

Season 2 Episode 6: Taking Responsibility

Sara Gras: I'm Sara Gras and this is Episode 6 of Season 2 of Hearsay from the Sidelines, a show about the place where law, sports and culture intersect brought to you by Culture in Sports and Seton Hall Law School's Gaming, Hospitality, Entertainment and Sports Law program. This season is focused on the explosive growth of the online sports betting industry as legalization sweeps across the country and how it's impacting our relationships with our favorite past times.

In the last episode, I tried to lay a foundation for those who have never experienced addiction firsthand, both to underscore the seriousness of what is at stake when we talk about gambling harms, and also to highlight how under resourced and underprepared we are as a nation to respond to an explosion in the number of people who now have 24/7 access to sports betting. But a lack of investment is not due to a lack of industry awareness that the harms caused by compulsive gambling will increase with expanded betting opportunities. As Christina noted, some states have invested heavily in gambling research and treatment and this issue of harm prevention is one that land-based gaming entities have grappled with for many years. Jacob Coin, Executive Advisor to the San Manuel Tribal Council, who you heard in Episode 4, told me that addressing gambling harms has long been a concern and a priority of the San Manuel tribe.

Jacob Coin: Well, one of the certainly social issues that that were that were have been confronting, think, for many years is is the issue of responsible gaming gambling addictions. You know, and I remember in those early days when I first got involved 30 years ago with this issue, speaking with the whisper tones with tribal leaders back then, we all acknowledge that nobody in this country suffers more from addictions than American Indians. And at the same time, on the other hand, we have this great opportunity to be able to generate revenues for government purposes for tribes. And there was a bit of a dilemma. There was a bit of a conflict there. But it was from those conversations early on, even though they were in whispered tones, to be able to get tribal leaders to understand and acknowledge, while we offer these games to generate government revenues, we also have to, on the other hand, and at the same time, try to support programs, come up with ways to be able to keep addictions from permitting into our tribal communities and beyond.

So they've been wonderful partners with those programs and organizations that deal with these kinds of addictions. Here in California and here at San Manuel, for 15 years now, San Manuel has earned the designation as a responsible gaming establishment from the California Council on Problem Gambling. And we've had this ongoing partnership with them. A big number of our frontline employees who deal with patrons day in and day out are provided training to be able to detect and understand, you know how and when a person might be having difficulties and they're trained on how to how to approach and at

least initial deal with you know deal with those situations and so we've gone above and beyond you know i think here at San Manuel to to try to fashion a an approach that is workable and and and and effective across the board.

I will tell you that for the last two years or so i have personally been involved with a lot of an internal group here at San Manuel working to find opportunities where traditional tribal healing practices can be married with Western medicine and Western approaches to see if there isn't a more effective solution to dealing with behavioral issues, addiction issues, mental health issues and the like. So we are really on the cutting edge of doing explorations on how we can make this work and I'm very excited about it because I've seen in my own personal life how traditional healing practices from my own experiences at Hopi are very effective. I've seen where my own experiences with traditional healing coupled with Western medicine produces an even better outcome for people.

Sara Gras: Yeah, that's amazing and something that could benefit many, many, people.

Jacob Coin: Exactly. it's never just for Native people. It's for all people who might find themselves in these situations. Early on when talking with tribal leaders, I heard over and over and over again, we don't want to be responsible for people losing their families, their homes and cars repossessed and pilfering their children's college education funds, but we do want to be a preferred source of entertainment when you have disposable dollars to put toward that. And we've worked hard to try to make that be a principle for how we conduct business.

Sara Gras: And what Jacob said encapsulates, I think, the core of what is known as responsible gaming or responsible gambling. The idea is that, rather than only offering treatment and help for those struggling with a gambling disorder, there should be an investment in preventive measures to help consumers avoid the harm altogether. I started the season with just a little information about these initiatives in the words of those working in the space, Cole Wogoman, Senior Manager of Government Relations at the National Council on Problem Gambling, and Shelley White, who was, at the time of our interview the CEO of Canada's Responsible Gambling Council. I asked Shelley to help me understand the difference between addressing problem gambling and promoting responsible gaming:

Shelley White (09:32.33)

So as I already mentioned, responsible gambling is really about being preventative, about being proactive in terms of, it's about promoting healthy play. It's about ensuring that there is, are regulatory standards, that there's operator practices in place to prevent problem gambling and that there's also good player education available so that people can make informed choices about their gambling, their play, but also know where to get help if they're not feeling good about their play or they feel like they're in trouble. So prevention is upstream and that's what responsible gambling is.

