

Massachusetts House of Representatives Bill Summary

Bill #: H.4037

Title: An Act relative to problem gambling

Sponsor: Rep. Adam Scanlon

Committee: Economic Development and Emerging Technologies

Hearing Date: November 13, 2025

Reporting Deadline: December 17, 2025 (Subject to extensions under House Rule 27)

Prior History: N/A

Key Terms:

MGL refers to the Massachusetts General Laws.

Cashless wagering systems at casinos allow players to bet using electronic funds rather than physical cash or chips. This is achieved through electronic accounts linked to a player's loyalty card or other casino-issued identification, enabling fund transfers directly to slot machines or table games.

Complimentaries, otherwise known as comps, are complimentary items and services given out by casinos to encourage players to gamble. The amount and quality of comps that a player is given usually depends on what games they play, how much they bet, and how long the player plays. These can include complimentary alcoholic beverages, self-parking, lounge access, free meals, complimentary lodging, valet parking, and access to more high roller lounges. These can also include airfare, limo rides, show tickets, golf, concierge, services, cash back, loss rebates, private gaming areas and private jet service.

Fantasy contests is defined in section 11M1/2 of MGL as any fantasy or simulated game or contest, including, but not limited to, any fantasy or simulated games or contest based on professional sports events in which (i) the value of all prizes and awards offered to winning participants are established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and shall be determined predominantly by

accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, point spread or any performance or performance of any single actual team or combination of such teams or solely on any single performance of an individual athlete or player in any single actual event.

GameSense is an innovative and comprehensive responsible gaming strategy adopted by the Massachusetts Gaming Commission to help keep gambling fun for all players. It combines recommendations on responsible gaming with interactive tools and exhibits meant to engage patrons at Massachusetts casinos and through various digital platforms including this comprehensive website and associated social media channels. GameSense Info Centers are located on-site at all Massachusetts casinos and operate 7 days a week for patrons to learn about myths associated with gambling, the odds of the games they are playing, take a break, and seek support from a trained advisor.

PlayMyWay is an innovative budgeting tool for mychoice members at Plainridge Park Casino, MGM Rewards members at MGM Springfield, and Encore Boston Harbor. This tool is entirely voluntary and is part of the Massachusetts Gaming Commission's comprehensive approach to promote responsible gambling.

Voluntary self-exclusion (VSE) is a statewide program that allows you to voluntarily exclude yourself from casino gambling, sports wagering, or both for a predetermined amount of time. By enrolling in the program, a person agrees to forfeit or suspend all rewards points and will automatically be removed from marketing lists. This program is an agreement between an individual, the Massachusetts Gaming Commission (MGC), and all the licensed Gaming Operators. Currently, the voluntary self-exclusion program is offered for gaming self-exclusion to keep persons from entering the gaming area of any Massachusetts casino; a sports-wagering self-exclusion to keep persons from entering the sports wagering area of a retail sports wagering operator and from placing a sports wager with any Massachusetts licensed sports wagering operator; and a dual self-exclusion program which prohibits persons simultaneously from the areas and types of gambling/wagering in the other two programs.

Current Law:

Chapter 10 of MGL concerns the state treasurer.

- Section 23 establishes the state lottery commission within the office of the state treasurer.
- Section 24 deals with the state lottery commission and outlines the commission's powers and duties. Subsection (b) of this section authorizes the state lottery commission to establish and from time to time to revise rules and regulations as it deems necessary or desirable and shall file these rules and regulations with the state secretary. Under this subsection, the commission shall establish rules and regulations for lotteries conducted online, over the

internet or through the use of a mobile application. This subsection further lists what these regulations should look like at a minimum. Clause (iii) of these regulations allows any player to voluntarily prohibit or otherwise exclude themselves from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means.

Chapter 12 Section 11M1/2 of MGL legalizes fantasy contests. This chapter also defines fantasy contests and grants the attorney general regulatory oversight of such fantasy contests.

Chapter 23K of MGL governs the Massachusetts Gaming Commission.

