



# STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

## SUA SPONTE DECLARATORY RULING

Pursuant to Connecticut General Statutes § 4-176 and the Regulations of Connecticut State Agencies § 21a-1-10, I am issuing this sua sponte Declaratory Ruling concerning the type of sports wagers permitted under Chapter 229b of the Connecticut General Statutes when a Connecticut intercollegiate team as defined under § 12-850(3) of the Connecticut General Statutes is involved. This Declaratory Ruling clarifies the application of the definitions in § 12-850(27) and § 12-850(29) by the Department of Consumer Protection (“Department”) in enforcement actions regarding wagers not permitted by Chapter 229b of the Connecticut General Statutes under 12-865-29 of the Regulations of Connecticut State Agencies.

The Department has conducted a thorough review of the applicable laws and regulations, legislative history of Connecticut General Statutes Chapter 229b, public guidance issued on the Department’s website since 2021, along with prior guidance issued by the Department’s Gaming Division directly to Online Gaming Operator licensees.

Sports wagering was legalized in 2021 by Public Act 21-23 and is now codified in Chapter 229b of the Connecticut General Statutes. Under Chapter 229b of the Connecticut General Statutes sports wagering may only be offered online and at retail facilities in the state pursuant to § 12-852 and § 12-853 by a master wagering licensee or their designated online gaming operator.

In response to inquiries from the online gaming operators and master wagering licensees regarding the types of sports wagers permitted in the State, the Department issued six (6) Informational Bulletins on 10/27/2021, 12/2/2021, 1/25/2022, 1/23/2022, 3/08/2022, and 9/08/2022 to clarify the type of wagers that may be placed on permitted intercollegiate tournaments. Additionally, the Department provided information on this issue in a question and answer format for consumers on the Department’s website as set forth below:

- On August 24, 2021, the Department provided a response that a consumer could only bet on Connecticut college teams when the Connecticut team is playing in an intercollegiate tournament and the wager on the tournament is based on the outcome of all games within the tournament.
- On March 14, 2022, the Department provided a response to the question of when can a consumer wager on a Connecticut collegiate team to win a tournament, the answer was that wagers must be based on the outcome of all games in a permitted intercollegiate tournament and must be made prior to the start of such tournament. It highlighted that a

450 Columbus Boulevard, Suite 901, Hartford, Connecticut 06103-1840

Legal Division – Main Line (860) 713-6085

Website: [ct.gov/dcp](http://ct.gov/dcp)

*An Affirmative Action / Equal Opportunity Employer*



# STATE OF CONNECTICUT

## DEPARTMENT OF CONSUMER PROTECTION

wager placed during the Sweet Sixteen round of the NCAA tournament is not based on all the games within the tournament and is not allowed.

- On March 14, 2022, the Department provided a response that wagering on an individual game in which a Connecticut collegiate team is participant is not allowed. However, a wager on individual tournament games is permitted as long as neither team competing in the game is a Connecticut collegiate team.

The statute defines “sports wager” in §12-850(29) as follows:

*(29) “Sports wagering” means risking or accepting any money, credit, deposit or other thing of value for gain contingent in whole or in part, (A) by any system or method of wagering, including, but not limited to, in person or through an electronic wagering platform, and (B) based on (i) a live sporting event or a portion or portions of a live sporting event, including future or propositional events during such an event, or (ii) the individual performance statistics of an athlete or athletes in a sporting event or a combination of sporting events. “Sports wagering” does not include the payment of an entry fee to play a fantasy contest or a fee to participate in e-sports; and*

Sports wagering is only allowed on events or the individual performance of an athlete during an event or events that meet the definition of a “sporting event.” Wagering on college sports is permitted under subparagraph (B) of § 12-850(27) provided that the sport is sponsored by an intercollegiate athletic program.

