HOUSE DOCKET, NO. 3835 FILED ON: 1/17/2025

HOUSE . . . . . No. 4037

The Commonwealth of Massachusetts

PRESENTED BY:

Adam J. Scanlon

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to problem gambling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Adam J. Scanlon	*14th Bristol*	*1/17/2025*

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HOUSE . . . . . No. 4037

By Representative Scanlon of North Attleborough, a petition (accompanied by bill, House, No. 4037) of Adam J. Scanlon relative to problem gambling. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to problem gambling.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Clause (iii) of subsection (b) of section 24 of chapter 10 of the General Laws, as appearing in section 7 of chapter 140 of the acts of 2024, is hereby amended by adding the following words:- and allow any player to voluntarily place themself on the list of self-excluded persons established by the Massachusetts gaming commission pursuant to subsection (f) of section 45 of chapter 23K, on the list of self-excluded persons established by the Massachusetts gaming commission pursuant to paragraph (2) of subsection (e) of section 13 of chapter 23N, and on the list of self-excluded persons established by the attorney general pursuant to section 11M3/4 of chapter 12 at the same time and in the same manner in which they can voluntarily prohibit or otherwise exclude themself from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means.

SECTION 2. Said section 24 of said chapter 10, as so appearing, is hereby further amended by adding the following 2 subsections:-

(i) The commission shall include the standardized disclaimer, established pursuant to subsection (z) of section 3 of chapter 23K, in all its advertisements for lottery products.

(j) The commission shall ensure that the lottery shall not market to persons on any excluded persons list in any form, including but not limited to marketing by mail, by app notifications, by digital ads or by ads contracted to display in other companies' advertisements. The commission shall ensure that all technological means available, including but not limited to microtargeting via cookies, Internet Protocol addresses and other digital fingerprints, are used to prevent its ads from being served to individuals on any excluded persons list, established pursuant to this section. The commission shall promulgate regulations for the implementation of this subsection.

SECTION 3. Chapter 12 of the General Laws is hereby amended by inserting after section 11M1/2 the following section:-

Section 11M3/4. (a) The attorney general shall establish a list of self-excluded persons from fantasy contests, established pursuant to section 11M1/2. A person may request such person's name to be placed on the list of self-excluded persons by filing a statement with the attorney general acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person shall not collect any winnings or recover any losses resulting from any fantasy contests, established pursuant to said section 11M1/2. The attorney general shall adopt further regulations for the self-excluded persons list including procedures for placement, removal and transmittal of such list to persons or entities that offer

fantasy contests, established pursuant to said section 11M1/2. The attorney general may fine a person or entity that offers fantasy contests, established pursuant to said section 11M1/2, if the person or entity that offers fantasy contests knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons.

(b) Persons or entities that offer fantasy contests, established pursuant to section 11M1/2, shall not market to persons on any excluded persons list and shall deny access to complimentaries, check cashing privileges, club programs and other similar benefits to persons on the self-excluded persons list. Notwithstanding any other general or special law to the contrary, the self-excluded persons list shall not be open to public inspection. Nothing in this section, however, shall prohibit a person or entity that offers fantasy contests, established pursuant to said section 11M1/2, from disclosing the identity of persons on the self-excluded persons list under this section to affiliated persons or entities that offer fantasy contests in this commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated persons or entities that offer fantasy contests, established pursuant to said section 11M1/2.

(c) A person who is prohibited from participating in fantasy contests, established pursuant to section 11M1/2, shall not collect any winnings or recover losses arising as a result of prohibited fantasy contest winnings obtained by a person who is prohibited from fantasy contests, and such winnings shall be deposited into the Public Health Trust Fund, established pursuant to section 58 of chapter 23K.

(d) The attorney general shall further allow an individual to voluntarily place themself on the list of self-excluded persons established by the Massachusetts gaming commission pursuant

to subsection (f) of section 45 of chapter 23K, and to opt into the system created by the state lottery commission for any individual to voluntarily prohibit or otherwise exclude themself from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means, established pursuant to clause (iii) of subsection (b) of section 24 of chapter 10, at the same time and in the same manner in which they request to be added to the list of self-excluded list of persons, established pursuant to this section.

(e) The attorney general shall establish regulations, pursuant to chapter 30A, and procedures to implement this section.

