

# Responsible Gaming Code of Conduct

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The American Gaming Association (AGA) represents the U.S. casino industry, including commercial and tribal casino operators, sports betting and iGaming companies, gaming suppliers and other affiliated entities. Operating in 46 states, our industry maintains high standards for responsible business conduct and consumer protection.

This Code establishes comprehensive requirements that govern both operational conduct and advertising and marketing practices across all forms of gaming. These requirements are intended to help consumers play responsibly while supporting the industry's ability to compete effectively against the illegal market and serve communities.

AGA members that are engaged in U.S. gaming operations must adhere to the following Code requirements, which reflect our industry's commitment to responsible conduct in all aspects of our business.

The Code's requirements:

- Offer consumer protection, including age verification
- Promote responsible gaming practices
- Guide advertising and marketing activities
- Support effective industry self-regulation
- Maintain high operational standards
- Foster public confidence in gaming

The commitments in this Code apply to individuals or entities operating in partnership with or as agents of AGA members in gaming-related advertising and marketing. All of the Code's advertising and marketing requirements in sections II, III and IV are subject to oversight by the Code Compliance Review Board described in section V(b) of this Code.

The commitments in this Code do not pertain to non-gaming related advertising and marketing that is primarily by hotels, restaurants, and entertainment that may be associated with or operated or promoted by casinos.

The following sections detail specific requirements for compliance with this Code.

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## I. RESPECTING THE LEGAL AGE OF GAMING

### a. Prevention and Enforcement

- i. Communicate the legal age to game through messaging, as appropriate, in properties, on online platforms, and in gaming and online sportsbook promotions.
- ii. Make commercially viable efforts to prevent underage individuals from participating in any gaming at casinos, loitering in the gaming area of a casino, or from gaining access to online, mobile, or in-room gaming opportunities.
- iii. Provide employee training in procedures for dealing with unattended children, underage gaming, and the purchase and consumption of alcohol and tobacco by minors.
- iv. Contact security or appropriate personnel and take reasonable steps to locate the parent or responsible adult on property or by telephone should a child appear to be unsupervised or in violation of local curfews and other laws.

### b. Responsible Beverage Service

- i. Casinos will not:
  - a. Knowingly serve alcoholic beverages to a minor.
  - b. Knowingly serve alcoholic beverages to a visibly intoxicated patron.
- ii. Casinos will:
  - a. Make a diligent effort not to permit casino gambling by a visibly intoxicated patron.
  - b. Ensure that appropriate casino employees are trained in the company's responsible alcoholic beverage service policy and will provide periodic refresher training to those employees.

## II. ENSURING THE RESPONSIBLE ADVERTISING AND MARKETING OF GAMING

### a. Advertising and Marketing Standards for Gaming Products

- i. No advertisement or promotion should be designed to appeal primarily to those below 21 – the prevailing legal age for wagering..
- ii. No advertisement or promotion should contain images, symbols, cartoon characters or feature celebrity/entertainers, athletes, influencers or music that appeal primarily to audiences below the age of 21.
- iii. Models, actors, influencers, athletes and entertainers appearing in advertising should be a minimum of 21 years old, substantiated by proper identification.
- iv. No message should suggest or imply that underage persons should engage in any form of gambling.
- v. All advertising and marketing must also comply with the responsible gaming messaging requirements outlined in Section III(a): SUPPORTING RESPONSIBLE GAMING, including but not limited to:

1. Responsible gaming messages and helpline requirements
2. Restrictions on claims about gambling outcomes
3. Standards for accurate representation of odds and probabilities
4. Prohibitions on suggesting illegal activities

#### **b. Content Placement and Distribution**

- i. Advertisements and promotions should be placed in broadcast, cable, radio, print or digital communications (e.g., social media, SMS, websites, streaming) only where at least 73.6 percent of the audience is reasonably expected to be 21 years or older (determined by using reliable, up-to-date audience composition data).<sup>1</sup>
- ii. No marketing materials—including logos, trademarks or brand names—should be used or licensed for use on clothing, toys, games or game equipment intended primarily for persons below 21.
- iii. To the extent that promotional products carry advertisements or promotions, AGA members and their employees will use commercially reasonable efforts to distribute them only to those 21 years of age or older.
- iv. Advertising or marketing should not be placed with such intensity and frequency that they represent saturation of that medium or become excessive.

