provided. Since its presentation to the Commission on April 11, 2024, no additional edits to the regulation have been made. We are seeking a vote of finalization, so that the regulation may be filed with the Secretary of State on August 2, 2024; and go into effect on August 16, 2024. A final version of the regulation- showing changes in red line, a clean copy, and accompanying amended small business impact statement have been included in the Commissioners' Packet.

Overview:

The proposed updates to 205 CMR 6.24 would mirror the statutory language above in c. 128A and eliminate any inconsistency where the previous version of the regulation stated that "No deposits may be made by credit or debit card." Such a change would remove confusion and clarify funding mechanisms for ADW accounts.

In contrast to G.L. c. 23N, G.L. c. 128A, §5C explicitly permits the use of credit and debit cards to fund an advance deposit wagering account:

As used in this section, "account wagering" shall mean a form of pari-mutuel wagering in which an individual may deposit money to an account established through an agreement with a person licensed to conduct a running horse, harness horse or dog racing meeting and use the account balance to make and pay for wagers by the holder of the account which wagers may be made in person, by direct telephone call or by communication through other electronic media by the holder of the account to the licensee. **An individual who has established a betting account with a racing meeting licensee may deposit money into said account through the use of a credit card or debit card issued by a federal or state-chartered bank and a racing meeting licensee may collect and deposit money received in such a manner at the licensee's racetrack or through the telephone, Internet or other telecommunications media.** Only those persons who have established a betting account with a person licensed to conduct a running horse, harness horse or dog racing meeting in accordance with this section shall place bets by telephone or by communication through other electronic media with such licensee. No credit shall be extended to a betting account by a running horse, harness horse or dog racing meeting licensee. (emphasis added).



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6.24: Deposits

Deposits may be made in person or by mail, in cash or by check or negotiable order of withdrawal. The proceeds of a check may first need banker's clearance. Holding periods will be determined by the association and advised to the account holder. ~~An individual who has established a betting account with a racing meeting licensee may deposit money into said account through the use of a credit card or debit card issued by a federal or state-chartered bank and a racing meeting licensee may collect and deposit money received in such a manner at the licensee's racetrack or through the telephone, Internet or other telecommunications media. No deposits may be made by credit or debit card, and no credit is allowed. No credit shall be extended to a betting account by a running horse, harness horse or dog racing meeting licensee.~~ A receipt for the deposit must be issued to the account holder, but does not need to reflect the current account balance.

REGULATORY AUTHORITY

205 CMR 6.00: M.G.L. c. 128A and 128C.

205 CMR: MASSACHUSETTS GAMING COMMISSION

6.24: Deposits

Deposits may be made in person or by mail, in cash or by check or negotiable order of withdrawal. The proceeds of a check may first need banker's clearance. Holding periods will be determined by the association and advised to the account holder. An individual who has established a betting account with a racing meeting licensee may deposit money into said account through the use of a credit card or debit card issued by a federal or state-chartered bank and a racing meeting licensee may collect and deposit money received in such a manner at the licensee's racetrack or through the telephone, Internet or other telecommunications media. No credit shall be extended to a betting account by a running horse, harness horse or dog racing meeting licensee. A receipt for the deposit must be issued to the account holder, but does not need to reflect the current account balance.

REGULATORY AUTHORITY

205 CMR 6.00: M.G.L. c. 128A and 128C.



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed promulgation of **205 CMR 6.24: Deposits**. A public hearing was held on **May 20, 2024**, discussing this proposed regulation.

This regulation is being promulgated as part of the process of updating regulations governing live racing in the Commonwealth. Specifically, it sets forth the depositing process for betting accounts with racing meeting licensees.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

Small businesses are unlikely to be subject to this regulation. Accordingly, less stringent reporting requirements have not been established.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

The proposed regulation does not impose any reporting requirements for small businesses.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

This regulation does not impose any reporting requirements for small businesses.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

The proposed regulation is process-focused, akin to a design standard as it sets out the permitted methods in which an account holder may fund their account.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

This regulation is not likely to deter no encourage the formation of new businesses within the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

This regulation is not likely to adversely impact small businesses.

