



October 9, 2026

Re: Massachusetts Sports Wagering Operators' Use of AI

Massachusetts Sports Wagering Operators:

On September 24, 2026, Jordan Maynard, the Chair of the Massachusetts Gaming Commission (MGC), directed MGC staff to engage with all sports wagering operators about their use of artificial intelligence and machine learning. To that end, please provide a specific written response to each enumerated question below (e.g., individual written responses to 1(a), 1(a)(1), 2(b) and each listed bullet) and email to mgcsportswagering@massgaming.gov by November 3, 2026.

For purposes of this request, “artificial intelligence, machine learning, algorithms, automated decision-making, or similar technologies” shall be defined broadly and include any software, system, model, tool, process, or technology that uses data, rules, statistical methods, computational methods, machine learning, artificial intelligence, predictive analytics, profiling, or other automated means to analyze information, identify patterns, make predictions or inferences, generate recommendations, rank or classify individuals or information, determine or influence an outcome, or make or assist in making a decision, regardless of whether such technology is characterized or described by the Operator as artificial intelligence, machine learning, automated decision-making, algorithmic decision-making, profiling, personalization, optimization, risk assessment, or otherwise. This definition includes both fully automated and partially automated systems, including systems in which automated outputs are reviewed, modified, or acted upon by a human. Such definition shall include technologies used to make, inform, recommend, facilitate, prioritize, or materially influence decisions concerning patrons, wagering activity, promotions, marketing, responsible gaming, fraud, risk, eligibility, account management, or any other operational function.

In addition, the term “system” where used below shall include all “artificial intelligence, machine learning, algorithms, automated decision-making, or similar technologies” as defined above.



Massachusetts Gaming Commission

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

At this time, we are requesting your voluntary participation with this request and, as such, we will consider any responses to be voluntarily provided to the MGC for use in developing policy related to the use of AI and such responses will be kept confidential in accordance with G.L. c. 4, § 7(26)(g) as well as G.L. c. 23N, § 6(i).

1. General Use of AI and Machine Learning

- a. Does the Operator use artificial intelligence, machine learning, algorithms, automated decision-making, or similar technologies in connection with marketing, promotions, or customer engagement?
 - 1) If so, please identify each system, model, algorithm, or tool used for these purposes and describe its purpose.
- b. Which systems are developed internally, and which are provided by third-party vendors?
- c. Are these systems used to make decisions about individual patrons, groups or segments of patrons, or both?
- d. Does the system make recommendations to marketing personnel, or can it directly trigger a marketing communication or promotional offer without human intervention?
 - 1) If the system makes decisions automatically, what decisions does the system make automatically and what decisions are ultimately made or approved by a human?
 - 2) If the system makes decisions automatically, does it do so consistently across all jurisdictions in which the Operator operates, or does the use of automated decision-making vary by jurisdiction? If it varies, please identify the jurisdiction(s) in which the system makes decisions automatically.
- e. Please identify the position or individual within the Operator's organization who has ultimate responsibility for determining whether AI or machine learning is used and, if so, the purposes and functions for which it is used.

2. Data Used by the Systems, Models, Algorithms, or Tools

- a. What information about an individual patron is used by these systems to determine whether, when, or how that patron should be marketed to?
- b. Does the information include the patron's:
 - Betting frequency?
 - Number of wagers?
 - Amount wagered?
 - Average wager size?
 - Deposits and withdrawals?
 - Net winnings or losses?
 - Gross gaming revenue generated by the patron?
 - Frequency or duration of sessions?
 - Time since the patron's last wager?
 - Sports or markets wagered on?
 - Types of bets placed?
 - Response to prior promotions?
 - Use of promotional credits?
 - Account tenure?
 - VIP or customer-value status?



Massachusetts Gaming Commission

- c. Does the Operator use a patron's losses, either individually or over a defined period, as an input into any marketing or promotional decision?
 - 1) If so, how are losses incorporated into the decision? For example, does the system consider the amount of losses, percentage change in losses, frequency of losses, or losses relative to the patron's historical activity?
- d. Does the Operator use increased wagering frequency or increased spending as a factor in determining whether a patron should receive additional or different marketing?
- e. Does the Operator use any information concerning a patron's changes in betting behavior (such as a sudden increase in frequency, wager size, deposits, or losses) to determine marketing eligibility or promotional targeting?
- f. Are responsible-gambling indicators or risk scores used as inputs into marketing or promotional models?

3. **How the System Decides Who Receives Marketing Materials**

- a. How does the Operator determine which patrons receive a particular promotion or marketing communication?
- b. Does a system rank or score patrons based on their likelihood of responding to a particular promotion?
- c. Does the Operator assign patrons to different marketing segments based on predicted behavior, predicted value, predicted likelihood of wagering, or some other value?
- d. Does the Operator use machine learning to predict a patron's likelihood of:
 - Placing a wager?
 - Increasing wagering activity?
 - Returning to the platform?
 - Depositing additional funds?
 - Responding to a particular promotion?
 - Increasing their spending?
- e. Does the Operator use those predictions to determine which promotion a particular patron receives?

