

**Sports Wagering Draft**  
**Policy Decision Charts for SEDHGA**

Introduction

The following charts attempt to display whether each state with a sports wagering market *primarily* relied on statute or rule when establishing minimum requirements for licensees. Because most states relied on both enabling statutes and administrative rules to establish the regulated sports wagering market, there is no true binary choice between statute and rule that can be selected. The charts display where the minimum standards are primarily based.

I. Minimum Age Requirements

- A majority of states restrict sports wagering to patrons who are 21 years of age or older.
- Most of the states align the sports wagering age with the state's age requirements for gambling generally.

State	Age
Arizona	21+
Arkansas	21+
Colorado	21+
Connecticut	21+
Delaware	21+
District of Columbia	✓
Illinois	21+
Indiana	21+
Iowa	21+
Louisiana	21+
Michigan	21+
Mississippi	21+
Montana	18+
Nebraska	21+
Nevada	21+
New Hampshire	18+
New Jersey	21+
New Mexico	18+
New York	21+
North Carolina	21+

Ohio	18+
Oklahoma	-
Oregon	21+
Pennsylvania	21+
Rhode Island	18+
South Dakota	21+
Tennessee	18+
Virginia	21+
Washington	21+
West Virginia	21+
Wisconsin	-
Wyoming	21+

## II. Cap on Licenses or Agents

- Some states restrict the number of licenses that may be issued, the number of agents that the state may partner with, or the number of “skins” or individually-branded websites that a licensee may use.
- Of the states that do not have an express cap on licenses, many have a de facto limitation based on who may qualify for an operator’s license (such as a requirement that the operator be the holder of a casino license in the state).

State	License Limitation	Skin Limitation
Arizona	No express cap, but licenses may only be issued to an enumerated list of professional sports entities.	-
Colorado	-	The holder of a master licenses may offer online sports wagering through one individually branded website.
Connecticut	Licenses may only be issued to the Connecticut Lottery Corporation and the state’s two tribal governments.	The holder of a master licenses may offer online sports wagering through one individually branded website.
District of Columbia	Applicants may be issued up to two licenses.	-
Indiana	-	An operator may offer online sports wagering through no more than three individually branded websites.
Iowa	-	An operator may offer online sports wagering through no more than two individually branded websites.
Michigan	-	An operator may only use one individually branded platform

		provider.
New Hampshire	The state may issue five mobile operator licenses and ten retail licenses.	-
New Jersey	-	An operator may offer online sports wagering through no more than three individually branded websites.
New York	The state shall only permit two platform providers to operate online and mobile sports wagering following the competitive bidding process.	-
Ohio	-	Type A licenses may only use one mobile skin. The State may allow a Type A licensee to use a second skin if it will benefit the State.
Rhode Island	The state exclusively operates sports wagering through two specific casinos.	-
Virginia	The state issues a minimum of four sports wagering permits and a maximum of twelve.	
West Virginia	The state shall only issue five West Virginia Lottery sports wagering licenses.	-

III. Security of Systems or Physical Locations

- Every state has enacted statutes or adopted rules that require licensees to meet minimum security standards.
- In general, the majority of states have adopted minimum security standards through rule instead of statute.

State	Minimum Security Requirements Primarily in Statute or Rule?	State	Minimum Security Requirements Primarily in Statute or Rule?
Arizona	Statute	New Jersey	Rule
Arkansas	Rule	New Mexico	Tribal Compact
Colorado	Statute	New York	Statute

Connecticut	Rule	North Carolina	Tribal Compact
Delaware	Rule	Ohio	-
District of Columbia	Code (Council Legislation)	Oregon	Rule
Illinois	Rule	Pennsylvania	Rule
Indiana	Statute	Rhode Island	Statute; but Division is active participant in security and monitoring.
Iowa	Statute	South Dakota	Rule
Louisiana	-	Tennessee	Rule
Michigan	Rule	Virginia	Rule
Mississippi	-	Washington	Tribal Compact
Montana	Rule	West Virginia	Statute
Nebraska	-	Wisconsin	-
Nevada	Rule	Wyoming	Rule
New Hampshire	Contract Terms		

IV. Financial Requirements and Recordkeeping

- Every state has enacted statutes or adopted rules that require licensees to meet minimum financial, auditing, and recordkeeping requirements. These requirements are often part of minimum internal control standards.
- On balance, the majority of statutes have adopted rules to establish the minimum requirements for financial recordkeeping, reporting, and internal controls.

State	Minimum Financial Requirements Primarily in Statute or Rule?	State	Minimum Financial Requirements Primarily in Statute or Rule?
Arizona	Rule	New Jersey	Rule

Arkansas	Rule	New Mexico	Tribal Compact
Colorado	Statute	New York	Statute
Connecticut	Rule	North Carolina	Tribal Compact
Delaware	Rule	Ohio	-
District of Columbia	Code (Council Legislation)	Oregon	Rule
Illinois	Rule	Pennsylvania	Rule
Indiana	Statute	Rhode Island	Rule
Iowa	Statute	South Dakota	Rule
Louisiana	-	Tennessee	Rule
Michigan	Rule	Virginia	Rule
Mississippi	-	Washington	Tribal Compact
Montana	Rule	West Virginia	Statute
Nebraska	-	Wisconsin	-
Nevada	Rule	Wyoming	Rule
New Hampshire	Contract Terms		

State	Minimum Recordkeeping/Auditing Requirements Primarily in Statute or Rule?	State	Minimum Recordkeeping/Auditing Requirements Primarily in Statute or Rule?
Arizona	Rule	New Jersey	Rule
Arkansas	Rule	New Mexico	Tribal Compact
Colorado	Statute	New York	Statute and Contract