Problem gambling, on the other hand, is that is where there is, you know, their gambling behavior is negatively impacting them, either from a mental health, emotional, psychological, or financial harms perspective. And so somebody may be feeling like they've got a preoccupation with gambling or they're chasing their losses, they're lying, they're borrowing money, they're jeopardizing other aspects of their life. So that's problem gambling. So that's downstream. That's what happens when there's not good responsible gambling framework and foundation in place or when an individual may have a predisposition to an addiction.

Sara Gras (19:46.112)

So in acknowledging these risks and recognizing that the risks are greater for some groups than others, what does the research show or what is known about how to mitigate or preemptively address these risks?

Shelley White (20:02.122)

Yep. Great question Sara and this is something that we talk about a lot at RGC is that you need to really take a very much of a tailored approach so you need to know your audience. So you need to take a look at it from an age perspective, gender, their ethno -cultural and racial background. We do know for example and you know we want to be careful not to stigmatize these approaches but we do know just because of the - the importance of luck and the feelings of luck in the Asian, the Chinese community for example, there's a higher risk, particularly during certain times of the year that are associated with luck, like the Lunar New Year for example. And so it's important that we work with ethno -cultural communities to ensure that we're developing information that is culturally sensitive. So that's extremely important. As well as leaning into specific times of the year and ensuring that there are messages year round, but that during specific times of the year where we know that there's higher risk, ensuring that there's more messaging, but also ensuring that there's support available that is aligned with an individual values, beliefs, language, etc. So those partnerships with community organizations is absolutely vital.

With young people, we know that it's about digital. It's, you know what, it's not about sitting in a classroom and providing people with information. It's about making it easily accessible to them. Gamification is an extremely important element to making those programs and services relevant and meaningful to them, as well as making them the...the interactions, you know, short and snappy and changing it up a lot because we know that, for example, with young people, their attention spans are shorter than, for example, somebody that might be a little bit older. So, you know, if I think about the work that we're doing in our Play Smart centers, we really ensure that, you know, we look at the demographics of each Play Smart center and where it's located and ensure that there's staff that reflect the community that we're serving from a language, ethno-cultural, and racial background so that people can identify with the individuals that are talking to them.

Sara Gras: As Shelley explains so well, organizations who promote responsible gambling have a very different focus than organizations who treat gambling harm. Responsible gaming organizations accept and in many ways normalize, casual recreational gambling. Unsurprisingly, they generally work WITH the industry – since many of their initiatives require both cooperation from, and buy-in of, operators and regulators. RGC, the Responsible Gambling Council, is funded by Canada’s Ministry of Health, which gives it greater autonomy. National Council on Problem Gambling, which is probably the closest U.S. equivalent, is situated, and funded, differently. Here’s Cole with more on what NCPG does and how they operate.

Cole Wogoman: NCPG is a membership -based organization. So our members include everyone under the sun. So that includes people in recovery. We have individual people who have suffered from gambling addiction or in recovery. We have treatment centers. We have state lotteries. We have gambling companies. So some of the biggest gambling companies are members, tribes who run casinos.

And then of course, like you're getting at the sports leagues. So every major sports league except one is a member of ours. And we work with them to varying extents that they ask for our assistance. But one, just one example, just because you asked what RG looks like is we'll help a sports league develop a ad campaign that they'll use during the season. We've worked really, probably the league we work with the most is the NFL, but they will come up with an ad and they'll run it through us to say, is there any red flags here? Are we getting at the right people? Are we using the right language? And we'll help guide them. So that's just one way. mean, we work with them on a lot of things, but that's one of the most tangible ways that we're assisting them in having an RG campaign.

Cole Wogoman: So just to be just to just to explain what that means, we are neutral on legalized gambling and there's reasons for that.

One of the reasons is we were founded by people in recovery from gambling addiction. And the last thing they wanted to do was stigmatize those who gamble because they used to gamble. They know what it's like. And so that's been one of our core tenets since we were founded in 1972, which is, know, like when I work in states that are looking to legalize sports betting, we weigh in and we lobby on provisions. We'd like to see this provision. We wouldn't like to see this provision. We do not ever say that, like, we don't support this bill or we do support this bill because that would be taking a stance. And we do not judge whether a jurisdiction wants to legalize gambling or doesn't. So that being said, we use that on the Hill as well when we have legislation. If a bill would just ban sports betting like when I spoke of earlier, that's not something we're gonna support because that violates our neutrality stance.

