

Trends in Overseas Sports Lottery/Betting Legal Frameworks (2) – United States (Vol. 2)

Sports Business Law Newsletter

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* This Newsletter is an English translation of [a newsletter published in Japanese on August 14, 2024](#). Therefore, the contents of this Newsletter are based on information existing as of August 14, 2024.

I Introduction

As discussed in the previous article in this series of newsletters,¹ sports betting is being legalized in an increasing number of places in the United States following the U.S. Supreme Court's decision on May 14, 2018, finding that [The Professional and Amateur Sports Protection Act](#) of 1992, a federal law banning sports gambling, was unconstitutional and therefore invalid.

However, as an increasing number of states legalize sports betting, the risks of players, staff members, and other individuals becoming involved in match-fixing have become apparent. In fact, there has been a series of recent news articles in the United States reporting on professional sports players and interested parties being the subject of gambling probes by investigating authorities or relevant sports organizations (see Section II below).

Reportedly, the increasing legalization of sports betting in the United States has sparked a rise in the number of gambling addicts. The National Council on Problem Gambling (NCPG), a non-profit organization established in the United States with the mission of resolving issues stemming from gambling, estimates that the risk of gambling addiction increased by 30% between 2018, when the legalization of sports betting commenced in certain states, and 2021.²

In this article, we will share some recent examples of illegal sports gambling and match-fixing in the United States. We also discuss integrity measures and counter-measures to gambling addiction that sports organizations, the U.S. government, business operators, and other stakeholders have introduced as legalization of sports betting spreads throughout the United States.

¹ [Kaku Hirao, Hironori Inagaki, Takahiro Sugauchi, Toshiki Kitazumi, Scott Alper, "Trends in Overseas Sports Lottery/Betting Legal Frameworks \(1\) – United States \(Vol. 1\)" \(Nishimura & Asahi Sports Business Law Newsletter, July 30, 2024\)](#)

² NCPG website "NCPG Statement on the Betting on Our Future Act" (February 10, 2023) (<https://www.ncpgambling.org/news/ncpg-statement-on-the-betting-on-our-future-act/>) (last viewed on August 9, 2024)

II Recent Examples of Punishment for and Exposure of Sports Gambling in the United States

In March 2024, news articles drew wide-spread public attention in Japan and the United States when they reported that the former interpreter for Shohei Ohtani, a player on the Los Angeles Dodgers, was heavily addicted to gambling and engaged in illegal sports gambling in California through an illegal bookmaker. In April 2024, the former interpreter was prosecuted for bank fraud for allegedly wiring 16-million dollars from Mr. Ohtani's account without his permission.

Since that scandal, the United States has seen other reports of involvement in illegal sports gambling by persons affiliated with the MLB. For example, in May 2024, it was reported that the MLB commenced an investigation of a player on the Los Angeles Angels in 2023 for allegedly engaging in illegal sports gambling through the same illegal bookmaker that Mr. Ohtani's former interpreter used.³ The report states that, although the player did not personally bet on MLB games, a minor league player who was a close friend of the Angels player placed bets on the Los Angeles Angels games in which said player participated using the same illegal bookmaker as Mr. Ohtani's former interpreter. While the MLB has yet to disclose the results of this investigation, the issue will be whether the player placed bets on MLB games or provided information about himself or his team to his friend.

In addition, in June 2024, the MLB permanently banned a San Diego Padres infielder, who played for the Pittsburgh Pirates until the 2023 season, for placing bets on Pittsburgh Pirates games, even though he had not played since sustaining a knee injury in July 2023 and did not actually play in the games on which he bet. On the same day, the MLB also suspended four other players—an Oakland Athletics player and three minor-league players—for one year for betting on MLB games and other baseball games.⁴