- Section 3 establishes the commission, outlines its membership and duties, and lists the procedures and rules of the commission.
- Section 29 deals with the rules pertaining to the use of cashless wagering systems by gaming establishments.
- Section 45 concerns the regulation and procedure for the exclusion and self-exclusion of persons from gaming establishments. Subsection (f) requires the commission to establish a list of self-excluded persons from gaming establishments and lists various aspects related to this list. Subsection (g) prohibits gaming establishments from marketing to persons on any excluded persons list and requires said establishments to deny access to complimentaries, check cashing privileges, club programs and other benefits to those on said list.
- Section 58 establishes the Public Health Trust Fund, which shall be administered by the secretary of health and human services to assist social service and public health programs dedicated to addressing problems associated with compulsive gambling including, but not limited to, gambling prevention and addiction services, substance abuse services, educational campaigns to mitigate the potential addictive nature of gambling and any studies and evaluations necessary to ensure the proper and most effective strategies.
- Section 59 governs the Gaming Revenue Fund, which shall include revenues collected from the tax on gross gaming revenue received from gaming licensees and shall be administered by the Massachusetts Gaming Commission. This section also outlines how this money shall be disbursed into other funds.
- Section 61 establishes the Community Mitigation Fund, which shall consist of monies transferred under section 59 and shall be administered by the Gaming Commission to assist host communities and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment

Chapter 23N of MGL concerns the authorization and regulation of sports wagering.

- Section 3 defines various terms related to sports wagering.
- Section 4 lists the powers and duties of the Massachusetts Gaming Commission in relation to the authorization and regulation of sports wagering. Subsection (d) concerns the promulgation of rules and regulations by the gaming commission related to wagers for sports events and responsible gaming.
- Section 6 governs operator licenses, including the various categories of operator licenses as well as temporary operator licenses. Subsection (i) of this section states that applications for operator licenses shall be public records and that information related to trade secrets, or other competitive or proprietary information may be withheld from disclosure.
- Section 12 outlines the duties of sports wagering operators including tracking certain data.
- Section 13 governs the placing and acceptance of wagers, the use of mobile applications or digital platforms, what operators should do with unclaimed winnings, and how persons on the excluded and self-excluded list shall be managed in relation to sports wagering. Subsection (e) paragraph (2) of this section currently requires the gaming commission to establish a list of self-excluded persons from sports wagering and outlines the provisions related to this self-exclusion list.
- Section 16 deals with the failure of sports wagering operators from complying with the provisions of this chapter including penalties, hearings, and judicial reviews.

Chapter 30A of MGL concerns the state administrative procedure, dealing with topics such as agency regulations, hearings, and appeals.

Chapter 66 of MGL governs public records.

- Section 10 of this chapter concerns the inspection and copies of public records and public records requests.

Chapter 93H of MGL deals with security breaches.

- Section 2 outlines the regulations to safeguard personal information of residents of Massachusetts.

Chapter 140 Section 7 of the Acts of 2024 amended section 24 of chapter 10 of MGL by striking out the section in its entirety and inserting a new section 24 with various subsections that further expand the powers and duties of the state lottery commission including the requirement of the state lottery commission to establish a regulation that allows any player to voluntarily prohibit or otherwise exclude themselves from purchasing a lottery ticket, game or share online, over the internet, through the use of

a mobile application or through any other means in subsection (b) clause (iii) of section 24 of chapter 10 of MGL.

Executive Summary: This bill expands and coordinates self-exclusion programs across all gambling platforms, mandates responsible marketing and player protections including betting limits and data reporting, strengthens enforcement and community support, and establishes funding and regulatory measures to promote public health and prevent gambling-related harm.

Specifically, this bill:

- Requires the state lottery commission to expand its self-exclusion program so that individuals must also be allowed to place themselves on the self-exclusion lists for gaming establishments, sports wagering, and fantasy contests at the same time as placing themselves in the state lottery self-exclusion program.
- Requires the state lottery commission to include a newly created standardized disclaimer in all lottery advertising and prohibits the state lottery from being marketed to individuals on any self-exclusion list in any form.
- Adds a new section to the General Laws, establishing a self-exclusion program for fantasy contests under the attorney general. This section requires the attorney general to create this self-exclusion program for fantasy contests; prohibits fantasy contests from being marketed to individuals on any exclusion list; requires those on the exclusion list who participate in fantasy contests to forfeit all winnings and prohibits them from recovering losses; requires the attorney general to allow players to simultaneously register for the exclusion lists under the Massachusetts gaming commission and the state lottery commission; requires the attorney general to establish regulations and procedures to implement this section; prohibits fantasy contest advertisements from airing during professional or sports events, from targeting excluded individuals via any means, target individuals under the age of 21, appear on platforms where less than 85% of the audience is 21 years or older; requires all marketing and advertising for fantasy contests to include the newly created standardized disclaimer.
- Requires the Massachusetts gaming commission and the state lottery commission to explore participation in a national self-exclusion registry or program.
- Requires the Massachusetts gaming commission, in coordination with the department of public health's office of problem gambling services, the state lottery commission, and the attorney general to develop a single standardized disclaimer for all gambling advertising that warns of the risks of gambling, includes one phone number of the Massachusetts gambling helpline, and provides access to other state resources for gambling and addiction support. Also requires the gaming commission to issue regulations requiring licensees and their contractors to use this disclaimer in all advertising.
- Requires gaming establishments that offer cashless wagering programs to allow patrons to set and adjust betting and loss limits; to mail a monthly statement and email a daily electronic statement to patrons with a rewards card or who use cashless wagering with information regarding their total bets,