Sara Gras: NCPG’s neutrality on gambling does not mean they are aligned with the interests of gaming operators. Like Cole says, they lobby extensively for states to

preemptively put requirements into place via state regulation and statute, particularly before legalizing new forms of gaming – specifically sports betting. In fact, both NCPG and RGC have comprehensive standards that address virtually every aspect of how operators do business, from culture and training to marketing and payment processing. I’ve linked both sets of standards in the show notes for anyone who wants to read them more closely, but just to give you a general overview:

RGC’s online gambling site standards have 9 broad standards that contain 48 individual criteria.¹ Using these as a guide, operators can voluntarily seek a 3 year accreditation from RGC. The process requires analyst inspection and reporting on policies, procedures, and performance followed by review of those findings by an accreditation panel.² According to RGC’s most recent annual report, they issued 32 new iGaming accreditations in 2024.³

NCPG’s Internet Responsible Gambling Standards include 82 standards which are framed as recommendations for operators and regulators, as well as the public.⁴ They address the same broad areas as RGC and NCPG also offers a 2-year accreditation based on these standards.⁵ In comparing the two, I did notice a difference in what I would describe as specificity and tone. RGC’s standards address issues, like self-exclusion programs, with general criteria – simply requiring that, “a comprehensive and support-oriented self-exclusion policy is in place and available publicly.” NCPG is far more explicit - the comparable standards say, “Self-exclusion is a long-term, customer-initiated restriction on their ability to play on the platform. The self-exclusion functionality is no more than three clicks from anywhere on the platform after logging in. Instructions on how to self-exclude are presented in clear language, using a font size that is standard to the remainder of the platform and easily accessible.”⁶ This type of language lends itself to adoption by legislators and regulators in drafting laws and rules, so I’m assuming this reflects NCPG’s focus on shaping policy, not just industry practice.

If you are surprised to hear that sports betting operators have these types of standards and resources guiding their practices, well...I don’t blame you. There’s very little about the way sports betting is packaged and marketed that screams, RESPONSIBLE. And that’s because responsible gaming initiatives are entirely voluntary. As Cole said in a previous episode,

¹ *Standards & Criteria for iGaming*, RESPONSIBLE GAMBLING COUNCIL, <https://responsiblegambling.org/for-industry/rg-check-accreditation/igaming-standards-criteria> (last visited Sept. 25, 2025).

² *The Gold Standard of Accreditation*, RESPONSIBLE GAMBLING COUNCIL, <https://responsiblegambling.org/for-industry/rg-check-accreditation/> (last visited Sept. 25, 2025).

³ *2023-24 Impact Report*, RESPONSIBLE GAMBLING COUNCIL, https://responsiblegambling.org/wp-content/uploads/RGC_AR_sep11_links.pdf (last visited Sept. 25, 2025).

⁴ *Internet Responsible Gambling Standards*, NAT. COUNCIL ON PROBLEM GAMBLING (Dec. 2023), <https://www.ncpgambling.org/wp-content/uploads/2024/01/Internet-Responsible-Gambling-Standards-Rev.-12-2023-FINAL.pdf>.

⁵ *Internet Compliance Assessment Program (iCAP)*, NAT. COUNCIL ON PROBLEM GAMBLING, <https://www.ncpgambling.org/responsible-gambling/icap> (last visited Sept. 25, 2025).

⁶ *Supra* note 4 at 7.

there has certainly been more industry interest in responsible gaming in the last few years – which is great – but they are completely free to cherry-pick a handful of best practices while ignoring any that may negatively impact profits.

In 2024, NCPG commissioned an analysis of the state laws and regulations in those jurisdictions that had legal mobile sports betting as of June 2024. This analysis compared those state requirements to the NCPG standards.⁷ The report showed that three states, Connecticut, New Jersey and Virginia, were aligned with NCPG on 49 of the 82 standards, and another 8 states were at 40 or more. Nine states matched 25-39 of the standards and eleven matched 24 or fewer.⁸ The report does point out that individual operators MAY have standards that exceed the requirements of their jurisdiction...but how many businesses voluntarily impose stricter requirements on themselves, particularly when those restrictions have associated costs or might potentially cost them a competitive edge in the market?