In addition to MLB players and affiliated persons having been the subject of probes and penalties by investigating authorities and the MLB, NBA players have also been involved in sports gambling. In March 2024, it was reported that a Toronto Raptors NBA player (the "Former NBA Player") was under investigation by the NBA for suspected match-fixing. In various games in which a large amount of money was wagered on certain elements of that player's performance, such as his total number of successful three-point shots, the statistics for those elements shifted outside their normal parameters, which suggests illicit behavior.⁵ The NBA permanently banned the Former NBA Player in April 2024, as he was found to have (i) leaked confidential information, such as regarding his health condition, to acquaintances before games, (ii) voluntarily limited his participation in games in order to affect the results of betting on his performance in those games, and (iii) participated in betting on NBA games, including games in which his team played, through the account of a related person.⁶ In June 2024, four acquaintances of the Former NBA Player were prosecuted on suspicions

³ MLB opens investigation into David Fletcher gambling allegations (ESPN, May 20, 2024) (https://www.espn.com/mlb/story/_/id/40184970/mlb-investigation-david-fletcher-angels) (last viewed on August 9, 2024)

⁴ MLB website "MLB announces sports betting suspensions for 5 players" (June 5, 2024) (<https://www.mlb.com/news/mlb-announces-sports-betting-violation-suspensions>) (last viewed on August 9, 2024)

⁵ NBA eyes Raptors' Jontay Porter for betting issues (ESPN, March 25, 2024) (https://www.espn.com/nba/story/_/id/39808900/nba-eyes-raptors-jontay-porter-betting-issues) (last viewed on August 9, 2024)

⁶ NBA website "Jontay Porter banned from NBA for violating league's gaming rules" (April 18, 2024) (<https://www.nba.com/news/jontay-porter-banned-from-nba>) (last viewed on August 9, 2024)

of wire fraud against a sports-betting business operator for having placed illegal bets using confidential information received from the Former NBA Player that he would be absent from certain games due to an injury.⁷ In addition, the Former NBA Player was under investigation by Canadian and U.S. authorities and pleaded guilty in the United States in July 2024, admitting to conspiracy to commit fraud in order to clear significant gambling debts.^{8,9}

The foregoing examples are indicative of the increase in the risk of players, staff members, and other individuals becoming involved in match-fixing as more states legalize sports betting. At the same time, they demonstrate that U.S. professional sports leagues will take strict measures under predetermined rules if they detect any signs of misconduct.

Below, we discuss the integrity measures taken by the MLB and the NBA to prevent misconduct, specifically the rules established by the respective leagues, preventative measures (including educating players and other relevant persons about the risks of gambling), and implementing a system to monitor and investigate misconduct as a remedial measure once problems are detected.¹⁰

“Sports integrity” broadly refers to efforts at preserving the integrity and the value, both pecuniary and societal, of sports without disruptions due to dangers or risks,¹¹ which may include bribery, corruption, violence, harassment, doping, and match-fixing. In this article, we focus upon countermeasures against match-fixing.

III MLB Integrity Measures

The MLB established Major League Rule 21 (“MLR 21”), which governs misconduct by players, managers, coaches, umpires, and league officials and employees.¹² The following is a summary of MLR 21.

Rule (Extract)	Terms (Extract/Summary)
(a) Misconduct in playing baseball	Any player or person connected with a club who engages in any of the following acts shall be declared permanently ineligible: <ul style="list-style-type: none"> • to promise or agree to lose, or to attempt to lose any baseball game with which he is

⁷ Brooklyn man arrested in connection with illegal betting scheme involving former NBA player Jontay Porter, authorities say (CNN, June 5, 2024) (<https://edition.cnn.com/2024/06/05/us/brooklyn-man-arrested-illegal-betting-scheme-jontay-porter/>) (last viewed on August 9, 2024)

⁸ Criminal investigation opened in Canada for Jontay Porter scandal (ESPN, June 18, 2024) (https://www.espn.com/nba/story/_/id/40380229/criminal-investigation-opened-canada-jontay-porter-scandal) (last viewed on August 9, 2024)

⁹ Ex-NBA player Jontay Porter pleads guilty in case tied to gambling scandal that tanked his career (AP, July 10, 2024) (<https://apnews.com/article/nba-jontay-porter-banned-criminal-case-betting-b26d6a136baafdf8e538be260338bb28>) (last viewed on August 9, 2024)

¹⁰ Much of our discussion below focuses on the MLB because it discloses more information on rules than the NBA, and because the MLB’s integrity measures were reported widely in the wake of the scandal involving Mr. Ohtani’s former interpreter. However, both the MLB and the NBA take comparable measures.