(f) The Massachusetts gaming commission, established pursuant to section 3 of chapter 23K, and the state lottery commission, established pursuant to section 24 of chapter 10, shall consider and develop recommendations pursuant to joining a national registry or program for voluntary self-exclusion.

(g) Persons or entities that offer fantasy contests, established pursuant to section 11M1/2, shall not engage in marketing or advertising that: (i) occurs via traditional television broadcast or streaming platform during a broadcast of either a professional sport or athletic event, defined pursuant to section 3 of chapter 23N, or a sports event or sporting event, defined pursuant to said section 3 of said chapter 23N; (ii) markets to persons on any excluded persons list, established pursuant to this section, in any form, including but not limited to marketing by mail, by app notifications, by digital ads or by ads contracted to display in other companies' advertisements; provided, that a person or entity that offers fantasy contests, established pursuant to section 11M1/2, shall use all technological means available, including but not limited to microtargeting via cookies, Internet Protocol addresses and other digital fingerprints, to prevent their ads from

being served to individuals on any excluded persons list, established pursuant to this section; provided further, that the attorney general shall promulgate regulations, pursuant to chapter 30A, including penalties for noncompliance, for the implementation of this section; (iii) is deemed by the attorney general to appeal to a person less than 21 years of age; or (iv) occurs via means of television, radio, internet, billboard or print publication unless at least 85 per cent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data. The penalty for an infraction of this subsection shall be determined by the attorney general, pursuant to its power to promulgate regulations for the implementation, administration and enforcement of this chapter, in accordance with what the commission deems necessary to achieve compliance with this subsection.

(h) Persons or entities that offer fantasy contests, established pursuant to section 11M1/2, shall include the standardized disclaimer, established pursuant to subsection (z) of section 3 of chapter 23K, in all advertising and marketing for all such fantasy contests.

SECTION 4. Section 3 of chapter 23K of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following subsection:-

(z) The commission, in consultation with the department of public health's office of problem gambling services, the state lottery commission, established pursuant to section 23 of chapter 10 and the attorney general, shall establish a single standardized disclaimer that: (i) warns of the risks of gambling, sports betting and playing the lottery; (ii) contains a single phone number for the MA Gambling Helpline; and (iii) provides means to locate other resources made available by the state to help with problem gambling and gambling addiction. The commission

shall promulgate regulations, pursuant to chapter 30A, to require its licensees and its licensees' contractors to use the standardized disclaimer in all advertising.

SECTION 5. Said chapter 23K is hereby amended by striking out section 29 and inserting in place thereof the following section:-

Section 29. (a) A gaming establishment offering a cashless wagering system shall allow individuals to monitor and impose betting limits and loss limits on their cashless wagering. The gaming establishment shall allow individuals to set betting limits and loss limits on their cashless wagering including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. An individual may lower limits and increase limits; provided, however, that the individual shall not increase betting limits more than once in a 24-hour period.

(b) The gaming establishment shall issue to each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment a monthly statement, mailed to the patron at the patron's physical mailing address, which shall include the patron's total bets, wins and losses; provided, however, that a patron shall be given the opportunity to decline receiving a monthly statement at the time the rewards card is issued or during initial participation in a cashless wagering system; provided further, that a patron may later opt out of receiving monthly statements by providing a written request to cease monthly statements to the gaming establishment.

(c) The gaming establishment shall issue to each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment an electronic daily statement, sent to their email address collected when the rewards card was issued or when the player was enrolled in cashless wagering system, and sent to their smartphone via

notification from the gaming establishment’s app if downloaded by the patron, with the default setting of the app set to allow this notification; this electronic statement shall include the patron's total bets, wins and losses; provided however, that a patron shall be given the opportunity to decline to receive the electronic daily statement by email or turn off the notification at the time the rewards card is issued or during initial participation in a cashless wagering system; provided further, that a patron may later opt out of receiving the electronic weekly statement by email through use of a link to unsubscribe from the statement in the email, and that a patron may also later turn off the daily statement notification from the gaming establishment’s app.

(d) A gaming licensee who has implemented such a program or system shall annually report to the commission the amount of money spent and lost by patrons who have been issued a rewards card or who participated in a cashless wagering system, aggregated by zip code. Activity under this section shall be monitored by the commission. Individuals on the list of excluded persons shall not be permitted to participate in a cashless wagering system.