It's interesting to look at which of the standards are widely adopted - if you are in a state with legal online sports betting, you have definitely seen one of the most universal, the provision of direct links to a problem gambling organization – usually 1-800-GAMBLER, the phone number for the National Problem Gambling Helpline. This helpline is funded primarily by NCPG and receives no state or federal funding, although NCPG members, which may include leagues and gaming operators, do indirectly help cover the costs. Options for customers to set limits and self-exclude from sites are also required in the almost all states with legal online sports betting. I want to explain a little bit more about limits and self-exclusion for those who may not be familiar. So first, limits – this is exactly what it sounds like, limits on the amount of money and time the customer can spend on the platform. Once the limit is set, play will stop when it is reached. Of course, because these limits are self-imposed, there is nothing stopping a bettor from changing them. Best case scenario is that in this moment of pause, an individual may reflect on the amount of money or time they've spent and decide not to continue. But it's not exactly a huge barrier to continued play. It's also platform-specific – so a bettor may have reached their spending threshold on one platform but can simply jump to another to continue placing bets as easily as you can switch between Netflix and Hulu or iTunes and Spotify.

Self-exclusion and cooling off periods are a little different. When a customer opts into self-exclusion or cooling off programs, they are actually blocked from the sites until the period of time has elapsed. In some states, this happens state-wide – so the bettor is unable to access ANY site within state boundaries. There may also be options to self-exclude at the operator level which would block the bettor from using any site run by that company

⁷ VIXIO, *U.S. STATES' ONLINE SPORTS BETTING REGULATIONS 3* (Nat. Council on Problem Gambling, Sept. 2024), https://www.ncpgambling.org/wp-content/uploads/2024/09/NCPG_Vixio-U.S.-States-Online-Sports-Betting-Regulations.pdf.

⁸ *Id.* at 4.

nationwide. Self-exclusion periods vary across jurisdictions – in New Jersey, bettors can opt for one-year, five-years, or lifetime bans.⁹ During that period of self-exclusion, operators should refrain from sending marketing materials or contacting the customer.

I asked Christina Cook who I introduced in Episode 5 about her awareness of responsible gaming resources and self-exclusion options when she was struggling with addiction, and whether she felt they had a meaningful impact on the prevention of gambling harm:

Sara Gras: You know, you have experience with some of those options. Do you feel like those are effective safeguards for people who are in the beginning stages perhaps of accepting or realizing that they have a problem.

Christina Cook: Yeah, absolutely. I think it's rare, but it does happen when I come across somebody who is starting to question whether or not their behavior with gambling is a problem. It maybe hasn't impacted them necessarily financially because I talk to people who can afford to gamble, but it impacts them. Let me change this. They can afford to gamble with limited consequences. They're not necessarily feeling consequences, maybe financially, but they're feeling consequences in like maybe feeling more isolated because they're spending their time gambling and not necessarily with the people they love. Or maybe it's impacting their work environment or, you know, just relationships in general. And I love it when they reach out and they're like, Hey, I just, I don't know if this is a space for me, but I'm just trying to, to understand it. I'm like, Hey, come on in because the more you're going to find out about this is the more that you're going to find out that this is a very progressive disease. Like you might be doing okay right now.

The first half of my gambling career was responsible and like I maintained a normal way of living and then just so much was happening to me and as I turned and used gambling as a coping mechanism, that's when the harm really set in. I personally don't remember times where I really questioned it, but there's still like a lot of like stuff I don't remember from my active addiction, but I think for a lot of women, it's just kind of identifying, hey, I don't think this is what I want for my life. And kind of working on that. But at the same time, they love the gambling, right? So yeah, that's a great point to get them connected with a therapist, get them connected with resources that will allow them to gauge their behavior. There's a really great app called Evive. And this app is, like it kind of walks you through a harm reduction side of things. Like it's got like stop gambling or have a better relationship with gambling. So you've got two options there and they do this quiz and I'm sharing this because this is really kind of one of the most forward thinking products that I've come across. And so you enter their questions, you do their questions and it's like, hey, you know, this is kind of leading towards a harmful situation, let's go through this, let's try to better

⁹ *Self-Exclusion Frequently Asked Questions*, NJ OFF. OF THE ATT'Y GEN., <https://www.njoag.gov/about/divisions-and-offices/division-of-gaming-enforcement-home/self-exclusion-frequently-asked-questions/> (last visited Sept. 25, 2025).

understand this and then you've got the harm reduction side of it where like, let's work on setting limits, let's work on setting budgets, let's work on like kind of having a better relationship with it. So that way it doesn't have to be one or the other. But when you get to the point where the cucumber becomes a pickle for lack of a better expression, it's very, very hard to go back to a controlled gambling format.