¹¹ Japan Sport Council website “Maintaining and Enhancing Sport Integrity” (<https://www.jpnsport.go.jp/corp/english/activities/tabid/549/Default.aspx>) (last viewed on August 9, 2024)

¹² https://content.mlb.com/documents/8/2/2/296982822/Major_League_Rule_21.pdf

Rule (Extract)	Terms (Extract/Summary)
	<p>or may be in any way concerned;</p> <ul style="list-style-type: none"> • to promise, or agree or attempt to fail to give his best efforts toward the winning of any baseball game with which he is or may be in any way concerned; • to intentionally lose or attempt to lose, or intentionally fail to give his best efforts toward the winning of any baseball game with which he is or may be in any way concerned; • to solicit or attempt to induce any other player or person connected with a club to engage in any of the aforementioned acts; or • to fail to inform the Commissioner or the President of the Minor League Association, as the case may be, immediately of such solicitation, and of all facts and circumstances connected therewith.
(b) Gift for Defeating Competing Club	<p>Any player or person connected with a club who engages in any of the following acts shall be declared ineligible for not less than three years:</p> <ul style="list-style-type: none"> • to offer or give any money, gift or reward to a player or person connected with another club for services rendered or supposed to be or to have been rendered in defeating or attempting to defeat a competing club; • to solicit or accept from a player connected with another club any money, gift or reward for any such services rendered, or supposed to have been rendered; or • if offered any such money, gift or reward, failing to inform the Commissioner or the President of the Minor League Association, as the case may be, immediately of such offer, and of all facts and circumstances connected therewith.
(c) Gifts to Umpires	<p>Any player or person connected with a club who engages in either of the acts in (i) below against an umpire, or any umpire who engages in any of the acts in (ii) below shall be declared permanently ineligible:</p> <p>(i) Prohibitions for players or persons connected with a club:</p> <ul style="list-style-type: none"> • to give, or offer to give, any money, gift, or reward to an umpire for services rendered, or supposed to be or to have been rendered, in defeating or attempting to defeat a competing club; or • to give, or offer to give, any money, gift, or reward to an umpire for the umpire's decision on anything connected with the playing of a baseball game; <p>(ii) Prohibitions for umpires:</p> <ul style="list-style-type: none"> • to render, or promise or agree to render, any decision on anything connected with the playing of a baseball game otherwise than on its merits; • to solicit or accept any money, gift or reward for any such service or decision; or • to fail to inform the Commissioner or the President of the Minor League Association, as the case may be, immediately of such offer or solicitation for any money, gift or reward, or for the umpire's decision on anything connected with the playing of a baseball game otherwise than on its merits, as well as all facts and circumstances connected therewith.
(d) Prohibitions on Gambling	<p>Any players, umpires, or club or league officials or employees who are involved in any of the types of gambling below shall be punished as follows, in accordance with the nature of the</p>

Rule (Extract)	Terms (Extract/Summary)
	gambling: <ul style="list-style-type: none"> • if they bet any sum whatsoever upon any baseball game in connection with which the bettor has no duty to perform: ineligibility for one year; • if they bet any sum whatsoever upon any baseball game in connection with which the bettor has a duty to perform: permanent ineligibility; and • if they place bets with illegal book makers, or agents for illegal book makers; such penalty as the Commissioner deems appropriate; any player, umpire, or club or league official or employee who operates or works for an illegal bookmaking business shall be subject to a minimum of a one-year suspension from duties.