wins and losses; to report to the gaming commission with data on the aggregate spending and losses by zip-code for patrons using rewards cards or cashless programs; to prompt patrons to set daily, weekly, or monthly spending limits; to offer or enroll patrons in a play management program or allow them to opt out; and to provide patrons with a paper brochure with state-supported problem gambling resources

- Requires the gaming commission to allow individuals to opt into the state lottery commission's self-exclusion program at the same time and in the same manner as they request placement on the gaming self-exclusion list; allow individuals to simultaneously place themselves on the attorney general's fantasy contest self-exclusion list; provide multiple access methods from self-exclusion enrollment
- Prohibits gaming establishments from marketing to anyone on a self-exclusion list; requires gaming establishments to use all available technology to prevent marketing from reaching excluded individuals; maintains the prohibition on gaming establishments providing excluded individuals with complimentary services, check cashing privileges, club programs, and other benefits; directs the gaming commission to issue regulations to enforce these rules
- Requires gaming establishments to check identification of all individuals entering the gaming floor to ensure compliance with exclusion and self-exclusion lists
- Requires the department of public health to submit an annual report to the General Court detailing the use of the Public Health Trust Fund for treatment programs that show what programs were funded and the amount each program receives, the number of individuals served, the demographic data of participants, and the treatment outcomes
- Strengthens and broadens the structure and oversight of the Community Mitigation Fund, ensuring it supports a wide range of local impacts related to the operation and construction of gaming establishments
- Strengthens protections against the marketing of sports wagering or gaming facilities from marketing to minors and creates a funding mechanism to support public health via taxation (5% excise tax on income earned by celebrity endorsements in the gaming industry).
- Requires the gaming commission to issue regulations for the advertising via traditional television broadcast or streaming platforms during a broadcast of either a professional sport or athletic, sports event or sporting event
- Requires sports wagering operators to provide the gaming commission with detailed customer tracking data collected from loyalty programs, player tracking, online gambling transactions, and other systems. The commission shall use a qualified research entity to anonymize this data and shall use this data to implement evidence based harm reduction strategies and report all findings to the joint committee on economic development and emerging technologies.
- Amends the General Laws so that operator license applications remain as public records but allows the gaming commission the discretion as to whether information on these applications related to trade secrets, competitively

sensitive information or other proprietary data submitted to the gaming commission may be withheld from public disclosure

- Requires the operators of sports wagering or qualified gaming entities to allow individuals to set and manage betting and loss limits, prompt individuals to enroll in an approved play management program, provide patrons with monthly mailed statements and/or electronic daily statements with total bets, wins and losses, annually report aggregated data on money spent and lost by patrons to the gaming commission by zip code, prohibit excluded persons from participating in cashless wagering systems and provide patrons with a hard copy brochure about problem gambling resources
- Requires the gaming commission to offer multiple ways for individuals to add themselves to the self exclusion list for sports wagering, including by phone, online, or any other reasonable means it deems necessary
- Prohibits sports wagering operators and qualified gaming entities from marketing to individuals on any excluded persons list
- Authorizes the gaming commission's investigations and enforcement bureau to obtain and share relevant information about sports wagering operators, and qualified gaming entities with law enforcement, gaming authorities, and regulatory bodies

Summary:

Section 1 amends clause (iii) of subsection (b) of section 24 of chapter 10 of MGL, which currently requires the state lottery commission to allow any player to voluntarily prohibit or otherwise exclude themselves from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means, by adding language that requires the state lottery commission to allow any player to voluntarily place themselves on the list of self-excluded persons from gaming establishments, from sports wagering, and from fantasy contests at the same time and in the same manner in which they can voluntarily prohibit or otherwise exclude themselves 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 further amends section 24 of chapter 10 of MGL by inserting two new subsections: subsection (i) and subsection (j).

