
ONE TEAM



Testimony of the National Football League Players Association (NFLPA), the Major League Baseball Players Association (MLBPA), the National Basketball Players Association (NBPA), the National Hockey League Players' Association (NHLPA), and the Major League Soccer Players Association (MLSPA)

Connecticut General Assembly

Public Safety and Security Committee Hearing

Tuesday, February 26, 2019

Room 1E of the LOB, 10:00AM

Dear Co-Chairs Bradley and Verrengia, Vice-Chairs Osten and Paolillo, and Ranking Members Hwang and Sredzinski,

Good Morning and thank you for having us. We sincerely appreciate the opportunity to testify before the Public Safety and Security Committee on the extremely important issue of sports betting.

The National Football League Players Association (NFLPA), the Major League Baseball Players Association (MLBPA), the National Basketball Players Association (NBPA), the National Hockey League Players' Association (NHLPA), and the Major League Soccer Players Association (MLSPA) collectively comprise One Team. Together, the One Team entity closely monitors a variety of issues relating to players, including sports betting and player protections, state right of publicity laws, athlete income taxes and professional license fees, worker compensation laws, state employee drug provisions, state laws relating to athlete agents, and more. As the collective bargaining representatives for professional players in their respective sports, One Team works together to be ever aware and vigilant of legislation in Congress, state legislatures, and select cities and municipalities that may impact the rights and protections of professional sports players.

Ever since the Professional and Amateur Sports Protection Act (PASPA) was struck down by the United States Supreme Court in May 2018, paving the way for states to legalize sports betting,

our organization has taken a keen interest in state efforts to legalize wagering on professional sporting events. One Team has been engaging at both the state and federal level on issues related to player protections, including the personal safety of players, reporting prohibited contacts with players, procedures related to investigations and allegations of misconduct, use of personal athlete data and other information, and more. One Team's number one priority is to ensure the safety of the players and that procedures and other safeguards are in place to ensure the expeditious resolution of misconduct, both on the parts of players and fans, as states work to legalize sports betting.

Below, you will find One Team's concept language on sports betting. One Team has worked diligently on this concept language to provide a baseline for states to use as they work to introduce, negotiate, and pass thoughtful sports betting legislation. It is our hope that states include robust protections that protect players themselves as well as the integrity of the game:

One Team Concept Language

Purposes

To address the concern that sporting contests will be harmed by the suspicion that outcomes and events have been influenced by factors other than honest athletic competition;

To protect athletes, players, umpires, referees, club and league officials and personnel and their family members and associates from physical attacks, verbal threats, and other forms of harassment;

To establish procedures for the reporting and punishment of any person who attempts to influence, manipulate or control the outcome of a sporting contest or a particular occurrence during a contest by influencing the athletes, players, umpires, referees, club or league officials or personnel;

To ensure that charges that any person has attempted to influence, manipulate or control the outcome of or occurrences within a sporting contest are fairly investigated and resolved;

To protect all persons who disclose efforts at corrupting honest athletic competition, including by preventing reprisals against such persons by their employers or others who present sporting contests; and

To protect the personal data of athletes and players from disclosure or sale to third parties without the written authorization of the athlete or player.

Definitions

The term “athlete” means any current, former, or prospective professional athlete.

The term “covered persons” may include athletes, players (current, and former), umpires, referees or officials; personnel associated with players, clubs, teams, leagues or athletic associations; medical professionals (including athletic trainers) who provide services to athletes or players; spectators and bystanders at sporting contests or facilities used in connection with sporting contests; other individuals with regular access to sporting contest fields and facilities; and the family members or associates of these persons where required to serve the purposes of this Act.

The term “person” means any individual and any partnership, corporation, association or other entity.

The term “personal data” shall mean the personal data (including anonymized data) of athletes and players, including but not limited to performance, movement, biometric, health, fitness or sleep, collected in any manner, including but not limited to in-arena, stadium or training facility ball tracking systems or player tracking systems, whether or not using devices attached to the athlete’s person or clothing. It does not include “personal health information” whose use and disclosure is already covered by federal and state law.

