



Legal Division

Notice of Public Hearing

Notice is hereby provided that in accordance with G.L. c. 30A, § 2, the Massachusetts Gaming Commission (“Commission”) will convene a public hearing for purposes of gathering comments, ideas, and information relative to the proposed adoption of a regulation. The regulation was promulgated pursuant to G.L. c. 23N, § 4 as part of the Commission’s regulatory process, and concerns the following regulation:

205 CMR 238.33: *Prohibited Persons*

The amendments pertain to 205 CMR 238.33(3) and propose to add language directing the sports wagering operator, where it is reasonably possible, to confiscate, in a lawful manner, any funds confiscated as a result of wagering by a prohibited person. The proposed amendments further direct the operator to deposit such funds into the Sports Wagering Fund within 45 days. This language will provide clarity to the sports wagering operators as to where the confiscated funds must be deposited.

Scheduled hearing date and time:

Tuesday, September 22, 2026, at 9:30 AM EST

Pursuant to chapter 2 of the session acts of 2025, Governor Healey extended a limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission will conduct this hearing utilizing remote collaboration technology.

**MICROSOFT TEAMS MEETING ID: 275 626 174 937 076 PASSCODE: gZ9WW2E7
DIAL IN BY PHONE: (213) 631-9908 PHONE CONFERENCE ID: 943 968 246#**

A complete copy of the draft regulation referenced above may be downloaded by visiting www.massgaming.com, clicking on ‘Regulations and Compliance’ and selecting the [Proposed Rulemaking](#) section. Anyone wishing to offer comments can email autumn.birarelli@massgaming.gov and request the virtual hearing link to appear and speak. Alternatively, written comments may also be submitted to the same email address with ‘Regulation Comment’ in the subject line. **Written comments must be received by 5:00 PM EST on September 21, 2026.**

Additionally, please find the Small Business Impact Statement in accordance with M.G.L. c. 30A, § 2 attached.



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed amendments to **205 CMR 238: Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering, specifically 205 CMR 238.33: Prohibited Persons**. This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth. The amendments to the regulation clarify the handling of funds resulting from prohibited sports wagering by those individuals found to be a “prohibited person,” as defined by regulation. The regulation amendments are authorized by G.L. c. 23N, § 4.

The amendments apply directly to licensed Sports Wagering Operators in the Commonwealth. Accordingly, these proposed amendments are not likely to have an impact on small businesses. In accordance with G.L. c. 30A, § 2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

There are no small businesses that would be impacted by the amendments to this regulation.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping and other administrative costs created by the amendments to this regulation that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

The amendments to this regulation utilize performance standards to ensure licensee compliance with the requirements outlined in the regulation.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.



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5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

The amendments to this regulation are unlikely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission
By:

/s/ Jenna Hentoff
Jenna Hentoff
Deputy General Counsel

Dated: August 13, 2026



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