(e) A gaming establishment shall ask each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment at the time they are issued the rewards card or enrolled in the cashless wagering system to set a spending limit for a daily, weekly or monthly basis and enroll in a play management program approved by the commission, including but not limited to Play-My-Way, or to opt-out of such a play management program.

(f) A gaming establishment shall issue to each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment a hard, paper copy of a brochure that contains all information and resources made available by the state and

the commission to help with problem gambling, including but not limited to Gamesense, PlayMyWay, and Voluntary Self-Exclusion.

SECTION 6. Subsection (f) of section 45 of said chapter 23K, as appearing in the 2022 Official Edition, is hereby amended by inserting after the third sentence the following 3 sentences:- The commission shall allow any individual to opt into the system created by the state lottery commission for any individual to voluntarily prohibit or otherwise exclude themself from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means, established pursuant to clause (iii) of subsection (b) of section 24 of chapter 10, at the same time and in the same manner in which they request to be added to the list of self-excluded list of persons, established pursuant to this section. The commission shall further allow any individual to place themself on the list of self-excluded persons established by the attorney general pursuant to section 11M3/4 of chapter 12 at the same time and in the same manner in which they request to be added to the list of self-excluded list of persons, established pursuant to this section. The commission shall provide for an online method and a phone method, in addition to any other method it finds reasonable and necessary, for persons to place themselves on the list of self-excluded persons.

SECTION 7. Said section 45 of said chapter 23K, as so appearing, is hereby further amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Gaming establishments shall not market to persons on any excluded persons list, established pursuant to this section, in any form, including but not limited to marketing by mail, by app notifications, by digital ads or by ads contracted to display in other companies' advertisements. Gaming establishments shall use all technological means available, including

but not limited to microtargeting via cookies, Internet Protocol addresses and other digital fingerprints, to prevent their ads from being served to individuals on any excluded persons list, established pursuant to this section. Gaming establishments shall deny access to complimentaries, check cashing privileges, club programs and other similar benefits to persons on the self-excluded persons list. The Massachusetts gaming commission shall promulgate regulations, pursuant to chapter 30A, including penalties for noncompliance, for the implementation of this section.

SECTION 8. Said section 45 of said chapter 23K, as so appearing, is hereby further amended by adding the following subsection:-

(l) Gaming establishments shall check identification for all individuals seeking entrance to the gaming floor of the gaming establishment for the purpose of excluding those individuals pursuant to the exclusion and self-exclusion provisions of this section.

SECTION 9. Section 58 of said chapter 23K, as so appearing, is hereby amended by adding the following sentence:- Annually, the department of public health shall submit to the speaker of the house, the president of the senate, the joint committee on public health and the joint committee on economic development and emerging technologies a report on its treatment programs funded by the fund, including but not limited to: (i) the treatment programs funded by the fund and the amounts they receive; (ii) the number of individuals served by each treatment program funded by the fund, including whether they are new clients or continuing clients in the programs; (iii) demographic information of those served by treatment programs funded by the fund, including but not limited to the variables of sex, age, race, ethnicity, income, education and

geography; and (iv) the outcomes obtained for individuals enrolled in treatment programs funded by the fund.

SECTION 10. Said chapter 23K is hereby further amended by striking out section 61 and inserting in place thereof the following section:-

Section 61. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Community Mitigation Fund. The fund shall consist of monies transferred under section 59 and all other monies credited or transferred to the fund from any other fund or source.

(b) The commission shall administer the fund and, without further appropriation, shall expend monies in the fund to assist the host community and surrounding communities including, but not limited to, communities that are directly adjacent to a host community and other communities that have been designated surrounding communities by the commission or licensees, in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to, water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental and public safety agencies, including the office of the county district attorney, police, fire and emergency services. The commission may, at its discretion, distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than 1 municipality; provided, however, that such entity or district shall submit a written request for funding in the same manner as a municipality would be required to submit such a request under subsection (c).

(c) Parties requesting appropriations from the fund shall submit a written request for funding to the commission by a date established by the commission. The commission may hold a public hearing in the region of a gaming establishment to provide parties with the opportunity to provide further information about their request for funds and shall distribute funds to requesting parties based on the determination of the commission. The commission may promulgate regulations for the implementation of this section including establishing eligibility criteria and purposes for which funds may be distributed. The commission may assess a fee for the administration of this section.