The term “persons who present sporting contests” includes organized sports leagues and associations, their members and affiliates and other persons who present sporting contests to the public.

The term “prohibited conduct” includes any statement, action or other communication intended to influence, manipulate or control a betting outcome of a sporting contest or of any individual occurrence or performance in a sporting contest in exchange for financial gain or to avoid financial or physical harm. Prohibited conduct includes statements, actions and communications made to a covered person by a third party, such as a family member, or through social media.

The term “proposition bet” means any bet or wager on a specific aspect of a sporting contest.

The term “publicity rights” means use state law definition.

The term “sporting contest” means a sporting event or game on which the state allows betting to occur.

Section A. Personal Safety and Sporting Contests.

- 1.0. Any person who presents a sporting contest must take all reasonable measures necessary to ensure the safety and security of all involved in or attending that contest, including athletes, players, umpires or referees, officials and other personnel associated with the athlete, player, club, team, league or association involved, spectators at the contest and family members and associates of such persons, where required to serve the purposes of this Act (hereafter “the all-reasonable-measures requirement”).
- 2.0. The all-reasonable-measures requirement applies in all areas where the sporting contest occurs and in associated areas,

including areas of entry and egress, seating, adjacent concourses, food vending and restrooms, locker rooms, restricted areas and parking lots. It also applies at other locations within the control of a person who presents a sporting event, such as training, practice or strength and conditioning facilities, or facilities temporarily utilized for team or club events.

- 3.0. Persons who present sporting contests shall establish codes of conduct that forbid all persons associated with the contest from engaging in physical assault or attempted assault, verbal or physical threats, and any other interactions that intimidate others associated with the contest.
- 4.0. Persons who present sporting contests are required to hire, train and equip safety and security personnel to enforce the code of conduct and otherwise address any safety or security concern associated with the contests.
- 5.0. Persons who present sporting contests shall have authority to remove spectators and others from any facility for violation of the code of conduct, and, after appropriate procedure, to deny persons access to all facilities they control, to revoke season tickets or comparable licenses, and to share information about such persons with others who present sporting contests and with the appropriate jurisdictions' law enforcement authorities.
- 6.0. Persons who present sporting contests shall provide notice to the general public and those who attend contests or visit their facilities of the code of conduct and the potential penalties for its violation. Notice shall be provided in as many forms as required to ensure that these provisions are known, including physical

posting, website posting, public address announcements, and others.

Section B. Reporting Prohibited Conduct.

- 1.0. The State gambling Commission shall establish a hotline or other method of communication that will allow any person confidentially to report information about prohibited conduct to the Commission.
- 2.0. All professional sporting leagues and associations shall jointly establish hotlines that employees or other personnel of any club or team or other component of the league or association may use confidentially to report prohibited conduct.
- 3.0. The identity of any reporting person will remain confidential unless that person authorizes disclosure of his or her identity. Those in receipt of such reports will disclose the identity of the reporting person only to the extent necessary to address the report. Any person who makes such a report will be presumed innocent with respect to the prohibited conduct and shall not suffer, as a consequence of reporting, any adverse consequence in his or her terms and conditions of employment.
- 4.0. A person who reasonably believes that he or she has suffered an adverse consequence in his or her terms and conditions of employment as a consequence of making a report shall:
 - (i) exhaust any procedure that his or her employer or contract requires for the resolution of disputes, provided the procedure is fair and reasonable and provides appropriate remedies for employment claims;

