



**Written Statement of Keith Whyte
Executive Director
National Council on Problem Gambling**

**Committee on Federal and State Affairs
March 21, 2022**

Dear Chairman Barker and Members of the Committee:

I write on behalf of the National Council on Problem Gambling (NCPG), the sole national advocate for problem gamblers and their loved ones, to express concern with HB 2740, which would legalize sports betting in the state of Kansas. NCPG's mission is to lead state and national stakeholders in the development of comprehensive policy and programs for all those affected by problem gambling. Our vision is to improve health and wellness by reducing the personal, social, and economic costs of problem gambling. NCPG is neither for nor against legalized gambling.

I would like to highlight how timely this hearing is, as this March marks the nineteenth anniversary of March being designated as Problem Gambling Awareness Month (PGAM). PGAM is designed to achieve two goals: to increase public awareness of problem gambling and to increase the availability of prevention, treatment, and recovery services; and to encourage healthcare providers to screen clients for problem gambling. This grassroots campaign brings together a wide range of stakeholders – public health organizations, advocacy groups, and gambling operators – who work collaboratively to let people know that hope and help exist.

There is an estimated 62,400 (2.8% of the adult population) Kansans currently struggling with a gambling problem. In addition, in 2021, NCPG's National Gambling Helpline received 2,395 calls, texts, and chats.

As HB 2740 currently stands, 2% of the tax revenue from legalized sports betting would go to problem gambling and other addictions fund. NCPG applauds Kansas's commitment to ensuring there is funding for problem gambling, but requests that the bill expand how that money can be spent. That fund can currently be utilized for other purposes other than to address problem gambling within the state. NCPG believes it a best practice to fund not only problem gambling treatment, but also to problem gambling research, prevention, awareness, education, and recovery services as well. This multi-pronged approach will help create a safer gambling environment in the state.

Since the Supreme Court struck down the Professional and Amateur Sports Protection Act in 2018 and states across the country have legalized sports gambling, problem gambling indicators among players have been on the rise. NCPG's forthcoming National Surveys on Gambling



Attitudes and Gambling Experience (NGAGE) revealed troubling trends between 2018 to 2021. For instance, the percentage of gamblers who answer “many times” when asked if they relied on others to pay their debts in the last year tripled between 2018 and 2021 (2% to 6%), and those answering “many times” when asked if they had lied to hide their gambling in the last year doubled in the same time period (3% to 6%). The 2021 NGAGE survey also found that 15% of gamblers between the ages of 18 and 44 answered “many times” when asked if they lied to hide their gambling, and 10% of that age group answered “many times” when asked if they relied on others to pay their debts. The NGAGE survey also found that sports bettors tend to be of a younger and more impressionable demographic than other bettors and show more likelihood of engaging in problematic play than the average bettor.

With these numbers in mind, in addition to expanding how funding to problem gambling can be spent, NCPG recommends Kansas include the following responsible gambling provisions in HB 2740. First, HB 2740 should require all gambling operators to have responsible gambling programs. Operators should have a written plan with measurable objectives and an annual report that reviews their progress. This responsible gambling audit should be given to both the regulator and be available for public review. As part of these programs, operators should be required to train all staff, with additional training for employees that have regular contact with players, in responsible gambling at their hiring and regularly throughout their employment. In addition, operators should be required to have clear policies in place for assessing and handling situations where a player indicates they are in distress or experiencing problems. There should also be a procedure in place to address third party (e.g., spouse, relative) concerns about players gambling behavior.

Second, NCPG recommends HB 2740 require operators to provide a variety of information to players to assist them in their decision making. This includes practical tips on how to keep gambling within safe limits, common myths associated with specific types of sports betting, information on how individual games work, how to use key responsible gambling tools, the risks associated with gambling, and signs of a potential gambling problem. In addition, operators should be required to provide players information on their play. Players should have easily accessible and periodic updates regarding their gambling history including time and money spent, games played, net wins/losses, as well as session information. Players should have access to their account details including all deposit and withdrawal amounts. Kansas should also require operators to provide players the ability to set limits on the amount of time and money they spend gambling. As part of its sports betting legalization, Connecticut implemented comprehensive regulations regarding patron protection information requirements that include the tips mentioned above and requires those protections to be made available in real time to the player in easy and obvious formats by the operators.¹ NCPG recommends HB 2740 require similar protections in Kansas.

¹ See <https://www.cga.ct.gov/2021/rrdata/pr/2021REG2021-002-RC.PDF> at page 64-65.



Third, although HB 2740 does require rules to be promulgated that ban gambling advertising that targets minors or is deemed misleading, this provision should be expanded. Operators should not be permitted run advertisements that have been deemed false or misleading specifically as to what is considered a “risk-free” bet or on the odds of winning when betting. HB 2740 should ensure all gambling advertisements include a responsible gambling message. As drafted, HB 2740 does require a gambling addiction helpline number be used in ads, which NCPG supports. We prefer legislation require the national helpline number as many ads are viewed in multiple states and helpline numbers are often hard to decipher when there are multiple mentioned in an ad. Operators should also not be permitted to advertise on webpages dedicated to problem gambling.

Finally, NCPG commends the legislature for ensuring HB 2740 includes reference to a self-exclusion program. However, this provision should be strengthened. The provision should ensure different operators can coordinate their self-exclusion lists at the request of the bettor. As part of the expanded self-exclusion program, Kansas law should bar operators from sending any promotional materials to self-excluded players and ensure those players receive information from the state on how to receive help for gambling problems. In addition, players should be required to apply to be reinstated on their own initiative at the conclusion of their self-exclusion period, and not be incentivized or subject to triggers in communications from operators. Best practices for a self-exclusion program also require a reinstatement review with a trained mental health professional, ensuring customers are empowered with tools and information about how to resume gambling in a healthy and protected way.

As with all forms of gambling, we know that there will be a significant portion of the population that will experience negative consequences as a result of legalized sports gambling. NCPG believes that if these recommendations are implemented, Kansas can take a substantial step in creating a safe and sustainable sports gambling environment for its residents. If you have any questions about the recommendations, or want additional details or recommendations, please do not hesitate to contact us. I would be happy to answer any and all questions that you may have. Thank you for the opportunity to submit our testimony to the record.