#### **c. College and University Sportsbook Advertising**

- i. No gaming will be promoted or advertised in college or university-owned news assets (e.g., school newspapers, radio or television broadcasts, etc.) or on college or university campuses.
- ii. Partnerships with colleges or universities should not include any component that promotes, markets or advertises gaming. This prohibition does not apply to alumni networks or content that is exclusively focused on responsible gaming education or problem gambling awareness.
- iii. No sportsbooks should enter name, image and likeness (NIL) endorsements or partnerships with amateur athletes.

### **III. SUPPORTING RESPONSIBLE GAMING**

#### **a. Consumer Communications and Messaging for Gaming Products**

- i. Advertisements and promotions will contain a conspicuous responsible gaming message along with a toll-free helpline number, where practical.
- ii. Information should be made available promoting reasonably responsible gaming and where to find assistance. This information will be available and visible on casino floors, at cash access devices, and via digital payment platforms.
- iii. No advertisement or promotion should suggest that social, financial or personal success is guaranteed.
- iv. No advertisement or promotion should suggest engaging in gaming is without risk or utilize “risk-free” language.

- v. No advertisement or promotion should encourage consumers to chase their losses or suggest that gaming is a means of solving financial problems.
- vi. No advertisement or promotion should suggest that skill can influence a gaming outcome or that spending more time gaming will enhance a consumer's skill
- vii. No advertisement or promotion should imply or suggest any illegal activity of any kind.

## **b. Responsible Gaming Tools, Resources, Information, Policies, and Player Exclusion**

- i. Make information available on gaming-related websites describing responsible gaming, policies and practices related to responsible gaming, and where to find assistance.
- ii. Make information available to patrons and employees, generally explaining the probabilities of winning or losing at the various games offered by the casino, where applicable by law.
- iii. Have policies in effect for patrons to request in writing the revocation of their privileges for specific services such as:
  - 1. Casino-issued markets
  - 2. Player club/card privileges
  - 3. On-site check-cashing
  - 4. Complimentaries
  - 5. Digital payment platforms
  - 6. Gaming promotions
- iv. Make reasonable efforts on a facility-by-facility basis to honor a written request from any person, that it not knowingly grant that person access to gaming activities. For each person who makes such a request, the casino will provide the person with a listing of local or online assistance where gaming-related problems is available.
- v. Reserve the right to exclude a patron from gaming, without a request from the patron.

## **c. Employee Training and Industry Education**

- i. Train gaming employees on responsible gaming and provide annual or periodic refresher training. Employee training should highlight the differences between responsible gaming and gambling that is problematic.
- ii. Implement communications programs for employees to improve their understanding of responsible gaming and related policies and procedures.
- iii. Provide information to new and existing employees about responsible gaming, the member company's policies and practices related to responsible gaming, and where to find assistance.
- iv. Post responsible gaming awareness information, including a toll-free helpline number, at various locations where employees congregate.
- v. Support and promote evidence-based research findings when developing policies on responsible gaming.

- vi. Continue to provide funding for the International Center for Responsible Gaming and other research and academic institutions, interested in producing evidence-based research on gaming and health supporting approaches to make responsible gaming efforts more effective.
- vii. Use research to identify the best practices to follow to promote responsible gaming.
- viii. Continue to develop a dialogue surrounding scientific research on gaming and health to communicate to and educate patrons, employees, and policymakers.
- ix. The AGA will work with stakeholders to assist in the distribution of information and raise awareness regarding the industry commitment to responsible gaming.

## IV. CONTROLLING DIGITAL MEDIA AND WEBSITES

### a. Technical Requirements and Controls

- i. Implement age affirmation controls that: Require month, day and year of birth, apply before a user can gain access to any page where individuals can engage in gaming, verify user is of legal gaming age.
- ii. Implement geolocation mechanisms to: Restrict gaming access only to those within a legal jurisdiction, verify user location before gambling activity, monitor compliance with jurisdictional requirements.

### b. Content Standards and Moderation

- i. Ensure all digital advertisements and promotions comply with Code provisions across: Operator-controlled advertisements and promotions placed by the operator in digital media—including placements on third party internet and mobile sites, affiliate platforms, emails or text messages, social media sites and downloadable content.
- ii. Display on all owned websites, social media and apps advertising or promoting gaming: A responsible gaming message and a link to an internet or mobile site that provides information about responsible gaming and responsible gaming tools and resources, and a reminder of the legal gaming age.