Subsection (i) requires the state lottery commission to include the standardized disclaimer, which is established pursuant to subsection (z) of section 3 of chapter 23K, in all its advertisements for lottery products. Subsection (z) of section 3 of chapter 23K of MGL is being inserted into the MGL through Section 4 of this bill.

Subsection (j) requires the state lottery commission to 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 contracts 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 amends chapter 12 of MGL, which governs the attorney general and district attorneys, by adding a new section, section 11M3/4M, which establishes a self-exclusion list for fantasy contests.

Subsection (a) of this new section 11M3/4 of chapter 12 of MGL requires the attorney general to establish a list of self-excluded persons from fantasy contests, which are established under section 11M1/2 of chapter 12 of MGL. 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. The attorney general shall adopt further regulations for the self-excluded persons list, which shall include procedures for placement, removal and transmittal of such list to persons or entities that offer fantasy contests. This subsection also authorizes the attorney general to fine a person or entity that offers fantasy contests if the person or entity that offers fantasy contests knowingly or recklessly fails to exclude or eject any person on said self-exclusion list from its premises.

Subsection (b) of this new section prohibits persons or entities that offer fantasy contests from marketing to persons on any excluded persons list and requires these persons or entities to deny access to complimentaries, check cashing privileges, club programs and other similar benefits to persons on the self-excluded persons list. This subsection also holds that notwithstanding any other general or special law, said self-excluded persons list shall not be open to public inspection. Nothing in this section shall prohibit a person or entity that offers fantasy contests 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 the 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.

Subsection (c) of this new section holds that any person who is prohibited from participating in fantasy contests shall not collect any winnings or recover losses arising as a result of prohibited fantasy contest winnings. Such winnings shall be deposited into the Public Health Trust Fund.

Subsection (d) of this new section requires the attorney general to further allow an individual to voluntarily place himself on the list of self-excluded persons established by the Massachusetts gaming commission and to opt into the system created by the state lottery commission for any individual to voluntarily or prohibit or otherwise exclude themselves from purchasing a lottery ticket, game or share online, over the

internet, through the use of a mobile application or through any other means at the same time and in the same manner in which they request to be added to the list of self-excluded persons.

Subsection (e) of this new section requires the attorney general to establish regulations, pursuant to chapter 30A of MGL, and procedures to implement this section.

Subsection (f) of this new section requires the Massachusetts gaming commission and the state lottery commission to consider and develop recommendations pursuant to joining a national registry or program for voluntary self-exclusion.

Subsection (g) of this new section holds that persons or entities that offer fantasy contests shall not engage in marketing or advertising that:

- Occurs via traditional television broadcast or streaming platform during a broadcast of either a professional sport or athletic event, or a sports event or sporting event
- Markets to persons on any excluded persons lists 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, 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; provided further that the attorney general shall promulgate regulations including penalties for noncompliance, for the implementation of this section
- Is deemed by the attorney general to appeal to a person less than 21 years of age
- Occurs via means 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.

This subsection requires that the attorney general promulgate regulations including penalties for noncompliance, for the implementation of this section.

Subsection (h) of this new section requires persons or entities that offer fantasy contests to include the standardized disclaimer that is established pursuant to subsection (z) of section 3 of chapter 23K of MGL, which is being inserted through Section 4 of this bill, in all its advertising and marketing for all such fantasy contests.

Section 4 amends section 3 of chapter 23K, which concerns the Massachusetts gaming commission, by inserting a new subsection, subsection (z).

Subsection (z) requires the gaming commission, in consultation with the department of public health's office of problem gambling services, the state lottery commission,

and the attorney general, to establish a single standardized disclaimer. This standardized disclaimer shall:

- Warn of the risks of gambling, sports betting, and playing the lottery
- Contains a single phone number for the MA Gambling Helpline
- Provides means to locate other resources made available by the state to help with problem gambling and gambling addiction

This new subsection also requires the gaming commission to promulgate regulations, pursuant to chapter 30A, to require its licensees and its licensees' contractors to use this standardized disclaimer in all its advertising.

Section 5 strikes out the entire section 29 of chapter 23K of MGL, which currently governs cashless wagering systems at gaming establishments as well as the setting and adjustments of betting limits and inserts new language.