*(27) “Sporting event” means any (A) sporting or athletic event at which two or more persons participate, individually or on a team, and receive compensation in excess of actual expenses for such participation in such sporting or athletic event; (B) sporting or athletic event sponsored by an intercollegiate athletic program of an institution of higher education or an association of such programs, except for those in which one of the participants is a Connecticut intercollegiate team and the event is not in connection with a permitted intercollegiate tournament; (C) Olympic or international sports competition event; or (D) e-sports event, except for those in which one of the participants is a Connecticut intercollegiate team and the event is not in connection with a permitted intercollegiate tournament. As used in this subdivision, **“permitted intercollegiate tournament” means an intercollegiate e-sports, sporting or athletic event involving four or more intercollegiate teams that involves one or more Connecticut intercollegiate teams and the wager on the tournament is based on the outcome of all games within the tournament.** “Sporting event” does not include horse racing, jai alai or greyhound racing; (Emphasis added.)*



# STATE OF CONNECTICUT

## DEPARTMENT OF CONSUMER PROTECTION

The Department seeks to further clarify the types of wagers permitted on sporting events that include Connecticut intercollegiate teams. The Department's position has repeatedly been outlined in writing to both consumers and the online gaming operators offering sports wagering in the state. The prior guidance provides that the only wagers allowed in a permitted intercollegiate tournament are wagers based on the entire outcome of all games in the tournament. If the performance of a Connecticut team is not involved in the outcome of the wager, then the restriction above is not applicable.

The legislative history clearly shows the intent to limit wagering on intercollegiate sports that involve Connecticut intercollegiate teams. The following excerpts from House and Senate proceedings evidence this intent:

Representative Horn - May 20, 2021 - Connecticut General Assembly House Proceeding:

*"In addition, we have banned betting on in state college sports with one exception, which is to say, if you choose to bet on say UConn in the NCAA Tournament. If you bet, if you place a bracket bet on the entire tournament, you may do that, but you will not be able to bet on a single game in which a Connecticut University or college team is playing."*

Senator Osten - May 25, 2021 - Connecticut General Assembly Senate Proceeding:

*"There will be no betting on state college sports."*

As indicated, both of these comments differ from the analysis conducted by the Office of Legislative Research which provided as follows:

OLR Bill Analysis sHB 6451 (as amended by House "A")\* 5/21/2021

*"Sporting event" generally means any:*

- 1. sporting or athletic event where two or more people participate, individually or on a team, and receive compensation in excess of actual expenses for their participation;*
- 2. sporting or athletic event sponsored by a higher education institution's intercollegiate athletic program or an association of intercollegiate athletic programs;*
- 3. Olympic or international sports competition event; or*
- 4. "e-sports" (i.e., electronic sports and competitive video games played as a game of skill) events.*

*"Sporting event" does not include horse racing, jai alai, or greyhound racing. It also does not include intercollegiate sporting, athletic, and e-sport events that involve a Connecticut intercollegiate team (i.e., a Connecticut public university or college or independent institution of higher education team, or a team for a for-profit college or*

450 Columbus Boulevard, Suite 901, Hartford, Connecticut 06103-1840

Legal Division – Main Line (860) 713-6085

Website: [ct.gov/dcp](http://ct.gov/dcp)

*An Affirmative Action / Equal Opportunity Employer*



# STATE OF CONNECTICUT

## DEPARTMENT OF CONSUMER PROTECTION

*university physically located in Connecticut that offers in-person classes within the state) unless (1) four or more intercollegiate teams are involved and (2) wagers on the tournament are based on the outcome of all the tournament's games.*

It is clear that when the legislation was drafted and voted upon there were concerns about wagering on sports at the college level where Connecticut college teams were involved. As the Office of Legislative Research stated above, *if four or more intercollegiate teams are involved and wagers on the tournament are based on the outcome of all the tournament's games then the wager would be permitted.* The evidence of that concern is in the wording of the limitation on sports wagering at the collegiate level in Sec. 12-850 (27)(B) and on e-sports in Section 12-850(27)(D). The limitation prohibits wagering on sporting events involving Connecticut intercollegiate teams except certain types of wagers made in connection with a permitted intercollegiate tournament. The limitation is that the wager must be based on the outcome of all games in such tournament. The wording is difficult in that the "except" term is used with a negative (the "not in connection"). If the opposite interpretation was reached, the statute would allow all wagers on Connecticut intercollegiate teams, except when they were playing in a tournament. Wagers would be permitted on the vast majority of sporting events involving Connecticut intercollegiate teams. This is contrary to Connecticut legislative intent and in contrast to laws limiting in-state college wagering in any other jurisdiction.

