



TO: The New York State Gaming Commission

FROM: [Common Sense Media](https://www.commonsensemedia.org)

DATE: May 15, 2026

RE: Potential Rulemaking for Underage Play Prevention (9 NYCRR § 5402.4)

INTRODUCTION:

Common Sense Media¹ is dedicated to improving the lives of children and families by providing the trustworthy information, education, and independent voice they need to thrive. Our ratings, research, and resources reach more than 150 million users, over 1.4 million educators, and more than 100,000 schools worldwide every year. Backed by the research that forms the foundation of everything we do, we champion quality media that entertains and inspires, and support legislation aimed at closing the digital divide and holding social media and AI platforms accountable for their effects on minors. We encourage students and educators to think critically about technology and become responsible digital citizens. And we safeguard children's health and well-being by supporting strong data privacy protections that can reduce online harms.

We are pleased to submit these comments in response to your call for comments regarding the rulemaking for underage play prevention. Common Sense Media supports Governor Hochul's and the New York State Gaming Commission's efforts to address underage online betting. As a widely trusted brand among families and educators, we appreciate the opportunity to offer our perspective as the Commission develops essential regulatory guidance to improve the lives and well-being of New York's kids and teens.

RESPONSE:

Common Sense Media applauds the Commission's focus on protecting New York's kids and teens by cracking down on illegal underage gambling through effective age assurance. Gambling among adolescents and young adults is an escalating public health concern, with Common Sense Media research showing that young people may be especially vulnerable to gambling-related harms compared to adults.² Because

¹ <https://www.commonsense.org>.

² Common Sense Media, *Betting on Boys: The Impact of Sports Betting and Gambling on Young Men* (2026), https://www.commonsensemedia.org/sites/default/files/research/report/2026-betting-on-boys-report_final-for-web.pdf.

adolescents' brains are still developing, they are more likely to act impulsively and are particularly sensitive to rewards and risk-taking behaviors.

At the same time, online gambling platforms have made betting easier and more accessible than ever before. The anonymity, convenience, and constant availability of digital gambling opportunities have contributed to rising participation among youth. Sports betting, in particular, is being fueled by aggressive marketing, social media algorithms, increased advertising, and highly accessible mobile apps. Together, these forces have created a commercial ecosystem in which children and teens are routinely exposed to gambling messages long before they are legally allowed to participate.

The design of online betting platforms also removes many of the traditional barriers to gambling. Mobile access allows for virtually limitless, frictionless wagering anytime and anywhere, making it far more difficult to protect young people from early exposure and harm. Given this environment, it is not surprising that research shows over one in three boys in the United States gamble before turning 18.³ Separate studies estimate that between 60% and 80% of high school students have gambled for money within the past year.⁴

Even younger adolescents are increasingly exposed to gambling-like features embedded in digital environments. Features such as loot boxes,⁵ gacha pulls,⁶ and skin cases⁷ closely resemble gambling by encouraging users to spend money for randomized rewards. Among boys ages 14 to 17, 27% engage in online gaming-related gambling, while more than 18% of boys ages 11 to 13 report participating in these activities.⁸

Recent Common Sense Media research found that 36% of boys ages 11 to 17 gambled within the past year, with participation increasing significantly with age.⁹ Much of this exposure is driven by algorithms and advertising. Nearly 60% of adolescent boys who

³ Id.

⁴ McGill Univ., *Adolescents and Problem Gambling*, Int'l Ctr. for Youth Gambling Probs. & High-Risk Behaviors, <https://youthgambling.mcgill.ca/Gambling2/en/adolescents/adproblems.php> (last visited May 11, 2026).

⁵ A "loot box", sometimes called a loot crate or treasure box, is a video game feature that lets players buy randomized bundles of virtual items, often with real-world money.

<https://www.ebsco.com/research-starters/sports-and-leisure/loot-box-gaming>.

⁶ "Gacha pulls" are a common feature in many mobile and video games where players use in-game currency or real money to obtain random characters, items, or equipment.

<https://store.epicgames.com/news/gacha-games-explained-banners-pulls-pity-systems-and-more?lang=en-US>.

⁷ "Skin cases" are a primary method for obtaining weapon skins and other cosmetic items. Each case includes a curated collection of skins with varying rarity levels, and opening one rewards players with a random item from that selection. <https://csgoace.gg/articles/what-is-a-case-in-cs2-and-why-players-love-opening-them>.

⁸ *Betting on Boys*, supra..

⁹ Id.

gamble report seeing gambling videos or livestreams that “just started showing up” in their feeds on platforms such as YouTube, TikTok, Instagram, and live sports broadcasts.¹⁰ Exposure to this content is associated with greater spending and financial losses. Among boys who reported losing \$51 or more through gambling in the past year, three in four regularly watched gambling-related content online.¹¹

Online gaming environments remain one of the most common ways boys encounter gambling-like systems. Nearly one in four boys participates in gaming activities that mimic gambling, with participation increasing as they get older.¹² Features such as loot boxes, skin cases, and randomized reward systems blur the line between gaming and betting by requiring users to spend real money for the chance to obtain exclusive rewards. Similar to traditional gambling, boys report that excitement and entertainment are the primary motivations for participating, and many engage in these activities monthly or more frequently.