As outlined in the table above, MLR 21 prohibits players, or any persons affiliated with clubs or the league, from intentionally losing or fixing games, such as attempting to lose in a game, failing to give their best efforts to win a game, and promising to lose a game (MLR 21 (a)). Violators will be banned permanently. MLR 21 also prohibits players, umpires, and any persons affiliated with clubs or the league from placing bets on baseball games. Bettors, including players, on baseball games will be banned for one year at maximum, and any such person having bet on any game in connection with which the bettor plays or is involved will be permanently banned (MLR 21 (d)). Printed copies of MLR 21 in both English and Spanish are posted in each MLB clubhouse in order to ensure that the players, and any person affiliated with clubs or the league, are fully aware of the rules (MLR 21 (g)).

To supplement MLR 21, Attachment 60 to the Basic Agreement,¹³ which is dated March 10, 2022, and was collectively bargained between 30 MLB baseball clubs and the MLB Players Association, provides a “Sports Betting Policy for Major League Players” covering all players on the 40-man roster of players registered with each MLB baseball club (the “MLB Policy”). Section I of the MLB Policy sets forth prohibited conduct as summarized in the following table. The MLB Policy permits players to participate in legal sports betting or legal fantasy sports other than baseball games (Section I, D).

Terms of Prohibited Conduct for MLB Players (Extract/Summary)	
A. No Betting on Baseball	Major League players may not bet on any professional or amateur baseball games or events (including, without limitation, home run derbies). Major League players may not ask others to place bets on their behalf, knowingly benefit financially from, or knowingly assist with bets placed by others.
B. Participation in (Placing Bets on) Fantasy Games	Major League players are prohibited from knowingly engaging in any of the following conduct: participating in fantasy baseball games in which prize money or other things of value are available to participants; assisting individuals who participate in such games; or arranging for others to participate on a Major League player’s behalf.

¹³ https://www.mlbplayers.com/files/ugd/4d23dc_d6dfc2344d2042de973e37de62484da5.pdf

C. Involvement in Illegal Baseball Betting	Major League players may not place illegal bets on any sport or event, including bets placed with illegal bookmakers or illegal off-shore sports betting websites or applications.
E. Game Fixing	Major League players are prohibited from intentionally influencing or manipulating (or intentionally attempting to influence or manipulate) any baseball game or baseball event. If solicited by any person or entity to engage in such behavior, the player must inform the Commissioner immediately of the solicitation.
F. No Tipping or Disclosure of Confidential Information	Major League players are prohibited from intentionally disclosing non-public information regarding their clubs, their club's Minor League affiliates or MLB, or any professional or amateur baseball team or league, such as player health, details of rosters (player registration), starting members or umpires, to any person with the knowledge that that person intends to use such information in connection with the betting markets.
G. Activities for and Grants of Rights to Legal Sports Gaming Companies	Major League players may not authorize or allow the use of their names, uniform numbers, images, likeness, or any other attributes in order to advertise, promote, or encourage betting on (for or against) any baseball game(s) or baseball event(s), or any event(s) or outcome(s) related in any way to baseball games or events.
H. Ownership Interests in, or Indebtedness to, Sports Gaming Companies	Major League players are prohibited from being a director of or holding a direct or indirect ownership or economic interest in, or intentionally borrowing money or entering into any other financial arrangement whereby a Major League player owes money to, a sports gaming company.

Section II of the MLB Policy requires Major League players to report immediately to the Commissioner's Office any information that they possess regarding a violation, or suspected violation, of the MLB Policy. Section II also provides that failure to report such information may result in disciplinary action and prohibits retaliation against any individual who, in good faith, reports a violation of the MLB Policy.

Section A of Attachment 61 to the Basic Agreement (Additional Agreements on Sports Betting) requires that the following safety measures be implemented:

- clubs include in their fan policies a prohibition against betting-related abusive fan speech and behavior that is directed at players, players' family members, club personnel, or umpires; and
- each club and player association jointly develop a safety hotline for players to report any threats, potentially threatening communications, or other inappropriate sports betting-related conduct or contact that a player or any member of his family receives related to sports betting, and if the player or any member of his family submits a report to the hotline, the Office of the Commissioner and the MLB Players Association will collaborate with respect to any actions deemed necessary to protect the player and his family, such as by contacting law enforcement with the player's permission.

