

THE PLAYERS ASSOCIATIONS



My name is Joe Briggs and I am a Public Policy Counsel with the National Football League Players Association (NFLPA). I am here today on behalf of the labor unions that represent the athletes in the major professional team sports played in the United States.

We are comprised of the NFLPA, Major League Baseball Players Association (MLBPA), National Hockey League Players' Association (NHLPA), and Major League Soccer Players Association (MLSFA) and are collectively known as The Players Associations. We represent thousands of professional athletes who play in North America's major team sports leagues. Combined, these individuals are responsible for creating countless jobs and a significant economic footprint in the State of Maryland. As the State of Maryland continues its examination of the evolving landscape of sports betting, we ask that it include in its examination all of the concerns of the athletes, both professional and amateur, who play the games on which betting has been legalized. Players are not only the faces of the sports, but they are at the center of the legislative and regulatory frameworks that states are establishing. Players are 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. We have been working with many states to help put in place legislative and regulatory frameworks that will protect our athletes and address our core concerns.

We believe the State of Maryland is now poised to enact meaningful legislation related to sports betting, while ensuring players are adequately protected. Broadly, we believe that on any charge involving the conduct of a professional athlete, the Maryland State Lottery and Gaming Control Commission (Commission)/Maryland State Lottery and Gaming Control Agency (MLGCA) must give deference to rules collectively negotiated between a league and its Players Association governing player safety, misuse of personal biometric data, coordination with inquiries in other states, and the investigation and resolution of a gambling related charge involving a professional athlete. We also cannot stress enough the importance of having our issues, which are outlined below, enshrined in statute versus relying on the Commission/MLGCA to address them.

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. It is important that you not only address safety during games and in restricted areas, parking lots, at team events, and where athletes are training, but also where they live their lives as citizens of the state outside of their work environment. These protections must address a broad spectrum of misconduct, including physical or attempted assault, verbal threats, intimidation, and harassment. While some states have outlined that all entities who present sporting contests are encouraged to take reasonable measures to ensure the safety and security of all involved, our Associations call on you to outline exactly what those measures should look like with the above points in mind. Additionally, fans must be made aware of what constitutes a breach in conduct

and what the penalties are through a notice to the public similar to state sponsored impaired and distracted driving campaigns.

II. Reporting Prohibited Contacts: Structure, Process, and Procedures: There must be a procedure for players and other personnel to confidentially 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 ensure players are not dissuaded from reporting prohibited contact for fear of any personal, legal, economic, or other ramifications. While there are approaches to address this in some states, some fall short with respect to which entity a player can confidentially report potential misconduct. There must be processes surrounding reporting prohibited contact and they must include safeguards related to information sharing and safety.

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. There must be a streamlined and expeditious approach to punishing those responsible for prohibited conduct while ensuring that all appropriate interests are accounted for as the resolution process begins and unfolds.

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, required disclosure of investigative files to Associations, 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. States have fallen short in ensuring that the regulator would be able to manage cross-state investigations. There has been little 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 little discussion of who will bear the cost of legal and other fees that will derive from inquiries and investigations. These issues must be discussed further, and inevitable jurisdictional and investigatory overlap must be accounted for. These issues will be exacerbated based upon the types of bets that are available to the consumer, which is why it is important to seek the consent of the players and the leagues in which they play as to the kinds of bets that will be allowed in their particular sport. This is especially true with respect to betting at sports venues, which some states allow for. 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 their designated representative). These basic rights should not be dismissed as a subject of collective bargaining. No one should ever have to bargain, or give something of value up, for the right to keep their personal health or biometric data private. The definition of personal biometric data must be robust. However, it is important that the regulator continuously update this definition via regulation in order to adapt to the changing times.

Biometric data that is derived directly from athletes is personal information and the extent to which you can ensure the rights of players with respect to biometric data are never a subject of collective bargaining is a must. This safeguard, coupled with language that prohibits the use of personal data without the consent of the player or their representative, will help protect the misuse of personal data derived from athletes.

V. Benevolence Fund: Our Associations support a fund for former players. We believe setting up a charitable fund to help former players who are victims of financial issues, chronic injury, family crises, or other hardships would be widely supported and regarded in the State of Maryland. We as the unions who represent professional athletes support that such a fund be used to help players who have been disadvantaged by betting. We would also support money from the fund supporting a local sports promotion and development foundation in the State of Maryland, similar to the Florida Sports Foundation in the state of Florida, for example. Maryland Amateur Sports Foundations are also entities that would benefit from such a fund, specifically to address issues related to players and legalized sports betting in the state.

We appreciate your attention to these most pressing issues. The Players Associations looks forward to serving as a resource to you as the State of Maryland continues its consideration of legalized sports betting.