The harms associated with youth gambling are significant. One in four boys who gamble report experiencing stress or conflict with their parents, and these negative effects are even more pronounced among frequent gamblers and those whose peers also gamble. Additionally, four in ten boys who gamble report feeling some level of regret about their gambling behavior. Despite these concerns, exposure remains widespread, even as public opinion strongly supports stronger protections for minors. Common Sense Media polling found that 8 in 10 adults believe children should be protected from gambling services and that mandatory age verification should be required.¹³

ANALYSIS:

Common Sense Media strongly supports Governor Hochul’s and the Commission’s commitment to protecting New York’s kids and teens by limiting young people’s access to online betting. The Commission’s draft regulations apply to a broad range of gambling activities, including sports wagering, gaming operators, horse-racing account wagering providers, and lottery courier services. The proposed framework relies heavily on biometric authentication, geolocation anomaly detection, reporting duties, and exclusion penalties to strengthen protections for minors. At the same time, we believe that the Commission’s draft regulations could go even further by ensuring privacy protections for users.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Common Sense Media, *Age Assurance Attitudes Among Adults 6–8* (2026), https://www.commonsensemedia.org/sites/default/files/research/report/2026-age-assurance-brief_final-fo-r-web.pdf.

We also want to draw the Commission's attention to S.7908,¹⁴ a bill introduced by Senator Gounardes in 2025. While both the bill and the Commission's draft regulations aim to prevent minors from accessing online gambling, they differ in their approaches. We believe that adopting some of the provisions of S.7908 would make the Commission's draft regulations stronger.

S.7908 is similar to the Commission's draft regulations in its inclusion of identity and self-protection tools designed to prevent fraudulent account creation. However, the two frameworks are structured differently. The draft regulations provide that an individual over 18 must be able to prevent their Social Security number from being used to establish an account for a fixed period of time. By contrast, S.7908 requires the Commission to establish a system through which individuals may register "any of their identifying information" on an exclusion list to stop themselves or others, including minors, from using that information to create a mobile sports wagering account. Importantly, S.7908 also expressly allows users to rescind that exclusion at any time and requires deletion of the information from the Commission database once rescinded.

Given the sensitive personal information involved in these systems, we believe strong data privacy protections are essential. In this regard, S.7908 provides a more comprehensive framework. The bill requires regulations ensuring the secure collection and transmission of identifying information and specifically references safeguards such as encryption, firewalls, password protection, monitoring systems, access limitations, and other administrative, technical, and physical protections. It also requires that age-assurance data be deleted immediately after an age determination attempt, except where retention is otherwise required by law. By comparison, the Commission's draft regulations, despite their reliance on biometric data, do not include similarly detailed requirements governing data security, retention, or deletion.

Additionally, based on the research identified above, we believe the Commission could go even further in protecting New York youth from gambling-related harms.

For example, A.10709,¹⁵ a bill introduced by Assemblyman Steck this session, would prohibit social gaming platform operators from using gambling-like features with minors. The bill requires operators to reasonably determine the age of a user in order to prevent such features from being offered to minors.

¹⁴ S. 7908, 2025–2026 Leg., Reg. Sess. (N.Y. 2025).

¹⁵ A. 10709, 2025–2026 Leg., Reg. Sess. (N.Y. 2026).

Another important proposal is A.10712,¹⁶ also introduced by Assemblyman Steck this session, which would prohibit operators of social media platforms from advertising gambling platforms to minors. Under the bill, operators must reasonably determine that a user is not a minor before displaying gambling advertisements. Both A.10709 and A.10712 authorize enforcement by both the Commission and the New York Attorney General.

Taken together, these legislative proposals offer additional opportunities for the Commission and the State of New York to strengthen protections for children and teens while ensuring that age-assurance and identity-protection measures are implemented with strong privacy safeguards.

CONCLUSION:

In conclusion, Common Sense Media strongly supports Governor Hochul's and the Commission's efforts to address the alarming rise in underage online gambling and the harms associated with it, and to establish meaningful safeguards that protect New York's children and teens. As research increasingly demonstrates, young people are uniquely vulnerable to gambling-related harms due to developmental factors, widespread exposure through digital platforms, and the normalization of gambling-like systems across gaming, social media, and online advertising ecosystems.

We believe the Commission's draft regulations represent an important step forward in limiting youth access to online betting and strengthening accountability for gambling operators. At the same time, we encourage the Commission to incorporate stronger privacy and data-protection safeguards consistent with the framework outlined in S.7908, particularly with respect to the collection, storage, and deletion of sensitive personal and biometric information.

And, we urge the Commission to continue exploring broader protections that address the full ecosystem driving youth gambling exposure, including gambling-like features in online games and targeted advertising to minors on social media platforms. Legislative proposals such as A.10709 and A.10712 demonstrate additional pathways for protecting children and teens from harmful gambling-related content and practices.

Common Sense Media appreciates the opportunity to provide comments on this important rulemaking and looks forward to continued engagement with the Commission as it works to protect the health, safety, and well-being of New York's children and families.

¹⁶ A. 10712, 2025–2026 Leg., Reg. Sess. (N.Y. 2026).