Massachusetts Gaming Commission
By:

 /s/ Judith Young
Judith A. Young
Associate General Counsel
Legal Division

Dated: August 1, 2024



Massachusetts Gaming Commission



TO: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

FROM: Carrie Torrisi, Deputy General Counsel
Caitlin Monahan, Director, IEB
Kathleen Kramer, Interim Chief Enforcement Counsel/Assistant Director, IEB

DATE: August 1, 2024

RE: 205 CMR 219.04: Applying for Leave to Obtain a Renewed Temporary License

Enclosed for the Commission's review are proposed amendments intended to clarify 205 CMR 219.04: *Applying for Leave to Obtain a Renewed Temporary License*, which governs the renewal of temporary sports wagering licenses. We are seeking approval to begin the promulgation process.

During the Commission's development of 205 CMR 219.04, the Commission considered that one of the key objectives of 205 CMR 219.04 was to provide the Investigations and Enforcement Bureau ("IEB") with sufficient time to complete durable suitability investigations. During these discussions, the then IEB Director requested that the regulation provide the IEB with a period of three years to complete durable suitability investigations, with the option to extend that time by providing the Commission with a status update. The request for three years considered the number of applicants, the additional work responsibilities of the IEB, and the fact that the IEB would be simultaneously regulating the operators and conducting the durable suitability investigations.

The Commission ultimately decided to provide the IEB with the three-year period to complete durable suitability investigations and approved the current version of 205 CMR 219.04 on October 19, 2023.

Upon further review, the current language in 205 CMR 219.04 suggests a *two*-year period to complete durable suitability investigations, which does not align with the Commission's intent.

The current regulatory language refers to a "second, fourth, and fifth temporary license" as well as a "third temporary license." The regulation currently requires that a suitability investigation be conducted before acceptance of an application for a third temporary license. However, a third temporary license would be issued two years after the issuance of the initial/first temporary

license, which would provide the IEB with only two years to complete its durable suitability investigations. The intent of this regulation was, instead, that a suitability investigation be conducted before acceptance of an application for third temporary license *renewal*, which would occur three years after the issuance of the initial temporary license. That is because the third temporary license *renewal* would result in the issuance of a fourth temporary license as opposed to a third temporary license. To explain in simpler terms, the third temporary license would be equivalent to the second temporary license *renewal*, and the fourth temporary license would be equivalent to the third temporary license *renewal*.

For example:

February 2023: First temporary license issued

February 2024: Second temporary license/first temporary license *renewal*

February 2025: Third temporary license/second temporary license *renewal*

February 2026: Fourth temporary license/third temporary license *renewal*

To clarify the regulation to reflect the intent of the Commission, we propose minor changes to 205 CMR 219.04(5)(a)-(c) to insert the word “renewal,” as well as the insertion of “first” into 205 CMR 219.04(5)(a) to account for the first temporary license renewal.

The proposed amendments would continue to meet the objectives of the Commission for the temporary license process, including ensuring the durable suitability investigation process does not go beyond a total of five years without a written report submitted by the IEB, allowing the operators to continue operations while durable suitability investigations are ongoing, and providing the IEB with the necessary time to complete the investigations without compromising integrity.

205 CMR: MASSACHUSETTS GAMING COMMISSION

205R 219.00: TEMPORARY LICENSING PROCEDURES

219.04: Applying for Leave to Obtain a Renewed Temporary License

(1) Applications for leave to request a renewed Temporary License shall be submitted to the Executive Director on a form approved by the Commission.

(2) Administrative Sufficiency Review.

(a) The Commission's Division of Licensing will review each application for leave for administrative sufficiency.

(b) When determining whether an application for leave is administratively sufficient, the Division of Licensing shall review only the form required by 205 CMR 219.04(1), and only determine whether all information or materials required to be provided in response to each question or request has been submitted.

(c) If an application for leave is determined to be insufficient:

1. The Division shall notify the Operator by email. The notification shall specifically identify the deficiencies.

2. The Operator shall have the right to submit supplemental or corrected information to cure the deficiencies within one month.

