

BETTING ON SAFETY: THE CASE FOR A COMPREHENSIVE BAN ON COLLEGIATE PROPOSITION BETS

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The rapid legalization of sports betting across the United States has created an unprecedented crisis in collegiate athletics, where student athletes face mounting harassment from angry bettors who view them as financial instruments rather than amateur competitors. This Article examines this emerging crisis in the wake of widespread gambling legalization following the Supreme Court's decision in *Murphy v. National Collegiate Athletic Association*. Through analysis of recent incidents, regulatory frameworks, and NCAA data, this Article demonstrates how the interstate nature of both online gambling and collegiate athletics creates jurisdictional gaps that state-level regulations alone cannot address.

The Article examines precedent for federal gambling regulation through the Professional and Amateur Sports Protection Act (PASPA) and argues that, unlike PASPA's broad prohibition that raised anti-commandeering concerns, a narrowly targeted federal ban on collegiate proposition betting could withstand constitutional scrutiny while protecting student athletes from documented patterns of harassment. While gambling industry advocates argue that such restrictions impinge on consumer choice, this Article contends that the protection of student athletes from exploitation must take precedence over expanded betting options. The Article concludes that comprehensive federal legislation prohibiting collegiate proposition betting is necessary to shield student athletes from harassment while preserving the integrity of collegiate athletics.

I. INTRODUCTION

In recent years, the landscape of collegiate athletics has faced a new and potentially destabilizing force: the widespread legalization of sports betting. Since the Supreme Court struck down federal prohibitions on sports gambling, thirty-eight states have rushed to legalize sports betting, creating a multi-billion-dollar industry that has rapidly embedded itself in American sports culture. As states increasingly embrace sports betting, college campuses find themselves at the intersection of an industry that poses unique risks to their student athlete population. This convergence of amateur athletics and commercial gaming has created an unprecedented challenge for institutions tasked with protecting their student athletes while maintaining the integrity of collegiate sports.

The expansion of legalized sports betting introduces a complex web of challenges for student athletes in particular. A disturbing trend has emerged on college campuses: the targeting and harassment of student athletes by disgruntled bettors. The expansion of proposition bets, or prop bets - wagers on specific aspects of player performance rather than game outcomes - has transformed college athletes into unwitting participants in a high-stakes gambling environment, subjecting them to abuse, threats, and psychological distress when their performance affects bettor payouts.

Unlike traditional sports wagers that focus on team outcomes such as final scores or point spreads, proposition bets allow gamblers to wager on virtually any measurable aspect of an individual athlete's performance: the number of points a basketball player will score, how many passes a quarterback will complete, or even if a player will commit a mistake such as a turnover. This focus on individual performance creates a direct connection between player performance and bettors' financial interests, transforming every missed shot or incomplete pass into a source of personal financial loss that angry bettors often blame directly on the student athlete.

This paper examines the impact of legalized proposition sports betting on student athletes in an era where their performances are not just measured in points scored, but also in betting odds. Through an examination of recent incidents, regulatory

frameworks, and the unique vulnerabilities of college athletes, it demonstrates how these individualized wagers have created an exploitative gambling ecosystem that threatens the welfare of student athletes. Finally, it advocates for the urgent prohibition of proposition bets in collegiate sports, arguing that the protection of student athletes must take precedence over the gambling industry.

II. STATE-LEVEL APPROACHES TO COLLEGE PROPOSITION BETS

Critics of college proposition wagering have argued that, while issues such as the commercialization of an athlete's name, image, and likeness have captured much of the public attention regarding collegiate sports, college sports betting poses a similar "potential for serious disruption and damage."¹ Though widespread legalized sports betting is a somewhat recent phenomenon, it is already pervasive on college campuses. In May 2023, the National Collegiate Athletic Association (NCAA) published the findings of a survey of 3,527 eighteen-to-twenty-two-year-olds which found that 58% of participants had "engaged in at least one sports betting activity."² Even more alarming, research estimates that 6% of college students in the United States already struggle with "a serious gambling problem."³

¹ Jon Israel & Evan Bondoc, *The Kids Are Not Alright: Student athletes and the impact of legalized betting on college sports*, STREET & SMITH'S SPORTS BUSINESS JOURNAL (April 3rd, 2024), <https://www.sportsbusinessjournal.com/Articles/2024/04/03/oped-03-israel-bondoc> [hereinafter *Not Alright*].

² Saquandra Heath, *Addressing Sports Wagering: NCAA Releases Sports Wagering Survey Data*, NCAA (May 24, 2023), <https://www.ncaa.org/news/2023/5/24/media-center-ncaa-releases-sports-wagering-survey-data.aspx#:~:text=Overall%2C%20the%20present%20survey%20found,bet%20at%20a%20higher%20frequency>.

