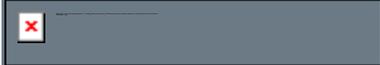


From:

Sent: Wednesday, January 20, 2016 11:22 PM
To: DFSRegs
Subject: DFS Comment



Formstack Submission for form DFS Comment

Submitted at 01/20/16 11:22 PM

Name:	Marlene Warner
Address:	190 High Street Suite 5 Boston, MA 02110
Email:	<input type="text"/>

Comment: January 12, 2016

Hello and thank you for the opportunity to provide feedback on the Attorney General's proposed regulations for Daily Fantasy Sports Contest Operators.

My name is Marlene Warner and I am the Executive Director of the Massachusetts Council on Compulsive Gambling. The Mass. Council is a 33 year old organization that was founded by Tom Cummings, a Boston teacher that struggled with gambling in his own lifetime and realized that going to a 12 step program was not enough. He established the Mass. council to advocate for the state to own up to the downside of state-sponsored gambling, at that time the track and the lottery, and pay for treatment services for its residents.

Fast forward to today and the Mass. Council advocates on behalf of all people that gamble to keep it safe and healthy. We work as vendors to the Department of Public Health, the Mass. Gaming Commission and in facilitation of private funders to provide advocacy, capacity building, technical assistance, and information and referral services to all people who gamble, including those for whom it has become a problem. We directly provide education and treatment support services for the nearly 140 treatment providers with have the Mass. Problem Gambling Specialist certificate, run the 24 hour helpline and provide online chat services to those contacting us in crisis, work with re-entry and recovery entities in the state to provide a safety net for those populations at highest risk for a gambling disorder including individuals with multiple expressions of addiction, mental health disorders, and/or those individuals within the criminal justice system, and we develop and showcase public awareness efforts and statewide campaigns. In addition, in the past 4 years, we've worked very closely with the Mass. Gaming Commission, all the casino licensees, and the Mass. State Lottery to establish many new and innovative approaches to responsible gambling. Today the Commonwealth boasts the first state-initiated responsible gambling framework, the most robust research agenda in this area, the first responsible gambling information center onsite at a casino in the United States, the first 3rd party casino exclusion program, etc etc—we have been a proud and active partner in determining and implementing a number of these initiatives.

In addition to running the Council, I also have the great privilege to sit on the Board of Directors of the National Council on Problem Gambling and currently serve as the Vice President. You'll later hear from Keith Whyte, Executive Director of NCPG regarding their specific work and DFS guidelines.

The reason I give that extensive background is in way of an introduction of our organization, both as an entity that provides services and protections to the people of the Commonwealth, but also as one that stands firmly in the belief that to be successful one needs to involve all parties at the table—people affected, regulators, operators, and program vendors. We stand firm in our approach to working directly with our industry partners to develop the best approach to the downside of gambling.

At the council, we define gambling as risking something of value on the outcome of an event when the outcome is less than certain. There is a clinical diagnosis of gambling disorder defined by the DSM-5 that outlines the 9 criteria that describe the negative impacts that an individual may experience due to their gambling. From a recent baseline study done by the SEIGMA team at the University of Massachusetts at Amherst on behalf of the MGC, we know that 1.7% of Mass. residents have experienced a problem with their gambling in the past twelve months and 7.5% are at-risk to have a problem--statistics that are relatively consistent with national prevalence data.

We recognize that the Attorney General has not defined DFS as gambling, but the experiences of the players and some of the negative impacts that have been reported to us via the Helpline and through our networks, albeit anecdotally, are consistent with those experienced by people with gambling disorder.

We also want to make sure to make a clear and consistent line is drawn between daily fantasy sports and fantasy sports as the high stakes or high-speed “action” of gambling is what often makes it problematic for individuals. We see similar circumstances in the lack of problems with contributing to the stock market versus day trading or playing the lottery numbers games versus scratching a ticket (this was up until we were talking about a 1.4 billion dollar jackpot).

Considering all of that background, I believe that the proposed regulations have many strengths. We were pleased to see minors described at age 21, self-limitations and self-exclusion options, and were particularly happy to see some of stringent guidelines related to prohibiting fantasy sports play on college, high school and student sporting events, as well as advertising to minors and providing referral information for helpful resources if a problem arises.

However, there are areas where I believe the proposed regulation have not gone far enough or have drawn distinctions that are minimalistic in the goal to provide strong consumer protections.

34.03 Definitions

There is a clear distinction made between beginner and highly experienced players. While I appreciate those distinctions are made to “level the playing field” it may also cause one to consider themselves a “professional” player that can often lead to making rash decisions to devoting large amounts of money and time to something that is not paid off. I equate these titles to “high roller” or “winner” labels that people with gambling disorder often covet because it boosts their self-worth.

34.07 Truthful Advertising

In addition to the items listed already, it would be useful to clearly prescribe that DFSOs must advertise the age to play on all advertising, clearly advertise the age to play, limit advertising during events aired or occurring during a time when minors may be watching and set strict guidelines for advertising at stadiums that are used by professional sports teams, but also by college teams—like University of Massachusetts—at Gillette Stadium.

There also needs to be standards for leased branded restaurant space at sporting venues—similar to the one at Gillette Stadium—where all ticket holders can go in and there is an instant blend of advertising, alcohol, sports, fantasy tips, dfs updates and accessible play by all present

34.10 Protections for Problem Gamers

While self-exclusion is a well-documented tool to help people with problems, it is most useful when staff are well-trained to understand and recognize problems and offer proper referrals. In addition, policies and guidelines regarding self-exclusion need to be clearly offered and explained regarding

all aspects, including what happens to an individual's frequent player points and earned fantasy dollars. Similar to the Mass. statewide exclusion, we'd recommend an information session for anyone returning to play following exclusion regarding their future risk. We'd also recommend that DFSOs be required to allow self-exclusion regardless of whether an individual is a subscriber or not.

Self-limitation, not unlike play management being rolled out by the MGC this spring, is a useful tool to help individuals to make informed decisions about their play. We'd recommend that in addition to limiting money, we'd like to see DFSOs to monitor time spent on play as well as an opt-in feature for DFS companies to offer players to see periodic pop-up warning to the amount of time and money spent.

In addition to the proposed regulations, we would like to make sure there is opportunities built in to offer players many options for informed decision-making—explain the odds, explain changes to the expediency, explain how practice sites work--all so people can better understand what they are risking and going into their dfs play with their eyes wide open, in addition to the extensive on-boarding procedures.

Finally, similar to the robust research agenda I spoke to you about earlier, I would like to see anonymized data to offer to a statewide research initiative to better help people with gambling disorder and provide protections to those wanting to play responsibly.

Thank you for the opportunity to provide this testimony today. I am happy to answer any questions that may be appropriate.

[Terms](#) | [Privacy](#)

Copyright © 2016 Formstack, LLC. All rights reserved.

This is a customer service email.

Formstack, LLC

8604 Allisonville Rd.

Suite 300

Indianapolis, IN 46250