I personally don't believe in controlled gambling because of the harm that I experienced and the harm that I help people with every single day. I just think that gambling, if it's caused any type of harm, it just shouldn't be in your life. But that's my opinion. Other people get to have their own opinion and have their own relationship. It's not for me to tell anybody that gambling is bad. Like that's got to be 100 % that person's decision. But for me and for what I've experienced and what I deal with every day, you know, I don't believe in controlled gambling. I feel like if it's causing you harm in any way, it's just a thing. Stop doing the thing and, you know, find healthier hobbies and other outlets to kind of decompress or, or whatever. But there's apps like Gamban who can block online gambling sites, freedom dot something. Sorry, I drew a blank, but I'll give you all these. It can even block the ads for gambling. There's a lot of great technology that's really starting to show up to help us better understand our behaviors with gambling. Put blocks in place and really just protect ourselves. You can call your bank and say, hey, don't authorize any online gambling for me. A lot of banks are starting to really hone in on online gamblers. They're starting to close accounts when they see online gambling.

I remember when I opened up my business account, one of the first questions they asked is like, are you an online gambler? So banks are starting to kind of open up to, hey, this is a problem for a lot of us. It's becoming a financial problem on a bigger scale for a lot of businesses and things like that. So there are a lot of things starting to come into place. You've got treatment options. You've got all these different barriers and things that you can put in place. And all these barriers do, and I think there's this misconception that if I have a barrier in place, then I won't be able to gamble. I think people also think that gamblers have no willpower and that is not the case because when it comes to gambling, gamblers have tremendous willpower and they can get through these barriers and they can see through the ways around. They can figure out the cash apps and all these different things like the way that a gambler mind works. It's just like an addict's mind to get that fix, right? They'll do anything and it's very similar.

So, you know, all these things are just barriers and the more barriers that you can put in place, the safer you're going to be. But you still have to do that internal work because if you don't do the internal work, all these barriers are fiction. They're going to eventually like your yearly subscription to the ad blocker is going to fall off and then you're going to or your self-ban. A lot of them will have a six month self-ban or one year self-ban and the cooling off period will kick back off, you're going to have ample opportunities. So in that time, you put all the barriers in place that you can, you learn about your behavior, you get into therapy,

you get into support groups, you really better understand what's going to help you. You figure that out and you work on those internal issues. And when those blocks start to kind of, you can like start to see through them, you're going to have more power to reset them back up, better understand what new ones you might need, you know, you're learning all these these things to help you continue in recovery. So like with anything you know you've got your self-exclusions, you've got your barriers, you've got all these things you can put in place but we still have to do that internal work. You can't recover. There are a few things that I would know for sure. You can't recover by yourself and you can't recover without doing the work. Those are the two main rules. You have to do the work and you can't do it alone.

Now, my personal thoughts on the responsible gambling is just, it's just a, an industry or operator way of taking the liability off of them and putting the accountability liability on the player, right? It's taking that off of them saying, Hey, I know we're creating an addictive product here. There's all kinds of science and everything showing that what we're creating is harmful, but it's really not our responsibility. It's yours to maintain a safer playing guidelines. And as a person in recovery, I take full accountability for my actions, my behaviors, but there is accountability on the other side. And there are people, they're creating these machines to be more attractive, to be more engaging, to potentially be addictive. And there has to be some accountability and responsibility there. So, those responsible gaming ads and safer playing it for the lived experience community, those who've been generally impacted by the harm, even our loved ones. Like it's, it's a very unfair campaign.

Sara Gras: When operators are free to pick and choose the responsible gaming standards they adopt, they will select those that push responsibility for problem behavior onto the consumer rather than onto the product, putting the controls into each individual's hands rather than addressing whether its design and marketing make it difficult, and in some cases, nearly impossible for those individuals to control. And while individuals in recovery from gambling addiction do accept responsibility for their choices, it seems unfair that the companies who profit from their addiction aren't asked to do the same, particularly when they have the tools to do MUCH more to prevent harm.