### c. User Privacy and Communication

- i. Protect user privacy through: compliance with applicable privacy requirements and clear disclosure of data collection, use, and disclosure practices, transparent information sharing policies.
- ii. Identify promotional message source by: clearly marking operator origin, including operator attribution, maintaining consistent branding.
- iii. Provide user control options including: email opt-out mechanism for promotional messages, text message unsubscribe options, communication preference settings, clear unsubscribe instructions in each promotional message.
- iv. Disclose in privacy statements: the practices of the website that involve sharing user information with categories of third parties unrelated to the operator sponsoring the site.

## V. CODE GOVERNANCE AND COMPLIANCE

### a. Code Maintenance and Ongoing Review

- i. The AGA and its members will conduct an annual review of the tenets of the Code to ensure the guidelines evolve with the maturation of the legal marketplace.
- ii. Updates will:
  1. Specify an effective date based on the significance of changes and commercially reasonable implementation timelines.
  2. Apply to new marketing and advertising as of the specified effective date and not applied retroactively.
  3. Be published and broadly publicized to ensure awareness.
- iii. The AGA will offer annual training opportunities for members and employees of members involved in gaming advertisements and promotions.
- iv. AGA members will provide training on the provisions of this Code, to all individuals involved in gaming advertisements and promotions.
- v. AGA members will deliver a copy of this Code to advertising agencies, media buyers, affiliates and other third parties involved in the member's advertising or marketing.
- vi. AGA members shall adopt an internal review process to evaluate whether advertisements and promotions comply with this Code, and will conduct periodic reviews of promotional and marketing messages to evaluate compliance with this Code.

### b. Code Compliance Review Board (CCRB)

- i. The advertising and marketing standards in this Code will be overseen by the Code Compliance Review Board (CCRB), consisting of independent chairs and five AGA member representatives who each serve three-year terms.
  1. The Chairs shall have a relevant marketing, responsible gaming or regulatory background.
  2. Member Delegates must maintain employment at a current AGA member in good standing.
  3. Two member alternates will also be selected in the case an appointed Member Delegate resigns or cannot fulfill their obligation.
- ii. At least one of the Chairs and three Member Delegates must be present for the CCRB to meet and decide on violations of the Code's advertising and marketing standards.
- iii. If a Member Delegate's company is the subject of a complaint or is the Complainant, such member shall be recused from the discussion and decision.
- iv. The CCRB will meet, in person or virtually, to evaluate filed complaints alleging violations of the Code's advertising or marketing requirements.
- v. The CCRB will be engaged only after (1) a Complaint has been logged against a Reported Company; (2) the Reported Company has had the required three business days to respond or acknowledge;

and (3) the Complainant requests, pursuant to the process provided below, that the CCRB conduct a review.

#### **Co-Chairs**

- Becky Harris, J.D., LL.M, Distinguished Fellow in Gaming, UNLV International Gaming Institute
- Alan Feldman, Director of Strategic Initiatives, UNLV International Gaming Institute

#### **Member Representatives**

- Jen Aguiar, Chief Compliance Officer, DraftKings
- Stephen Martino, Senior Vice President & Chief Compliance Officer, MGM Resorts International
- Paul Pellizzari, Vice President, Global Social Responsibility, Hard Rock
- Chris Soriano, Vice President & Chief Compliance Officer, PENN Entertainment

### **c. Filing and Review Process**

The following complaint process enables any person or entity, including consumers (Complainants) to flag potential violations of the Code by advertisers and marketers (the Reported Company) and allow the Reported Company to respond and take corrective measures as warranted. A Reported Company does not need to be an AGA member. An AGA staff representative (AGA CCRB Liaison) will facilitate this process.

This process will be reviewed periodically and may be updated as needed by the AGA.

- Provide an online mechanism for receiving from any Complainant a written complaint about Code violations.
- The Complainant must provide a:
  - Copy of the advertisement or promotion (if applicable) that is the subject of the complaint
  - Relevant Code provision(s) in question
  - Description of its claimed inconsistency with or violations of the provisions of the Code.
  - Contact name and contact information.
- The AGA CCRB Liaison is available to answer questions about the complaint submission process. The AGA CCRB Liaison will refer complete and relevant complaints to the Reported Company.
- The Reported Company must provide an initial response to the complainant and the AGA CCRB Liaison within three business days which:
  - Outlines actions taken to address the raised concern;
  - Details the Company's assessment of claim merits; and/or
  - Requests an extension of the process, which may be granted by the AGA CCRB Liaison.
- If warranted, a comprehensive response, including any additional assessments of the complaint, response and/or planned corrective measures must be shared with the Complainant and the AGA



CCRB Liaison within seven additional business days.