Connecticut	Rule	North Carolina	Tribal Compact
Delaware	Rule	Ohio	-
District of Columbia	Code (Council Legislation)	Oregon	Rule
Illinois	Rule	Pennsylvania	Rule
Indiana	Statute	Rhode Island	Rule
Iowa	Statute	South Dakota	Rule
Louisiana	-	Tennessee	Statute
Michigan	Rule	Virginia	Rule
Mississippi	-	Washington	Tribal Compact
Montana	Rule	West Virginia	Statute
Nebraska	-	Wisconsin	-
Nevada	Rule	Wyoming	Rule
New Hampshire	Contract Terms		

V. Responsible Gaming

- Nearly every state has established responsible gaming requirements that are applied to operators. These minimum requirements often include the posting of responsible gaming information and notices for the problem gambling resources in the state.
- Many states require the regulatory agency to report on responsible gaming statistics.
- On balance, a majority of states use statute to set the minimum responsible gaming requirements.

State	Responsible Gaming Requirements Primarily in Statute or Rule?	State	Responsible Gaming Requirements Primarily in Statute or Rule?
Arizona	Statute	New Jersey	Statute

Arkansas	Rule	New Mexico	Tribal Compact
Colorado	Rule	New York	Statute
Connecticut	Statute	North Carolina	Tribal Compact
Delaware	Rule	Ohio	-
District of Columbia	Code (Council Legislation)	Oregon	Rule
Illinois	Statute	Pennsylvania	Rule
Indiana	Statute	Rhode Island	Statute
Iowa	Statute	South Dakota	-
Louisiana	-	Tennessee	Statute
Michigan	Statute	Virginia	Rule
Mississippi	-	Washington	Tribal Compact
Montana	Rule	West Virginia	Rule
Nebraska	-	Wisconsin	-
Nevada	Rule	Wyoming	Rule
New Hampshire	Statute		

## VI. Market Parameters and Restrictions

- Nearly every state has used statute to establish the following market restrictions:
  - Types of wagering. This policy decision enumerates the types of wagers that a licensee or agent may offer, such as parlay, proposition, or in-game bets.
    - Most states permit a broad range of wagering categories.
    - Some states provide discretion to the administrative agency to further restrict wagering categories for specific events.
  - Event categories. This policy decision enumerates the types of athletic events on which a person may place a wager.
    - Most states permit wagering only on professional, collegiate, and Olympic athletic events. Some expressly expand wagering to esports.

- Most states restrict wagering on in-state college athletics, with an exception for college tournaments involving in-state teams.

State	Event and Wagering Types Limited Primarily by Statute or Rule?	State	Event and Wagering Types Limited Primarily by Statute or Rule?
Arizona	Statute, but ADG may adopt rules permitting parlay an prop bets	New Jersey	Statute
Arkansas	Rule	New Mexico	Tribal Compact
Colorado	Statute, but CLGC may adopt rules to extend wagering to new events	New York	Statute, but Commission may further restrict.
Connecticut	Statute	North Carolina	Tribal Compact
Delaware	Rule	Ohio	-
District of Columbia	Code (Council Legislation)	Oregon	Rule
Illinois	Statute	Pennsylvania	Statute; but GCB may approve wagers on specific events that otherwise fall under prohibited event categories
Indiana	Statute	Rhode Island	Statute
Iowa	Statute	South Dakota	Rule
Louisiana	-	Tennessee	Statute
Michigan	Statute	Virginia	Statute
Mississippi	-	Washington	Tribal Compact
Montana	Rule	West Virginia	Statute



Nebraska	-	Wisconsin	-
Nevada	Rule	Wyoming	Statute
New Hampshire	Statute		

## VII. Taxes, Lottery, or Revenue Sharing Agreements

- A majority of states license agents and apply a tax to adjusted gross sports wagering revenue. A minority of states operated state-controlled lotteries or exclusive agency through contract.
- All of the states that apply a tax have done so through statute. All of the statutes that have established revenue sharing agreements or lottery franchise commissions have done so through contracts.

State	Tax or Revenue Share Set by Statute or Rule/Agreement?	State	Tax or Revenue Share Set by Statute or Rule/Agreement?
Arizona	Statute; Tax of 8%	New Jersey	Statute; Tax of 8.5%
Arkansas	Rule	New Mexico	N/A; Tribal Compact
Colorado	Statute; Tax of 10%	New York	Statute imposes 10% tax on retail at casinos; min. 12% on mobile/retail, <u>but</u> RFP process determines tax on mobile.
Connecticut	Statute; Tax of 13.75%	North Carolina	N/A; Tribal Compact
Delaware	Rule; State Lottery (all revenue goes to state)	Ohio	-
District of Columbia	Code (Council Legislation); Tax of 10%	Oregon	Rule; State Lottery (all revenue goes to state). Constitution determines allocation of revenue.
Illinois	Statute; Tax of 15%	Pennsylvania	Statute; Tax of 34%

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Indiana	Statute; Tax of 9.5%	Rhode Island	Statute; Tax of 51%
Iowa	Statute; Tax of 6.75%	South Dakota	Statute; Tax of 9%
Louisiana	-	Tennessee	Statute; Tax of 20%
Michigan	Statute; Tax of 8.4%	Virginia	Statute; Tax of 15%
Mississippi	-	Washington	N/A; Tribal Compact
Montana	Statute; State Lottery (all revenue goes to state)	West Virginia	Statute; Tax of 10%
Nebraska	-	Wisconsin	-
Nevada	Statute; Fee for nonrestricted licensees is based on # of games	Wyoming	Statute; Tax of 10%
New Hampshire	Contract Terms; Revenue Share of 51% (online) 50% (retail)		