- (ii) (ii) report the reprisal to the State Commission for investigation and resolution, including appropriate remedies for employment claims; and/or
 - (iii) (iii) and appear in front of an independent arbiter, that is provided by the State Commission pending agreement with the appropriate labor union or players association, in an effort to resolve the matter from a fair and neutral perspective.
- 5.0. The entity receiving the report will also consider a request for protection against a credible, supported threat subject to the resources available for such purposes. See funding discussion below. The entity receiving the report will also promptly notify the appropriate labor union or players association, as well as the relevant league office, of all current information related to the report in possession of the notifying entity.
- 6.0. A person who reasonably believes that the confidentiality of a report of prohibited conduct has been breached (that is, disclosed beyond those reasonably necessary to address the report and as authorized by this Act) may file a complaint with the State Commission.
- 7.0. Within three months of the effective date of this Act, the State Commission shall promulgate regulations governing the investigation and resolution of the complaints set forth in 9.0, including appropriate damages.

Section C. Investigating and Addressing Allegations of Gambling Related Fraud.

- 1.0. Within three months of the effective date of this Act, the State Commission] shall promulgate regulations governing the

investigation and resolution of a charge that a covered person has attempted to engage in or engaged in prohibited conduct.

- 2.0. With respect to investigation, those regulations must require that in order to initiate an investigation, the State Commission must receive credible supported allegations that the covered person attempted to engage in or engaged in prohibited conduct. Any public statements made by a covered person regarding an athlete's health, team strategy or league or club discipline at a public appearance made mandatory by the relevant league shall not, by itself, be evidence sufficient to initiate an investigation. The appropriate labor union or players association shall also be notified once an investigation is commenced.
- 3.0. With respect to investigation, those regulations also must provide the covered person with a presumption of innocence, a right to notice and opportunity to respond before a charge is brought and a right to be represented by counsel. The name of the covered person shall not be released to the general public unless and until a charge is brought.
- 4.0. With respect to the resolution of a charge, the regulations shall include, at a minimum, a presumption that the covered person is innocent, timely notice to the covered person of the conduct alleged, an opportunity to be heard by a neutral decision maker on an expedited basis, the right to be represented by counsel and the right of an appeal from an adverse decision to the courts.
- 5.0. If a report is intended to be used for disciplinary purposes, a copy of said report must also be provided to the appropriate labor union or players association.

- 6.0. The State Commission's duly promulgated regulations shall apply to the investigation and resolution of charges against covered persons, provided that if an employer and the exclusive bargaining representative of its employees enter into an agreement providing for the resolution of such charges against its employees, and those regulations comply with all requirements of section 4.0, the State Commission shall defer to the collectively-bargained dispute resolution process.
- 7.0. The decisions of the State Commission and the collectively bargained procedure shall not have preclusive effect in any criminal proceedings that involve the same covered person or prohibited conduct.

Section D. Use and Sale of Personal Data.

- 1.0. Unless expressly authorized by the player or his/her exclusive bargaining representative, any personal data may not be used by any party without the athlete's permission.
- 2.0. No person who presents sporting contests may separately sell personal data that includes player publicity rights without the player's written consent or the written consent of his or her authorized agent.
- 3.0. Sports wagering operators shall be required to use in all sports wagering only statistics, results, outcomes, and other data relating to a sporting contest that have been obtained from the relevant sports governing body or an entity expressly authorized by the sports governing body to provide such information to sports wagering operators, and with the consent from the relevant exclusive bargaining representative for the athletes in each sport to use such data.

Section E. Funding.

1.0. If the State imposes taxes or fees on the proceeds of gambling on sporting contests, then those receipts shall be used to fund, at a minimum, the following:

- (i) the cost of operating the State Commission;
- (ii) the costs of legal representation for persons alleged to have engaged in prohibited conduct who are indigent as defined in statutory section defining indigency for purposes of criminal defense; and
- (iii) the costs of providing personal security to those physically threatened as a result of reporting prohibited conduct.

Section F. Proposition Betting

Unless expressly authorized by the exclusive bargaining representative for the athletes for each sport's respective league, proposition betting on sporting contests shall be prohibited.

We hope the Committee will utilize One Team as a resource as the legislative process continues on sports betting legalization in Connecticut. Thank you and we look forward to your questions.