In addition, Section C of Attachment 61 to the Basic Agreement requires that each club and the players association (i) confer each off-season regarding the substance of education conducted during spring training

and at rookie education seminars and (ii) confer each off-season to discuss issues with sports betting, including but not limited to betting technology, integrity monitoring, and government investigations. As such, MLB baseball clubs provide education on sports betting to players, including foreign players, who participate in spring training and other programs, as well as providing similar education to Minor League players, in order to make them aware of MLR 21 and the MLB Policy rules.¹⁴ In addition, MLB and Minor League umpires attend in-person or Zoom seminars on MLB betting-related rules every year, and club and league staff members also receive training upon being hired and periodically thereafter.¹⁵

In addition to the aforementioned preemptive measures, the MLB has increased its partnerships with outside business operators and organizations to detect illegal betting on MLB games as an *ex-post* measure. For example, starting around 2019, the MLB began concluding partnership agreements with integrity-service business operators, such as Sportradar and U.S. Integrity. Integrity-service business operators use artificial intelligence (“AI”) and other methods to detect any anomalous bets, such as by monitoring various matters, such as fluctuations in odds and amounts of wagers. Integrity-service business operators alert the MLB if they detect any abnormal trends that suggest the existence of match-fixing in any particular game. According to the MLB’s public relations representatives, the MLB’s betting and compliance group maintains relationships with regulatory authorities throughout the United States and with more than 20 affiliated sports-betting business operators, which are required to report suspicious activities under agreements with the MLB.¹⁶ The MLB authorizes sports-betting business operators to use its logos and official data, while requiring such operators to monitor possible signs of match-fixing or other misconduct. The MLB receives information on any suspected match-fixing and other misconduct that is detected by those business operators.¹⁷

IV NBA Integrity Measures

The National Basketball Association Uniform Player Contract attached to the collective bargaining agreement dated July 1, 2023, between the NBA and the National Basketball Players Association (the “NBA Uniform Contract”)¹⁸ prohibits players from placing bets on any game or event in the NBA or NBA Gatorade League (NBAGL). It also provides that if a player has bet, or has offered or attempted to bet, money or anything of value, the Commissioner has the power at his sole discretion to suspend the player indefinitely or to expel him as a player from any team (Section 5, paragraph (e) of the NBA Uniform Contract).

In addition, the player-conduct memorandum distributed to NBA teams and players expressly prohibits players

¹⁴ Education under Section C of Attachment 61 to the Basic Agreement is now provided to approximately 5,500 Minor League players (MLB’S RULES ON GAMBLING: WHAT HAPPENS WHEN PLAYERS BET? (Sportico, June 14, 2024) (<https://www.sportico.com/feature/mlb-betting-gambling-rules-1234784194/>) (last viewed on August 9, 2024)). In addition, it was announced on December 14, 2023, that the MLB will partner with EPIC Global Solutions and Entain Foundation U.S. to offer lived experience educational sessions focused on responsible gambling and mental health to Minor League players and other MLB personnel selected by the MLB. (EPIC Global Solutions website (<https://www.epicglobalsolutions.com/us/news/epic-partners-with-the-mlb/>) (last viewed on August 9, 2024)).

¹⁵ MLB embraced gambling while trying to preserve its integrity. It’s a big bet. (Washington Post, June 9, 2024) (<https://www.washingtonpost.com/sports/2024/06/09/mlb-betting-integrity/>) (last viewed on August 9, 2024).

¹⁶ See Footnote 15 above.

¹⁷ See Footnote 15 above.