4. **How the System Determines What Promotion A Patron Receives**

- a. Does the system determine the type of promotion offered to an individual patron? For example, can the system select among a bonus bet, odds boost, deposit match, free bet, parlay promotion, or other incentive based on an individual's prior behavior?
- b. Does the system determine the value or amount of a promotion offered to an individual patron?
- c. Can two patrons receive different promotional offers based on differences in their wagering behavior or predicted response?
- d. Does the system determine whether a patron receives a personalized or individualized offer rather than a general promotion available to all customers?



Massachusetts Gaming Commission

5. How the System Determines When and How Often a Patron Receives Marketing or Promotions

- a. Does the Operator use AI or machine learning to determine when a patron should receive a marketing communication or promotional offer?
- b. Does the system consider the amount of time since the patron's last wager or deposit?
- c. Does it consider whether a patron has recently stopped wagering or reduced their activity?
- d. Does it determine the frequency with which a particular patron receives marketing communications or promotional offers?
- e. Can the system increase or decrease the frequency of marketing based on a patron's response to previous communications or promotions?
- f. Does the system identify a particular time, event, or circumstance when a patron is considered more likely to respond to a promotion?
- g. Can the system trigger a promotion or marketing communication based on a patron's recent betting activity, losses, deposits, or other account activity?

6. Behavioral Targeting and Optimization

- a. Does the Operator use machine learning to determine which marketing strategy is most likely to cause an individual patron to place a wager or increase wagering activity?
- b. Does the system evaluate the effectiveness of previous promotions and use the results to determine what promotions should be offered to that patron in the future?
- c. Does the Operator conduct automated testing of different promotions to determine which offer produces the greatest wagering response from particular patrons or groups?
- d. Does the system optimize marketing based on a patron's predicted lifetime value, profitability, or likelihood of generating future revenue?
- e. Does the Operator distinguish between patrons who are predicted to be highly profitable, moderately profitable, or unprofitable, and does that classification affect the marketing they receive?
- f. Are patrons who have recently experienced significant losses treated differently for marketing purposes than patrons with similar wagering frequency but lower losses?

7. Responsible Gaming/Potential Harm

- a. Does the Operator assess whether a marketing or promotional model could encourage increased wagering or otherwise contribute to problematic or addictive gambling behavior?
- b. What testing or validation does the Operator perform to determine whether an algorithm, AI system, or machine-learning model may encourage increased wagering?
- c. Does the Operator consider a patron's gambling-risk indicators before allowing that patron to receive targeted promotions?



Massachusetts Gaming Commission

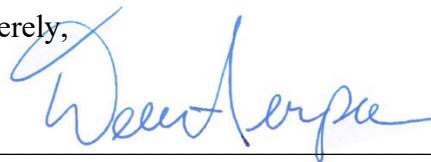
- d. Are there circumstances in which a patron's betting frequency, losses, deposits, or other behavioral indicators cause the system to reduce, modify, or prohibit marketing to that patron?
- e. Conversely, are there circumstances in which those same indicators cause the system to increase or modify marketing directed to the patron?
- f. Does the Operator ever use a patron's increased losses, increased frequency of wagering, or other potentially harmful gambling behavior as a factor that makes the patron more likely to receive a promotion?
 - 1) If the answer is no, what controls prevent those factors from being used in that manner?
- g. If a third-party vendor supplies the marketing model, what representations or assurances has the vendor provided concerning whether the model could encourage addictive or harmful gambling behavior?

8. Decision-Making and Human Oversight

- a. For each type of marketing decision influenced by AI or machine learning, please describe the process from data collection through the ultimate promotional decision.
- b. At what point, if any, does a human review the model's recommendation?
- c. Can a human override the model's recommendation?
- d. Are employees provided with an explanation of why the model recommended a particular patron, promotion, or marketing action?
- e. Does the Operator maintain records showing what factors caused the system to make a particular marketing decision for an individual patron?
- f. If a regulator asked why Patron A received Promotion X on a particular date, could the Operator identify the data, model, or factors that resulted in that decision?
- g. Does the Operator have the ability to determine what percentage of the promotions received by a patron have been influenced by AI or machine learning?

Thank you for your anticipated cooperation with this request. If you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dean Serpa
Executive Director

cc: Kevin Scanlon, General Counsel
Caitlin Monhan, Director, Investigations and Enforcement Bureau
Carrie Torrissi, Chief of Sports Wagering Division



Massachusetts Gaming Commission