Subsection (a) of this new section 29 of chapter 23K requires a gaming establishment that offers a cashless wagering system to allow individuals to monitor and impose betting limits and loss limits on their cashless wagering. Said gaming establishment is required to 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.

Subsection (b) of section 29 requires the gaming establishment to issue a monthly statement to each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment. This monthly statement shall be mailed to the patron's physical mailing address and shall include the patron's total bets, wins and losses. The 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. A patron may also later opt out of receiving these monthly statements by providing a written request to cease monthly statements to the gaming establishment.

Subsection (c) of section 29 requires the gaming establishment to issue an electronic daily statement to each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment. This electronic daily statement shall be sent to the patron's email address collected when the rewards card was issued or when the player was enrolled in a 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. The electronic statement shall include the patron's total bets, wins and losses. The 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. A patron may further opt out of receiving the electronic weekly statement by email through the 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.

Subsection (d) of this new section requires a gaming licensee who has implemented a cashless wagering program or system to annually report to the gaming 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.

Subsection (e) of section 29 requires a gaming establishment to 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 were 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.

Subsection (f) of the new section 29 requires a gaming establishment to 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 gaming commission to help with problem gambling, including but not limited to GameSense, PlayMyWay, and Voluntary Self-Exclusion.

Section 6 of this bill amends subsection (f) of section 45 of chapter 23K of MGL, which concerns the establishment of a self-exclusion list from gaming establishments under the Massachusetts gaming commission, by inserting new language. This new language requires the gaming commission:

- to allow any individual to opt into the system created by the state lottery commission for any individual to voluntarily prohibit or otherwise exclude themselves from purchasing a lottery ticket, game or share online, over the internet, through the use of a mobile application or through any other means 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
- To allow any individual to place themselves on the list of self-excluded persons established by the attorney general for fantasy contests 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
- To 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 of this bill strikes out subsection (g) of section 45 of chapter 23K of MGL, which currently prohibits gaming establishments from marketing to persons on any excluded persons list and requires gaming establishments to deny access to

complimentaries, check cashing privileges, club programs and other benefits to persons on the self-excluded list, and inserts new language.

This new subsection (g) prohibits gaming establishments from marketing 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. 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. Gaming establishments shall continue to 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 of MGL, including penalties for noncompliance, for the implementation of this section.

Section 8 further amends section 45 of chapter 23K of MGL by adding a new subsection, subsection (l). Subsection (l) requires gaming establishments to 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 amends section 58 of chapter 23K of MGL, which concerns the Public Health Trust Fund, by adding a sentence to the section. This new language requires the department of public health, annually, to submit a report to the speaker of the house, the president of the senate, the joint committees on public health and economic development and emerging technologies, on its treatment programs funded by the Public Health Trust Fund. This shall include but not be limited to:

- The treatment programs funded by the Public Health Trust Fund and the amount of funding they receive
- 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
- 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
- Outcomes obtained for individuals enrolled in treatment programs funded by the fund

Section 10 amends section 61 of chapter 23K of MGL, which deals with the Community Mitigation Fund, by striking out the existing section in its entirety and inserting new language.

Subsection (a) of the new section 61 establishes a fund to be known as the Community Mitigation Fund. The fund shall consist of monies transferred under section 59 of this chapter and all other monies credited or transferred to the fund from any other fund or source.

Subsection (b) of this new section requires the gaming commission to administer the fund, and without further appropriation, 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).

Subsection (c) of this new section requires parties requesting appropriations from this fund to submit a written request for funding to the commission by a date established by the gaming 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 amends chapter 23K of MGL, which concerns the Massachusetts gaming commission, by adding a new section, section 72, which creates additional regulations and excises for gaming licensees.

Subsection (a) of section 72 of chapter 23K prohibits a licensee under chapter 23K or chapter 23N from engaging in advertising, marketing or branding, or from entering into contracts to create brand sponsorships or celebrity endorsements that are deemed by the gaming 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% 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 gaming 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.

Subsection (b) of this new section requires the gaming commission to establish an excise tax of 5% of 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 generated under this subsection shall be deposited into the Public Health Trust Fund.

Section 12 amends section 4 of chapter 23N of MGL, which lists the powers and duties of the Massachusetts gaming commission, by removing the word “and” from line 22. The change in this section reflects the new language being inserted in section 13 of this bill.