¹⁸ <https://atlhawksfanatic.github.io/NBA-CBA/national-basketball-association-uniform-player-contract.html>

from betting on games or events, such as the All-Star Skills competition and draft picks, related to the NBA, the Women's National Basketball Association (WNBA), the NBAGL, and the Basketball Africa League (BAL). The memorandum also explicitly bans players from participating in fantasy sports targeting the NBA and offering prize money or anything of value, and prohibits them from asking anyone to engage in any such prohibited conduct on the players' behalf.¹⁹ The NBA has taken an even stricter stance with respect to referees and prohibits them from betting on all sports games, as a general rule.²⁰ As with the MLB, the NBA provides education to players, referees, staff members, and other relevant persons,²¹ and requires players to participate in anti-gambling training sessions hosted by their teams or the NBA once per year.²²

As with the MLB, the NBA also takes *ex-post* measures. The NBA has an internal organization consisting of attorneys and full-time data scientists who monitor and investigate anomalous betting trends, which is led by a former federal prosecutor and other officials. If an anomalous bet is detected, the internal organization investigates whether it is attributable to an illicit cause.

In addition, similar to the MLB, the NBA is ramping up its partnerships with outside business operators and organizations by working with integrity-service business operators including as Sportradar and U.S. Integrity and by partnering with external organizations, such as the International Betting Integrity Association (IBIA). The NBA also has partnership agreements with multiple sports-betting business operators, such as FanDuel and DraftKings, and authorizes sports-betting business operators to use its logos and official data, while requiring them to monitor, report on, and cooperate with the NBA's investigations of any match-fixing or other misconduct. The NBA receives information on any potential match-fixing or other misconduct that may be detected by those business operators.²³

If any potential match-fixing or other misconduct is detected, the NBA launches an investigation in cooperation with the competent authorities and integrity-service business operators, among other entities. The case of the Former NBA player who was banned permanently was uncovered by sports-betting business operators and monitoring organizations reporting signs of anomalous betting to the NBA.²⁴

V Anti-addiction Measures in the United States

The United States has reportedly seen the number of gambling addicts trend upward since some states legalized sports betting. As discussed above, the U.S. National Council on Problem Gambling (NCPG) estimates that the risk of gambling addiction grew by 30% between 2018, when the legalization of sports betting

¹⁹ How does the NBA monitor suspicious betting activity? Explaining the process and who's involved (The Athletic, April 13, 2024) (<https://www.nytimes.com/athletic/5408400/2024/04/12/nba-betting-integrity-monitoring-explained/>) (last viewed on August 9, 2024)

²⁰ NBA Limits on Referees' Wagering Spelled Out (The New York Times, July 24, 2007) (<https://www.nytimes.com/2007/07/24/sports/basketball/24referees.html>) (last viewed on August 9, 2024)

²¹ See Footnote 19 above.

²² NBA opens gambling probe into Raptors' Jontay Porter, AP source says (NBC Los Angeles, March 26, 2024) (<https://www.nbcla.com/news/sports/nba/nba-gambling-investigation-raptors-jontay-porter-ap-source/3372407/>) (last viewed on August 9, 2024)

²³ See Footnote 19 above.

²⁴ NBA website "Jontay Porter banned from NBA for violating league's gaming rules" (<https://www.nba.com/news/jontay-porter-banned-from-nba>) (last viewed on August 9, 2024)

commenced in certain states, and 2021.²⁵ This increase has prompted state governments, industry organizations (including the NCPG), and sports-betting business operators, among other entities, in the United States to enhance measures to combat gambling addiction.

For example, in 2018, the NCPG recommended that when legalizing sports betting, the applicable law must include the following measures, among other requirements: (i) a certain percentage of sports-betting revenue must be used to address addiction or other gambling-induced harms and (ii) a minimum age to use sports-betting services must be established, and technical and operational measures must be implemented in order to prevent access by minors.²⁶ Furthermore, certain states require business operators lawfully offering gambling services under a legal license to prevent addiction and other harms to young people. Business operators lawfully offering sports-betting services in the United States are also required to take measures to protect their users from gambling addiction and other harms, such as by setting maximum limits on the amounts of wagers made by users, prohibiting the use of credit cards or lines of credit to pay wagers, and banning advertisements targeting minors.²⁷ The American Gaming Association requires its sports-betting business-operator members to ban advertisements targeting persons under the age of 21, including banning the use of models under the age of 21, and to ban advertisements for college-sports betting.²⁸ State governments also have established organizations to promote responsible gambling, as well as hotlines and other channels for users suffering from gambling addiction, in order to address addiction and other gambling-induced problems.²⁹