³ *Fact Sheet: Gambling Disorder among College Students*, COLLEGEGAMBLING.ORG, [https://www.collegegambling.org/cg-information/fact-sheet-gambling-disorders-among-college-students#:~:text=While%20the%20most%20recent%20research,gambling%20disorder%20in%20the%20U.S; Zachary Pottle, Gambling Addiction Among College Students Skyrockets, ADDICTIONCENTER \(Jan. 23, 2024\), https://www.addictioncenter.com/news/2024/01/gambling-addiction-college-students/](https://www.collegegambling.org/cg-information/fact-sheet-gambling-disorders-among-college-students#:~:text=While%20the%20most%20recent%20research,gambling%20disorder%20in%20the%20U.S; Zachary Pottle, Gambling Addiction Among College Students Skyrockets, ADDICTIONCENTER (Jan. 23, 2024), https://www.addictioncenter.com/news/2024/01/gambling-addiction-college-students/). These statistics reflect the heightened vulnerability of the younger demographic compared to the adult population, in which similar studies have found gambling addiction only affects about 1% of the population. Daily Emerald, *College students at*

Collegiate prop bets currently fall under the jurisdiction of state law, which creates a patchwork of inconsistent regulations. Current states' treatment of college prop bets falls into one of three categories: Complete Prohibition States, Limited Restriction States, and Unrestricted States.⁴

In Complete Prohibition States, states have banned all player-specific wagers on collegiate athletics, recognizing the vulnerabilities these bets create for student-athletes.⁵ In March of 2024, Maryland banned college player props, with Maryland Lottery and Gaming citing the decision as being "in the interests of protecting college athletes from harassment."⁶ The move came shortly after the Ohio Casino Control Commission implemented a similar ban, which Ohio Governor Mike DeWine hopes "can improve the marketplace in Ohio and better protect student-athletes from unnecessary and potentially harmful threats."⁷

Other states, categorized in this paper as Limited Restriction States, allow college prop bets with partial restrictions. These

higher risk of gambling addiction than adults, DAILY EMERALD (Mar. 29, 2011), <https://dailymerald.com/83118/news/college-students-at-higher-risk-of-gambling-addiction-than-adults/>.

⁴ For lists of state-by-state college prop bet regulations, see Tyler Maher & Henry Palattella, *College Football Prop Bets: Where NCAA Prop Bets Are Legal*, FORBES BETTING (Nov. 12, 2024), <https://www.forbesbetting.com/legal/college-football-props/#:~:text=Bettors%20in%20Florida%20can%20place,involving%20an%20in%20state%20university%20;see%20also%20Jack%20Andrews,College%20Betting%20Rules%20by%20State,UNABATED> (Aug. 25, 2024), <https://unabated.com/articles/college-betting-rules-by-state#>.

⁵ See, for example, A.R.S. § 5-1315; C.R.S. 44-30-1501; 9 NYCRR § 5602.1; ALM GL ch. 23N, § 3 (Mass); ORC Ann. 3775.01; ORC Ann. 3775.02 (Statute defines sports gaming as wagers approved by the Ohio casino control commission and gives the commission right to prohibit or restrict sports gaming proprietors from accepting wagers on particular sporting events or types of wagers. In February 2024, the commission announced it was banning the acceptance of collegiate prop bets. See Chris Altruda, *Ohio Bans Player-Specific Prop Bets For College Sports*, SPORTSHANDLE (Feb. 23, 2024), <https://sportshandle.com/ohio-bans-player-specific-prop-bets-for-college-sports/>; David Purdam, *Ohio gaming regulators ban betting on NCAA player props*, ESPN (Feb. 23, 2024), https://www.espn.com/college-sports/story/_/id/39585392/ohio-gaming-regulators-ban-betting-ncaa-player-props; 4 Pa.C.S. § 326(a)(2); S.D. Codified Laws § 42-7B-82; Tenn. Code Ann. § 4-49-114; Va. Code Ann. § 58.1-4039.

⁶ Jessica Welman, *Maryland regulators pull individual college player props from the market*, SBC AMERICAS (Mar. 2, 2024), <https://sbcamericas.com/2024/03/04/maryland-bans-college-athlete-props/>.