Consider some of the NCPG standards that are NOT formally required by virtually any state laws or regulations: monitoring for signs of problem gambling is a requirement in only 5 states, despite being entirely feasible given the advanced technology used to verify customer identities, geolocate bettors to a location within jurisdictional boundaries, and track wagers for integrity purposes. Virtually no states prohibit operators from reinforcing myths about gambling on their sites – like chasing “hot streaks,” or using knowledge of a sport or athletes to develop winning strategies. Similarly, almost no jurisdictions require

sportsbook operators to contribute financially to public health messaging about gambling harms.¹⁰

This lack of financial contribution is one of NCPG's main legislative focuses, primarily through their support of the GRIT Act – The Gambling Addiction, Recovery, Investment, and Treatment Act, which was introduced in the 2023-24 legislative session¹¹, and then again in the current session.¹² Here's what Cole had to say about the GRIT Act:

Cole Wogoman: Sure, well I'll start with the disclosure that we don't just support the bill, we help draft it. It is our flagship effort on the Hill. Senator Blumenthal has been an absolute wonderful advocate and ally for us. He genuinely cares about gambling addiction. So to back up, I can talk about what the bill does, but to set the scene like I said earlier, you have to remember that there is no money for problem gambling from the federal level at all. But they are making money off of gambling. not only do they make money off of winnings, when you win a casino, you have to report it like income, but you also, every bet on sports in the United States, there's a 0.25 % tax on the handle, which is the amount of money bet by the federal government. So that comes out to about a penny for every \$4 bet the federal government takes.

So we say, hey, if you're making money off of gambling, just like you make money off of cigarettes, you have an exercise tax or alcohol, you need to turn a portion of that around and put it towards treatment, research, prevention programs. So what the bill does is it takes half of the existing exercise tax that are already being taxed from the operators when they have sports bets. It takes half of that revenue and it turns around and sends it as block grants to SAMHSA, to the states to try to prevent tree research gambling addiction. So that's what three fourths of the bill does. And then the other fourth is it takes one fourth of that money and then sends it to NIDA, the National Institute of Drug Abuse to research gambling addiction so that we can actually have federal research because there's currently none.

Sara Gras: When you were drafting and, you know, working on proposing this legislation, did you think this was gonna be controversial? Did you think there'd be resistance to it?

Cole Wogoman: I think we had an idea. So we have an open dialogue with the American Gaming Association, who's the chief opponent to the bill. I haven't heard people at the

¹⁰ *Supra* note 7 at 8-9.

¹¹ Gambling Addiction, Recovery, Investment, and Treatment Act, H.R. 6982, 118th Congress (2023-24), <https://www.congress.gov/bill/118th-congress/house-bill/6982> (last visited Sept. 25, 2025), and S. 35, 118th Congress (2023-24) <https://www.congress.gov/bill/118th-congress/senate-bill/35> (last visited Sept. 25, 2025).

¹² Gambling Addiction, Recovery, Investment, and Treatment Act, H.R. 1141, 119th Congress (2025-26), <https://www.congress.gov/bill/119th-congress/house-bill/1141> (last visited Sept. 25, 2025), and S. 454, 119th Congress (2025-26), <https://www.congress.gov/bill/119th-congress/senate-bill/454> (last visited Sept. 25, 2025).

state level opposed to the bill. I've only heard support because it'd be extra money for them, right? The state regulators and legislators. It's the American Gaming Association who represents casinos, sports betting companies, but I want to stress that it doesn't represent all of them. There's a company, sports betting company called Underdog that has endorsed the GRIT Act. So it's not like they're a uniform, but they do represent a lot of them. And what they have told us basically is they view it as the camel under the camel's nose under the tent. So if, if they start with this, it will lead to the federal government getting more involved in their business, which is what they don't want. They want this to be a state level issue because they think funding will lead to regulation, that sort of thing, and that's more work for them. I don't think we haven't even got to the regulation point. What we're screaming from the mountaintops is you've got to have money to help people before you even look at problem number two. Let's get problem number one, take care of you. You can run, just as an analogy, you can run as many anti-drink driving campaigns as you want, but if you're not helping the people who are already alcoholics, it's not, know, they're not, that ad's not going to stop them from, from their behavior. So that's what we're, so, did we see this coming? Yes. but there hasn't been, I think what we've mostly heard is, yeah, it's common sense. it's the American Gaming Association who has a lot of money to spend. They're active on the Hill. They've got a lot of lobbyists who are trying to convince lawmakers its a bad idea.