SECTION 11. Said chapter 23K is hereby amended by adding the following section:-

Section 72. (a) A licensee under chapter 23K or chapter 23N shall not engage in advertising, marketing or branding, or enter into contracts to create brand sponsorships or celebrity endorsements, that are deemed by the commission to appeal to a person less than 21 years of age. A licensee under chapter 23K or chapter 23N shall not engage in advertising, marketing and branding by means of television, radio, internet, billboard or print publication unless at least 85 per cent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data. The penalty for an infraction of this subsection shall be determined by the commission, pursuant to its power to promulgate regulations for the implementation, administration and enforcement of this chapter, in accordance with what the commission deems necessary to achieve compliance with this subsection.

(b) The commission shall establish an excise tax of 5 per cent on any income generated by an individual celebrity through a contract with a licensee under chapter 23K or chapter 23N to

participate in advertising, marketing, branding, brand sponsorships or celebrity endorsements. The revenue from this subsection shall be deposited into the Public Health Trust Fund, established pursuant to section 58.

SECTION 12. Section 4 of chapter 23N of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 22, the word “and”.

SECTION 13. Said section 4 of said chapter 23N, as so appearing, is hereby further amended by inserting, in line 24, after the word “law” the following words:- ; and (F) advertising via traditional television broadcast or streaming platform during such a broadcast of either a professional sport or athletic event, defined pursuant to section 3, or a sports event or sporting event, defined pursuant to section 3.

SECTION 14. Subsection (d) of said section 4 of said chapter 23N, as so appearing, is hereby further amended by adding the following paragraph:-

(4) (i) Notwithstanding any general or special law or rule or regulation to the contrary, a sports wagering operator shall supply the commission with customer tracking data collected or generated by loyalty programs, player tracking software, player card systems, online gambling transactions or any other information system. Not later than December 31, 2025, the commission shall contract with an experienced nonprofit research entity to develop an anonymizing system that automatically removes from the data: (A) personally identifying information, including player name, street address, bank or credit information and the last 4 digits of a player’s ZIP+4 code, in compliance with section 2 of chapter 93H; and (B) game identifying information, including game name and device manufacturing company, in protection of corporate intellectual property. The data shall retain information on player characteristics including, but not limited to,

gender, age and region of residence, player behavior including, but not limited to, frequency of play, length of play, speed of play, denomination of play, amounts wagered and, if applicable, number of lines or hands played and characteristics of games played including, but not limited to, reel configuration, return-to-player or RTP, volatility index and denomination. The commission shall convey the anonymized data to a research facility, which shall make the data available to qualified researchers for the purposes of: (1) conducting analyses that improve understanding of how gambling addiction develops and progresses; (2) developing evidence-based harm minimization strategies; and (3) developing evidence-based systems to monitor, detect and intervene in high-risk gambling. The commission shall request reports on research analyses of the behavioral data, which could provide informed recommendation to the general court relative to more effective regulation of gambling operations. The commission may directly initiate studies assessing the effectiveness of any specific measures, programs or interventions that the commonwealth has implemented in gaming operations and which might be illuminated through the behavioral data in question.

(ii) The commission shall make a concerted, good faith effort to implement such evidence-based harm minimization strategies and evidence-based systems to monitor, detect and intervene in high-risk gambling, and to act on the recommendations made in reports and studies produced pursuant to this section. The commission shall also deliver all such reports, studies and recommendations to the joint committee on economic development and emerging technologies.

SECTION 15. Section 6 of said chapter 23N, as so appearing, is hereby amended by striking out subsection (i) and inserting in place thereof the following subsection:-

(i) Applications for operator licenses are public records under section 10 of chapter 66; provided, however, that trade secrets, competitively sensitive information or other proprietary information provided to the commission under this chapter, the disclosure of which would place the applicant or licensee at a competitive disadvantage or would be detrimental to the applicant or licensee if it were made public, may be withheld from disclosure under said section 10 of said chapter 66 at the commission's discretion.