⁷ Jessica Welman, *NCAA requests Ohio regulators pull individual college betting props*, SBC AMERICAS (Feb. 5, 2024), <https://sbcamericas.com/2024/02/05/dewine-ncaa-ohio-college-prop-ban/>.

restrictions most commonly prohibit prop betting on in-state schools or teams, or on games involving an in-state school.⁸ A key difference among these Limited Restriction states is how they regulate tournament play. In Delaware, collegiate player props are never allowed on Delaware-based teams, even if the team is playing in a tournament.⁹ However, in Connecticut, where collegiate player props on Connecticut-based players are normally banned, these bets are permitted if the team is in a tournament.¹⁰ While these tournament loopholes are seen as a positive for sports bettors looking to place wagers on tournaments, they only add confusion to the already patchwork legal landscape of collegiate prop bets. Lastly, Unrestricted States impose no specific limitations on collegiate proposition bets, treating them the same as professional sports wagers.¹¹

⁸ See, for example, Conn. Gen. Stat. § 12-850 (collegiate prop betting allowed except on Connecticut-based teams, unless they are playing in a tournament); 29 Del. C. § 4862 (collegiate prop betting allowed except on games involving Delaware schools); 11 Ill. Adm. Code § 1900.1120 (collegiate prop betting allowed except on Illinois-based teams, unless they are playing in a tournament); Iowa Code § 99F.1 (collegiate prop betting not allowed on the performance of any individual player participating in a game or tournament in which a collegiate team from Iowa is also a participant); 8 M.R.S. § 1202 (collegiate prop betting allowed except on Maine-based teams, prop bets allowed in tournaments in which Maine-based teams are participating as long as the Maine-based team is not participating in the game that is subject to the bet); Miss. Code Ann. § 75-76-5 (sports betting is only allowed at licensed retail locations); 23-7-104, MCA (collegiate prop bets are allowed, but sports bets are only legal through the state lottery's app, Sports Bet Montana, and must be made at a licensed retail location); R.R.S. Neb. § 9-1103(14) (no collegiate prop bets on any game in which a Nebraska-based team is participating); RSA 287-I:1 (no collegiate prop bets on any games involving New Hampshire schools or taking place in New Hampshire); N.J. Const., Art. IV, Sec. VII, Para. 2 (no collegiate prop bets on any games involving New Jersey schools or on any matches taking place in New Jersey); N.M. Stat. Ann. § 60-2E-4 (collegiate prop bets are allowed, but sports betting is only available at six tribal casino sites throughout the state, with each sportsbook setting its own rules on betting on in-state schools); R.I. Gen. Laws § 42-61.2-1(38)(i) (collegiate prop bets allowed, except as part of a collegiate tournament that takes place in Rhode Island or in which a Rhode Island-based team is a participant); 31 V.S.A. § 1301(10) (collegiate prop bets allowed, except on Vermont-based teams or games that take place in Vermont. The prohibition does not apply to Vermont-based teams in tournament play).

⁹ See 29 Del. C. § 4862.

¹⁰ See Conn. Gen. Stat. § 12-850.

¹¹ See, for example, Ark. Const. Amendment 100, §3; La. R.S. § 47:9002; Burns Ind. Code Ann. § 4-38-5-4; KRS § 230.808; K.S.A. § 74-8702; MCLS § 432.403; Nev. Gaming

III. IMPACT ON STUDENT-ATHLETES

Documented Cases of Harassment

The impact of legalized sports betting on student athletes extends far beyond the theoretical, manifesting in a disturbing pattern of threats, harassment, and abuse. According to Clint Hangebrauck, the NCAA's managing director of enterprise risk management, proposition bets have effectively "put a target on the back" of student athletes, some as young as 18.¹²

University of Dayton basketball coach Anthony Grant spoke out to the press after his team faced a torrent of social media abuse from disgruntled bettors – despite winning their game.¹³ The abuse, which included threats of violence, stemmed from bettors after the team failed to cover the spread.¹⁴ The incident took place just 16 days after Ohio legalized sports betting.¹⁵ Instances such as this are becoming increasingly common, underscoring a new reality: victory on the court no longer shields athletes from harassment when betting lines aren't covered.

A recent analysis conducted for the NCAA reveals that abuse from "angry sports bettors" constitutes at least 12% of all publicly posted social media harassment directed at college athletes, making it one of the most common types of harassment the athletes face.¹⁶ The study defined 'angry sports bettors' as "individuals who

Comm. § 22.120; N.C. Gen. Stat. § 18C-901; W. Va. Code § 29-22D-3(23); Wyo. Stat. § 9-24-101(xii).