But we would say, well, what's your plan then? You their plan is to just remove the excise tax, which doesn't solve the issue of there being not enough help for people who have an addiction and need help, not enough support and funding. They have not proposed a counter plan that would try to make up that funding or help people. One of their arguments to oppose, to remove the excise tax is...that well that money doesn't go anywhere specific. It just goes into the treasury's general fund to pay bills. So we were saying, hold on, let's have that money go somewhere. And they say, well, no, we don't want it to go there. So that's pretty interesting. And I will say, when I meet with legislators on the Hill, I love to say if you went to Budweiser and asked them if they were fans of the alcohol excise tax, they're gonna say no. Nobody wants the tax, but this gambling excess tax has existed since the 1950s. The AGA has tried to get it removed for a decade plus now and it hasn't been removed. It's not going anywhere, so we might as well turn some of that money around to do something good.

Sara Gras: Despite NCPG's efforts, as of right now the GRIT Act has failed to advance out of committee in either chamber of Congress. If the bill dies in committee, this will be the second session where no progress has been made on finding a federal source of funding for research, prevention, and treatment of gambling harms. As Cole explains, the industry would rather not pay the tax at all – the American Gaming Association has long-advocated

for legislation to repeal the excise tax, most recently the WAGER Act.¹³ Their leadership maintains that the tax disadvantages legal operators in competition with illegal and offshore operations,¹⁴ and that the casino industry already financially supports research and problem gambling services through state taxes and voluntary contributions.¹⁵

I've already expressed my opinion of the competition with illegal operators argument. Would anyone be sympathetic to a national pharmacy chain complaining that they should not be subjected to complex federal and state regulations and licensing requirements because it puts them at a commercial disadvantage in competition with a drug cartel? And the point about the funding of problem gambling services through state taxes on casino gaming is true, but doesn't tell the whole story. Yes, there ARE states – and we've talked about them – New Jersey, Massachusetts – where the states have allowed sports betting to move forward only with measures to fund research and treatment through taxes on gaming in place. But many more have not. And that's really the point of the legislation – to require operators to pool a fractional interest of their revenue to create funding for states who ALREADY have legal sports betting, but have no funds earmarked to address the social problems it creates.

One of the concerns I had with the bill was how non-specific its requirements are – states would simply apply for and obtain grants to “address gambling addiction”. But many states have no specific gambling addiction programs in place, no experts on compulsive gambling to take the lead on research or assessment, no infrastructure through which grant money could be spent. So how would they effectively utilize it? I raised this concern to Cole:

Cole Wogoman: Sure. So you're right. The bill is broad. The money just flows to states. They have to apply for it. They have to show that they are going to use it. But it's interesting because the point you bring up is almost putting the egg before the chicken or maybe I got that analogy back with the chicken for the egg, whatever it's saying is. Cart for the horse. There we go. In that.

Sara Gras (25:22.451)

before the horse I think.

Cole Wogoman (25:31.588)

If there is no state, if a state doesn't have money for problem gambling, they're not going to create any infrastructure. So Texas is a good example where the state gives zero dollars to

¹³ Withdrawing Arduous Gaming Excise Rates Act, S. 4872, 118th Congress (2023-24), <https://www.congress.gov/bill/118th-congress/senate-bill/4872> (last visited Sept. 25, 2025).

¹⁴ AGA Statement on New Legislation to Repeal the Federal Sports Betting Excise Tax on Legal Operators, AM. GAMING ASSOC. (July 31, 2024), <https://www.americangaming.org/aga-statement-on-new-legislation-to-repeal-the-federal-sports-betting-excise-tax-on-legal-operators/> (last visited Sept. 25, 2025).

¹⁵ *Responsibility in Gaming*, AM. GAMING ASSOC., <https://www.americangaming.org/responsibility/> (last visited Sept. 25, 2025).

problem gambling. So they don't have any infrastructure. But if we, if, if there's no money, then they're not motivated to create any infrastructure in order to have the resources to do it. So I think we need the money first and then states will say, we have all this money on the table that if we don't, if we don't have a plan to spend it, they're not going to give it to us. So let's come up with some infrastructure to show how we use it.