The definition sports wagering indicates what may be wagered on and is broad as it includes wagering on the event as well as portions of the event *"a live sporting event or a portion or portions of a live sporting event, including future or propositional events during such an event."* These wagers would include wagering on a point spread in a particular game or which team will be the winner. The definition also allows for wagering on the performance of one or more athletes in an event. This would include wagers on how many points an athlete scored in a game or how many completed passes a quarterback threw during a season, *"the individual performance statistics of an athlete or athletes in a sporting event or a combination of sporting events."*

It is permitted to wager on collegiate sporting events unless there is a Connecticut team participating in the particular game, or the wager involves subsequent games of a tournament that a Connecticut team may be part of. The exception from the definition of "sporting event" hinges on a Connecticut team being involved. A Connecticut team may be involved by (i) playing in particular game in the tournament, or (ii) remaining in the tournament with the potential to move forward to subsequent games. If a Connecticut team is involved, then the restrictions on wagers associated with permitted intercollegiate tournaments applies. The statute does not state the limitation applies to those individual tournament games in which Connecticut is *not* a participant. The legislature did not draft the statute to require that wagering on all games in a tournament be limited in that manner. Wagering on an individual game between two non-

450 Columbus Boulevard, Suite 901, Hartford, Connecticut 06103-1840

Legal Division – Main Line (860) 713-6085

Website: [ct.gov/dcp](http://ct.gov/dcp)

*An Affirmative Action / Equal Opportunity Employer*



# STATE OF CONNECTICUT

## DEPARTMENT OF CONSUMER PROTECTION

Connecticut teams in a particular round of a tournament is allowed because no Connecticut team is involved.

Sec. 12-850(27) of the General Statutes does not limit a wager to whether or not a single team will win the entire permitted intercollegiate tournament. Rather, it allows all of the types of wagers permitted in the definition of sports wagering with the caveat that the wager must be based on the outcome of all of the games in the tournament. For example:

### Examples of Permitted Wagers:

1. Wager for the University of Connecticut men's team to win the NCAA Division I National Championship since this is based on the outcome of all of the games in the tournament, provided such wager is placed before the tournament begins but after at least four participating teams have been identified.
2. Wager on a particular Kentucky athlete to be named MVP of the tournament or a Kentucky team to get the most points in the entire tournament if a Connecticut team is participating. These propositional bets are allowed so long as the wager is based on the outcome of all the games in the permitted intercollegiate tournament, provided such wager is placed before the tournament begins but after at least four participating teams have been identified.
3. Wager on Gonzaga to make the Sweet Sixteen, or a propositional bet that spans more than one game in the tournament, as long as no Connecticut intercollegiate team is still playing in the tournament. If a Connecticut team was not involved, or is no longer participating, then the limitation of wagering only on all outcomes of the tournament no longer applies.
4. Wager on Villanova vs. Syracuse in an individual game in the tournament if the wager is only on the outcome or events occurring in that game, such as number of free throws, and not in subsequent games or tournament events.
5. Wager on an entire bracket of a tournament, including the final outcome of the tournament, provided such wager is placed before the tournament begins but after at least four participating teams have been identified.

### Examples of Prohibited Wagers:

1. Wager for the University of Connecticut to make it to the Final Four since this is not based on all of the games in the tournament. Wagers may only be placed on the final outcome of all games in the tournament.
2. A propositional bet on an individual game during a permitted intercollegiate tournament if a Connecticut team is involved in that individual game.



# STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

3. A propositional bet contingent on more than one game during a permitted intercollegiate tournament if a Connecticut team is still involved in the tournament.
4. A wager on Villanova to make the Elite Eight while a Connecticut team is still participating in the tournament as it would not be based on all of the games in the tournament.

Based on the forgoing, I hereby rule as follows:

Wagering on sporting events in which a Connecticut intercollegiate team is a participant is not allowed unless the sporting event is a tournament as described in § 12-850 (27) and the wager is based on the outcome of all of the games in the tournament. Wagers on a Connecticut intercollegiate team may only be placed prior to the start of a permitted intercollegiate tournament. After a permitted tournament commences no further wagers may be placed in relation to any Connecticut team.

Dated at Hartford, Connecticut this 8th day of May, 2023

A handwritten signature in blue ink, appearing to read "Bryan Cafferelli", written over a horizontal line.

Bryan Cafferelli

Commissioner, Consumer Protection