- vi. If the advertisement or promotion in question is digital in nature, the Reported Company shall endeavor to use commercially reasonable efforts to make adjustments necessary to bring the advertisement or promotion into compliance and/or pause the activity until it can make such adjustments.
- vii. If the Reported Company does not respond to the initial complaint, the Complainant may request further review by the CCRB.
- viii. If the Complainant does not request further review by the CCRB, the complaint and any response will be summarized in a publicly available forum on the AGA website. The Complainant is provided the option to remain anonymous in such public reports; in such cases, only the substance of the complaint will be made public.
- ix. If the Complainant still believes the Reported Company is non-compliant after the Reported Company responds, the Complainant can request further review by the CCRB via the AGA CCRB Liaison. This request must be received within three days of the Reported Company's response.
- x. The Complainant can offer any other material relevant to the complaint within seven business days of receiving the Reported Company response. The Reported Company will also be provided the opportunity to submit any additional documentation for consideration by the CCRB.
- xi. Upon request for further review by the Complainant, the AGA CCRB Liaison will send all materials to the CCRB members for their review.
- xii. The CCRB will endeavor to provide written notice of its decision to the Complainant and the Reported Company within seven business days of receiving the appeal of the complaint. In order to find that a Reported Company is in violation of the Code, there must be an affirmative vote from at least one Chair and a majority of the Member Delegates at the meeting.
- xiii. The CCRB's written decision will include a determination whether a violation of the Code has occurred and if so, that the Reported Company is expected to promptly withdraw or revise the advertising or promotional material and/or rectify the issue.

#### **d. Public Reporting and Transparency**

- i. The AGA will regularly post summaries of the findings of complaints logged, Reported Company responses/actions, and CCRB decisions (as necessary) to a dedicated section of the AGA website.
- ii. The Complainant is provided the option to remain anonymous in such public reports; in such cases, only the substance of the complaint will be made public.
- iii. A permanently available, comprehensive listing of all complete and relevant complaints will be available on the AGA website.
- iv. To file a complaint about particular advertisement or promotion subject to this Code, please visit [AmericanGaming.org](https://AmericanGaming.org). Questions about the Code or the compliance process can be directed to the AGA CCRB Liaison at [AGACCRB@americangaming.org](mailto:AGACCRB@americangaming.org).

## GLOSSARY

**ADVERTISING** - Any written, printed, graphic, electronic, or broadcast message designed to promote real money wagering products through various media channels, including but not limited to television, radio, print, digital platforms, billboards, and direct mail.

**INFORMATION** - Means of communication used to reach consumers, including any or all of a range of traditional, electronic and social media such as written brochures, posters, website postings or direct electronic messages.

**MARKETING** - The comprehensive range of activities and communications undertaken to promote gaming products to current or potential customers, including but not limited to advertising, promotions, sponsorships, partnerships, branding and direct communications, either through traditional (e.g., broadcast, cable, radio, print) or digital channels (e.g., social media, SMS, websites, streaming).

Marketing materials that do not promote gaming or contain a call to action to engage in gaming, such as branding, sponsorships, partnerships, or charitable activities are not subject to Code requirements.

**PROMOTIONS** - Specific marketing initiatives, offers, or incentives designed to attract or retain customers, such as welcome bonuses, loyalty rewards, special events, complimentary services, gaming credits or free plays, or promotional products or materials.

**GAMING** - Includes all gaming products at brick-and-mortar casinos, iGaming and online sportsbooks.

**RESPONSIBILITY** - Gaming operators' obligation to operate in compliance with all applicable laws and regulations, implement responsible gaming programs, verify player age, train employees, provide accurate information about gaming products and risk, and make players aware of problem gaming resources.

**RESPONSIBLE GAMING** - The practice of promoting responsible play by making education, tools and resources available that can help players game responsibly.

**RISK-FREE** - A promotional claim or description that suggests or implies a customer can engage in gaming activity without any possibility of losing money or negative outcomes. Examples of risk-free claims include "Risk-free bet up to \$500," "Can't lose guarantee," and "Money-back guarantee on your first bet."