SECTION 16. Section 12 of said chapter 23N, as so appearing, is hereby amended by adding the following 2 subsections:-

(h) (1) A sports wagering operator or qualified gaming entity shall allow individuals to monitor and impose betting limits and loss limits on their wagers. The operator or qualified gaming entity shall allow individuals to set betting limits on their sports wagers including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. An individual may lower limits and increase limits; provided, however, that the individual shall not increase betting limits more than once in a 24-hour period. The operator or qualified gaming entity shall ask individuals at the time that they first register and create an account on the platform for the purpose of making wagers to set a spending limit and a loss limit for a daily, weekly or monthly basis and enroll in a play management program approved by the commission, including but not limited to Play-My-Way, or to opt out of such a play management program.

(2) The operator or qualified gaming entity shall issue to each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment a monthly statement, mailed to the patron at the patron's physical mailing address, which shall include the patron's total bets, wins and losses; provided, however, that a patron shall be given

the opportunity to decline receiving a monthly statement at the time the rewards card is issued or during initial participation in a cashless wagering system; provided further, that a patron may later opt out of receiving monthly statements by providing a written request to cease monthly statements to the operator or qualified gaming entity.

(3) The operator or qualified gaming entity shall issue to each patron who has been issued a rewards card or who participates in a cashless wagering system by the operator or qualified gaming entity an electronic daily statement, sent to their email address, collected when the rewards card was issued or when the player was enrolled in cashless wagering system, and sent to their smartphone via notification from the operator's or qualified gaming entity's app if downloaded by the patron. The operator or qualified gaming entity shall ensure the default setting of the app allows notification of the electronic daily statement. The electronic daily statement shall include the patron's total bets, wins and losses. The operator or qualified gaming entity shall allow a patron the opportunity to: (i) decline to receive the electronic daily statement by email or turn off the notification at the time the rewards card is issued or during initial participation in a cashless wagering system; (ii) opt out of receiving the electronic daily statement by email through use of a link to unsubscribe from the statement in the email; and (iii) turn off the daily statement notification from the operator's or qualified gaming entity's app.

(4) An operator or qualified gaming entity licensed pursuant to this chapter that has implemented such a program or system shall annually report to the commission the amount of money spent and lost by patrons who have been issued a rewards card or who participated in a cashless wagering system, aggregated by zip code. Activity under this section shall be monitored by the commission. Individuals on the list of excluded persons shall not be permitted to participate in a cashless wagering system. Furthermore, an operator or qualified gaming entity

shall issue to each patron who has been issued a rewards card or who participates in a cashless wagering system by the operator or qualified gaming entity a hard, paper copy of a brochure that contains all information and resources made available by the state and the commission to help with problem gambling, including but not limited to Gamesense, PlayMyWay, and Voluntary Self-Exclusion.

(i) A licensee under this chapter shall not exclude any individual from its platform or limit the wagers or potential winnings of any individual except when based on: (i) a section of this chapter; or (ii) a preexisting term of service of the licensee that is clearly disclosed to the individual upon logging into the app of the licensee.

SECTION 17. Paragraph (2) of subsection (e) of section 13 of said chapter 23N, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- The commission shall provide for an online method and a phone method, in addition to any other method it finds reasonable and necessary, for persons to place themselves on the list of self-excluded persons.

SECTION 18. Said subsection (e) of said section 13 of said chapter 23N, as so appearing, is hereby further amended by adding the following paragraph:-

(4) A sports wagering operator or qualified gaming entity shall not market to persons on any excluded persons list in any form, including but not limited to marketing by mail, by app notifications, by digital ads or by ads contracted to display in other companies' advertisements. A sports wagering operator or qualified gaming entity shall use all technological means available, including but not limited to microtargeting via cookies, Internet Protocol addresses and other digital fingerprints, to prevent their ads from being served to individuals on any excluded

persons list, established pursuant to this section. The commission shall promulgate regulations, pursuant to chapter 30A, including penalties for noncompliance, for the implementation of this section.

SECTION 19. Section 16 of said chapter 23N, as so appearing, is hereby amended by adding the following subsection:-

(j) To further effectuate the purposes of this chapter with respect to the investigation and enforcement of sports wagering operators and qualified gaming entities, the investigations and enforcement bureau in the commission may obtain or provide pertinent information regarding applicants or licensees from or to law enforcement entities or gaming authorities or sports wagering regulatory authorities and other domestic, federal or foreign jurisdictions, including the Federal Bureau of Investigation, and may transmit such information to each other electronically.