3. For each deficient request component, the one-month period established in 205 CMR 219.04(2)(c)(ii) shall begin the day after:

a. The last date to submit an application for leave to request a renewed temporary license, as established by 205 CMR 219.04(5), if that date has not passed; or

b. The date on which the notification sent pursuant to 205 CMR 219.04(2)(c)(i) was sent, if the last date to submit an application for leave to request a renewed temporary license, as established by 205 CMR 219.04(5), has passed.

(3) In reviewing the application for leave to request a renewed Temporary License, the Commission may, at such times and in such order as the Commission deems appropriate, take any of the actions listed in 205 CMR 218.04(1).

(4) The Commission shall, at an open public meeting, either grant or deny leave to obtain a renewed Temporary License. The Commission shall send written notice of the public meeting to the requestor at least 14 days in advance of the meeting.

(5) Applications for leave to obtain a renewed Temporary License: timing, evaluation, and fees.

(a) First, Second, ~~Fourth~~, and ~~Fifth~~ Temporary Licenses Renewals.

1. Timing: An Operator may submit an application for leave to obtain a renewed Temporary License no sooner than ten months nor later than eleven months after the effective date of the prior Temporary License.

2. Evaluation: in determining whether to grant or deny the application for leave, the Commission may consider, in its discretion, any appropriate factor.

3. Fee: the application for leave shall be accompanied by a nonrefundable application fee of \$10,000 to defray the costs associated with the processing of the application and investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.

(b) Third Temporary License Renewal.

1. Timing: an Operator may submit an application for leave to obtain a renewed Temporary License no later than three months after the effective date of the prior Temporary License.

2. Evaluation:

a. Before the Commission may grant the Operator's application for leave, the Bureau shall conduct an investigation into the qualifications and continued suitability of the Operator and its Qualifiers, and submit a written report to the Commission, consistent with 205 CMR 215.01(2)(b).

b. In determining whether to grant or deny the application for leave, the Commission may consider, in its discretion, any appropriate factor.

3. Fee: the application for leave shall be accompanied by a nonrefundable application fee of \$50,000 to defray the costs associated with the processing of the application and investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.

(c) Sixth and Subsequent Temporary Licenses Renewals.

1. Timing: an Operator may submit an application for leave to obtain a renewed Temporary License no later than three months after the effective date of the prior Temporary License.

2. Evaluation:

a. Within one month of a positive determination of administrative sufficiency, the Commission may instruct the Bureau to conduct an investigation and submit a written report to the Commission. The investigation and written report shall address any topic directed by the Commission, and, in the Bureau's discretion, any other topic. If the Commission so instructs the Bureau, the Commission shall receive the Bureau's report before it may grant the Operator's application for leave. Otherwise, the Commission may grant the Operator's application for leave without receiving a report from the Bureau.

b. In determining whether to grant or deny the application for leave, the Commission may consider, in its discretion, any appropriate factor. In addition, the Commission shall determine whether any delays in making a supplemental determination of suitability are primarily attributable to the Operator and its Qualifiers, and the Commission and its staff.

c. Fee: the application for leave shall be accompanied by a nonrefundable application fee of \$25,000 to defray the costs associated with the processing of the application and any investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.

(d) The Commission may, in its discretion, extend the time for filing a complete application for leave to enable an Operator to cure a deficiency in its application, provided that the application for leave was submitted before the established deadlines, or to provide a reasonable additional time for filing in cases where extraordinary circumstances prevented a timely filing.

(e) The Executive Director shall deny, without prejudice, any renewal request not accompanied by the required application fee.



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed amendments to **205 CMR 219: Temporary Licensing Procedures**.

This regulation was promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is authorized by G.L. c. 23N, §4. This regulation is unlikely to have an impact on small businesses as it governs the issuance of licenses to Sports Wagering Operators who are not small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth. Provided standards are performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.



Massachusetts Gaming Commission

Massachusetts Gaming Commission
By:

/s/ Carrie Torrisi
Carrie Torrisi, Deputy General Counsel

Dated: August 1, 2024



Massachusetts Gaming Commission

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