Section 13 further amends section 4 of chapter 23N of MGL, by inserting a new regulation, regulation (F), the gaming commission shall promulgate under this section. This new language requires the gaming commission to promulgate regulations pertaining to advertising via traditional television broadcast or streaming platform during such a broadcast of either a professional sport or athletic, sports event or sporting event defined pursuant to section 3.

Section 14 amends subsection (d) of section 4 of chapter 23N, which concerns the powers and duties of the gaming commission, by inserting a new paragraph, paragraph 4 (i).

This new paragraph 4(i) requires a sports wagering operator to supply the gaming 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. No 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:

- personally identifying information, including player name, street address, bank or credit information and the last 4 digits of player’s ZIP+4 code, in compliance with section 2 of chapter 93H of MG
- game identifying information including game name and device manufacturing company, in protection of corporate intellectual property.

This 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.

Under this new paragraph, the commission shall convey the anonymized data to a research facility which shall make the data available to qualified researchers for the purposes of conducting analyses that improve understanding of how gambling addiction develops and progresses; developing evidence-based harm minimization strategies; and 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.

This paragraph requires the commission to 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 amends subsection (i) of section 6 of chapter 23N of MGL, which currently protects trade secrets, proprietary information, and other sensitive information from operator license applications from the public records, by striking out the existing language and inserting a new subsection. This new subsection holds that applications for operator licenses shall remain as public records under section 10 of chapter 66 of MGL but now holds that trade secrets, competitively sensitive information or other proprietary information provided to the gaming commission may be withheld from public disclosure at the commission's discretion if such information would place the applicant or licensee at a competitive disadvantage or would be detrimental to the applicant or licensee if the information was made public.

Section 16 amends section 12 of chapter 23N of MGL, which currently concerns the duties of operators, by adding in two new subsections, subsection (h) and subsection (i).

Paragraph (1) of subsection (h) requires a sports wagering operator or a qualified gaming entity 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 wagering including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits, and monthly limits. An individual may lower and increase limits; provided, however, that the individual shall not increase betting limits more than once in 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 system.

Paragraph (2) of subsection (h) requires an operator or a qualified gaming entity to 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 mailing address. This statement shall include the patron's total bets, wins and losses. The 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. A patron may also later opt out of receiving monthly statements by providing a written request to cease monthly statements to the operator or qualified gaming entity.

Paragraph (3) of this new subsection requires an operator or a qualified gaming entity to 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 a 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. This statement shall include the patron's total bets, wins and losses. The operator or qualified gaming entity shall allow a patron the opportunity to decline to receive the electronic daily statement by email or turn off notifications at the time the rewards card is issued or during initial participation in a cashless wagering system, opt out of receiving the electronic daily statement by email through use of a link to unsubscribe from the statement in the email, and turn off the daily statement notification from the operator's or qualified gaming entity's app.

Paragraph (4) of this new subsection requires an operator or a qualified gaming entity that has implemented such a program or system to annually report to the gaming 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. 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 GameSense, PlayMyWay, and Voluntary Self-Exclusion.

The new subsection (i) requires a licensee under this chapter to not exclude any individual from its platform or limit the wagers or potential winnings of any individual except when based on a section of this chapter, 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 amends paragraph (2) of subsection (e) of section 13 of chapter 23N, which requires the gaming commission to establish a list of self-excluded persons from sports wagering, by adding in a new sentence that requires the gaming commission to provide for an online method, a phone method, and any other methods the commission finds reasonable and necessary for persons to place themselves on the list of self-excluded persons for sports wagering.

Section 18 further amends section 13 of chapter 23N of MGL, which concerns excluded and self-excluded persons in relation to the placing and acceptance of wagers, by adding in a new paragraph concerning marketing to persons on such lists. This new paragraph, paragraph (4), which shall be placed under subsection (e) of section 13 of chapter 23N, prohibits a sports wagering operator or a qualified gaming entity from marketing 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. This new paragraph requires a sports wagering operator or a qualified gaming entity to 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. The gaming commission shall promulgate regulations, pursuant to chapter 30A of MGL, including penalties for noncompliance, for the implementation of this section.

Section 19 of this bill amends section 16 of chapter 23N of MGL, which concerns the failure of operators to comply with the provisions of chapter 23N, by adding in a new subsection, subsection (j). This new subsection allows the investigations and enforcement bureau under the Massachusetts gaming commission, with respect to the investigation and enforcement of sports wagering operators and qualified gaming entities, to 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. Under this new section, the investigations and enforcement bureau may transmit such information electronically.