On March 27, 2024, it was announced that seven of the largest sports-betting business operators in the United States formed the Responsible Online Gaming Association (ROGA),³⁰ pledging to provide US\$20 million, or approximately 3 billion yen, to advance research and initiatives aimed at resolving addiction and other gambling-related issues.³¹

ROGA embraces the following five pillars as its mission:³²

- (1) Support and fund independent academic research into gaming-related issues, such as the effectiveness of responsible gaming measures aimed at promoting sustainable play;

²⁵ See Footnote 2 above.

²⁶ NCPG website “Responsible Gambling Principles for Sports Gambling Legislations” (March 2018) (<https://www.ncpgambling.org/wp-content/uploads/2023/10/Responsible-Gaming-Principles-for-Sports-Gambling-Legislation.pdf>) (last viewed on August 9, 2024)

²⁷ The “Responsible Gaming Regulations and Status Guide” published by the American Gaming Association in September 2022 discusses the measures as of 2022 that gambling business operators are required to take in each state in order to protect users (https://www.americangaming.org/wp-content/uploads/2019/09/AGA-Responsible-Gaming-Regs-Book_FINAL.pdf).


²⁸ American Gaming Association website “Responsible Marketing Code for Sports Wagering” (March 28, 2023) (<https://www.americangaming.org/responsible-marketing-code-for-sports-wagering/>) (last viewed on August 9, 2024)

²⁹ Legal Sports Report website “Responsible Gambling” (<https://www.legalsportsreport.com/responsible-gambling/>) (last viewed on August 9, 2024)

³⁰ ROGA is comprised of seven members: BetMGM, bet365, DraftKings, Fanatics Betting & Gaming, FanDuel, Hard Rock Digital, and PENN Entertainment, whose combined market share reportedly accounts for 85% of the lawful online sports betting market in the United States.

³¹ ROGA website “Largest U.S. sportsbooks join forces to tackle problem gambling” (March 27, 2024) (<https://www.responsibleonlinegaming.org/press-center/largest-us-sportsbooks-join-forces-to-tackle-problem-gambling>) (last viewed on August 9, 2024)

³² ROGA website “Our Mission” (<https://www.responsibleonlinegaming.org/mission>) (last viewed on August 9, 2024)

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- (2) Establish an independent certification program that will assess business operators' efforts to promote responsible gaming, providing business operators with an objective, independent evaluation of their responsible-gaming policies and procedures;
 - (3) Encourage and advocate for the application of evidence-based best-practices for responsible gaming;
 - (4) Create, via an independent data clearinghouse, a database that will facilitate information-sharing—thereby establishing a mechanism for industry-wide protection of consumers; and
 - (5) Drive both consumer and industry education and awareness of responsible gaming and encourage responsible advertising and marketing practices within the industry.

Those activities are expected to enhance further the industry-wide prevention of, and countermeasures against, addiction and other harms.

VI Conclusion

As discussed, whilst the United States has seen rapid growth in sports-betting markets, negative effects, such as the involvement of players and related persons in illegal sports gambling, suspected match-fixing, and heightened risks of gambling addiction, have simultaneously emerged.

In Japan, where illegal cross-border markets are growing, sports organizations, among others, must ensure that integrity measures are in place. It is imperative for Japan to implement its own measures to counter match-fixing, as well as cross-border market measures aligned with its culture and historical background, while simultaneously referring to the measures adopted in the United States.³³

In the next article, we will begin to explore trends in the legal frameworks of sports lotteries and betting in countries other than the United States.

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³³ Please also see [Kaku Hirao, Hironori Inagaki, Toshiki Kitazumi, "Challenges and Countermeasures in Japan in Association with Expansion of Overseas Sports Betting Markets – Focusing on Expansion of Illegal Cross-Border Markets and Countermeasures Against Illegal Business Operators –" \(Nishimura & Asahi Sports Business Law Newsletter, May 13, 2024\)](#) (Japanese only).