But conversely, but also in that same vein as to why we don't want to be overly restrictive is that some states actually have really good infrastructure. Massachusetts, California is pretty good. New Jersey, they've invested a lot into it. They have great infrastructure and I don't think it'd be beneficial for the federal government to put a ton of strings on how the money is spent so that they have to maybe ignore the programs they know work. We want them to be able to make decisions on what's best for their own state. And then third, your question was kind of, does it help being general help a bill get passed? I think that's probably true. Yeah, I we're trying to appeal to, we're nonpartisan. We're trying to appeal to Republicans and Democrats. And it's, if there's too many strings attached, you could imagine someone who supports small government would not be happy to support the bill.

Sara Gras: And this, I think, is why everyone, whether you support gambling or not, should really consider supporting this and similar legislation. While the legalization of sports betting came down to the rights of states, the prevention and treatment of harm cannot be compartmentalized in the same way because the impact of addiction is not confined by jurisdictional boundaries.

If the industry continues to push back or comply with only the least demanding RG standards, an alternative approach may be for states to step in with additional regulations. These may look similar to the rules recently proposed in New Jersey by the Division of Gaming Enforcement which would require operators to take a much more proactive approach to identifying patrons defined as being at-risk.¹⁶ As the notice of proposed rulemaking describes in the social impact statement, “requiring each operator to have a responsible gaming lead, as well as setting forth mandatory triggers for such leads to evaluate patron behavior, will bring standardization to what have been best practices, but not a required process.” There are ten mandatory triggers that would flag the patron for review. If that review indicates probable issues, operators would be required to contact that person directly, first with information about responsible gaming features, then with a video training on problem gaming that would have to be completed before the individual could continue placing wagers, and finally with direct contact by phone or video call to discuss options for assistance. Patrons who need or request assistance would be offered access to a responsible gaming professional at the operator’s expense. Those who fail to respond would have their accounts closed.

¹⁶ Responsible Gaming, 57 N.J. Reg. 2230(a) (proposed Sept. 15, 2025) (to be codified at N.J.A.C. 13:69O-1.2A), <https://www.njoag.gov/wp-content/uploads/2025/09/57-N.J.R.-2230a.pdf>.

It's too early to know exactly how stakeholders will react to what I think many would characterize as a pretty aggressive approach to preventing harm. But I can tell you my own reaction was, first, wow, and second, good – it's about time. You know, in law school we learn, usually in our first year, about dram shop laws that put some of the liability for harm caused by the sale of alcohol onto the businesses that sell alcohol to individuals who are visibly intoxicated or underage. The purpose of this is to incentivize businesses to proactively take responsibility for the behavior of their customers and to apportion some of the damages caused by an activity onto the entity who profits from it. These proposed regulations serve a similar role. Just like a bar can see, with perhaps greater objectivity than the patron themselves, that they aren't in good shape, a sports betting operator, who is monitoring and tracking a customer's spending and pattern of betting, is probably in the best position to recognize problematic behavior. This will certainly be a rulemaking to watch and if these rules go into effect, perhaps it will represent the start of a new era of corporate responsibility in the online gambling space. And I'm almost certain that the industry will raise same arguments about the unregulated market. But it's worth remembering that the right to legally profit off an activity that carries an elevated risk of serious harm to consumers comes with a responsibility to minimize those risks in a way that isn't performative or perfunctory.

On the next episode I'll be shifting gears to talk about a different harm that is often discussed as the result of online sports betting – the negative impact on the culture of sports themselves.

Sara Gras: Hearsay from the Sidelines is a collaboration of Seton Hall Law School and Culture in Sports; research and writing by Sara Gras with the help of my amazing research assistants, Emily Raedisch and Lauren Vuolo; music by my son, Robert; produced by Sara Gras and Dr. Jeremy Piasecki, Executive Director of Culture in Sports. Links to all available academic and primary legal sources, media, music, transcription, and other materials mentioned in this episode are available on the Hearsay from the Sidelines show page, hearsayfromthesidelines.com. And if you like this show, check out cultureinsports.com where you'll find more articles, shows, webinars, summits, and courses for sports leaders of all levels.