

ONE TEAM



**Testimony of Joe Briggs, Counsel,
National Football League Players Association, on behalf of the National
Football League Players Association, Major League Baseball Players
Association, National Hockey League Players Association, National Basketball
League Players Association, Major League Soccer Players Association**

The New York State Senate

Senate Standing Committee on Racing, Gaming, and Wagering

Public Hearing: Sports betting With a Mobile Component in New York State

May 8, 2019 – 11:00AM

Dear Chairman Addabbo and Ranking Member Jordan:

As the Racing, Gaming, and Wagering Committee continues its examination of the evolving landscape of sports betting in New York State, we ask that you include in your examination the concerns of the athletes, both professional and amateur, who play the games on which betting is now increasingly legalized. Players are not only the faces of the sports, but they are also most likely to be at the center of regulatory and statutory frameworks states are beginning to establish. And they are the people most likely to be directly impacted personally, legally and, in the case of our members, economically, by the choices the states make or choose not to make, with regard to sports wagering.

The concerns and issues our Associations have been advocating for are common to every sport in the United States. To date, through our extensive engagement in different states, we have not seen a proposed regulatory framework in any state that adequately protects our athletes and addresses our core concerns. We believe New York State is poised to enact meaningful legislation expanding certain forms of sports betting that are already offered, while adequately ensuring players are protected. At the professional level, given that many issues involve terms and conditions of employment or existing provisions in the Collective Bargaining Agreements, consideration should be given to both management and labor. Our core issues are as follows:

I. Personal Safety

The protection of players, their families, umpires, referees, club officials, and other personnel is paramount. The likelihood of an adverse incident arising from sports wagering, and involving any of the aforementioned parties, will continue to increase as more and more states enact legislation. Steps will need to be taken that address not only

safety during games but also in restricted areas, parking lots, team events, and where athletes are training. This protection must address a broad spectrum of misconduct, including physical or attempted assault, verbal threats, intimidation, and restraining orders. Additionally, fans in states must be made aware of what constitutes a breach in conduct through a notice to the public and established penalties.

II. Reporting Prohibited Contacts: Structure, Process, and Procedures

Every league (in conjunction with its respective Association) must establish a procedure for players and other personnel to report an incident where he or she is contacted or coerced to impact, influence, or manipulate a game or statistical result. Care must also be given to ensuring players are not dissuaded from reporting prohibited contact for fear of any personal, legal, economic, or other ramifications. Any approach made within states to develop a framework of structure, process, and procedure surrounding reporting prohibited contact must include safeguards that ensure:

- Information that may lead to an adverse action against a player is shared with the designated representative of the impacted party as soon as possible; and
- The safety and protection of the economic standing of those who report prohibited activity.

Properly and swiftly identifying and punishing those who threaten or attempt to coerce players will take total agreement and cooperation of all informed parties. The unions representing players must play a material role in processing and elevating player complaints of misconduct.

III. Investigations and Allegations: Structure, Process, Timing, and Procedures

We believe that a player's legal rights must be protected throughout the investigation and adjudication process. Procedures will have to be established to determine what complaints will be investigated, the requisite evidentiary basis to be satisfied before any investigation can occur, and the length of time associated with each stage of the investigation. Rules governing any investigation and subsequent adjudication must be set as well.

To date, there has been little to no discussion of how to coordinate what could easily become a very complex and complicated multi-state regulatory world, each potentially with its own rules and requirements. There has been no discussion about the very real probability of overlapping and competing state investigations or whether the outcome of one investigation will or should be binding upon a subsequent inquiry in another jurisdiction. There has also been no discussion of who will bear the cost of legal and other fees that will derive from inquiries and investigations.

These issues will be exacerbated based upon the types of bets that are available to the consumer, which is why agreement should be required between the players and the leagues in which they play as to the kinds of bets that will be allowed in their particular sport. In-game and prop bets in particular present a host of problems because of their potential for manipulation and the sheer number of possible bets in any one game or match.

A fair, neutral procedure that ensures due process and proper qualified representation for all parties involved is a necessity.

IV. Use of Personal Data and Other Information Derived Directly from Athletes

The legalization of sports betting should not jeopardize current legal protections concerning the sale or marketing of any personal health information, performance data (including anonymized data) of players, or other personal information (including name/biographical information, likeness rights, or anything else that derives directly from the athletes) of players without the express written authorization of the player (or his designated representative).

We are committed to continuing to work with the New York General Assembly and State Senate as you all work toward enacting meaningful legislation. We ask that you address these core issues in an effort to not protect the rights of players and other individuals who will be the focus of New York State's statutory or regulatory scheme, but to uphold the integrity of the games.

Preserving the integrity of the sports and the legitimacy of their contests can only be achieved from the creation of a comprehensive statutory and regulatory framework that addresses the totality of legal, practical, and economic challenges that come with the legalization of sports betting.

We look forward to working with the Committee moving forward.