¹² *Id.*

¹³ Tom Archdeacon, *Dayton coach's passionate plea against attacks comes as sports gambling grows*, DAYTON DAILY NEWS (Jan. 18, 2023), <https://www.daytondailynews.com/sports/archdeacon-dayton-coachs-passionate-plea-against-attacks-comes-as-sports-gambling-grows/CU763ZLQBNF3ZNDVPMVDRKFIHE/>; Callum Jones, *'A target on their back': college athletes face wave of abuse amid gambling boom*, THE GUARDIAN (Oct. 2, 2024), <https://www.theguardian.com/us-news/2024/oct/02/college-athletes-abuse-online-gambling-betting> [hereinafter *A Target*].

¹⁴ *A Target*, *supra* note 13. ("And it wasn't so much from local fans, as it was from gamblers across the nation who lost money.")

¹⁵ *Id.* ("There's some laws that have recently been enacted, that really to me – it could really change the landscape of what college sports is all about. And when we have people that make it about themselves and attack kids because of their own agenda, it sickens me.")

¹⁶ Andy Berg, *NCAA Study: College Athletes Suffering Abuse From 'Angry Bettors'*, ATHLETIC BUSINESS (Oct. 9, 2024),

engage in problematic and intrusive communications due to match events and results contradicting bettors' predictions."¹⁷ The publication also included examples of abusive messages sent to athletes, which ranged from requests for money to death threats.¹⁸

The study also found that instances of harassment from angry sports bettors rose starkly during major tournaments, rising to account for as much as 45% of social media abuse.¹⁹ Even sports which are significantly less popular with bettors, such as softball, saw a significant number of social media harassment from bettors: 24% of all social media harassment toward softball players was related to sports wagering.²⁰ While these statistics are alarming on their own, the NCAA emphasized that their survey only covered publicly posted threats, with instances of threats in private messages are likely much higher.²¹

Notably, the NCAA has acknowledged that the prevalence of student-athlete abuse has grown as a result of the increased prevalence of sports betting.²² Jordan Maynard, Interim Chair of Ohio's Gaming Commission, offered a similar assessment at a National Council on Problem Gambling conference, noting that the hostility directed at student-athletes during games has intensified significantly since the legalization of sports wagering.²³ This escalation of abuse represents a fundamental shift in collegiate athletics, where student-athletes must now navigate not only the

<https://www.athleticbusiness.com/operations/governing-bodies/article/15705423/ncaa-study-college-athletes-suffering-abuse-from-angry-bettors> [hereinafter *Angry Bettors*].

¹⁷ *Id.*

¹⁸ *Id.* (an example of a message containing a death threat read, "Yo no big deal but if you don't get 22 points and 12 boards everyone you know and love will Be dead.") The Ohio Casino Control Commission has also reported student athletes receiving demands for money to cover failed bets, most commonly through Venmo requests: "[Athletes] getting Venmo requests from their peers when they lost a game, or didn't make a free throw." *A Target*, *supra* note 13.

¹⁹ *Angry Bettors*, *supra* note 16.

²⁰ *Id.*

²¹ *Angry Bettors*, *supra* note 16.

²² *Angry Bettors*, *supra* note 16. (citing comments from Clint Hangebrauck)

²³ *A Target*, *supra* note 13. ("We've all been at these games. Don't lie – to yourself, or to anybody else. The people screaming at these kids, this has gotten worse since sports wagering passed ... We can't put our head in the sand and say it's not an issue.") The sentiment was echoed by Ricardo Hill, a high school basketball coach in Ohio: "Even if you just go to a game, it's so prevalent now that you just overlook it. You can hear it at every game." *Id.*

pressures of competition and academics but also the wrath of bettors who view them as financial instruments.

Current Mitigation Efforts

Spurred by the rise of sports betting-related abuse, multiple organizations have launched campaigns in order to confront the issue. In early 2024, the NCAA launched Draw the Line to coincide with the first round of the Division I Men and Women's Basketball Championship, a historically busy time for sports betting.²⁴ The social media campaign focused on educating college-age students on the effects of sports betting and problem gambling.²⁵ The Association also launched an e-learning module targeted specifically toward players and coaches, providing education on the harms of problem gambling for both the individual and the integrity of the sport.²⁶

Similarly, Ohio for Responsible Gaming has launched the first coordinated state effort to combat the issue with More Than A Bet, a campaign that aims to educate the public about sports-betting related harassment of college athletes and to remind bettors that the athletes are individuals who “don't deserve harassment”.²⁷ The

²⁴ NCAA launches Draw the Line to address sports betting, NCAA (Mar. 19, 2024), <https://www.ncaa.org/news/2024/3/19/media-center-ncaa-launches-draw-the-line-to-address-sports-betting.aspx>. [hereinafter *Draw the Line*]. According to a survey done by the American Gaming Association (AGA), 68 million adults planned to wager \$15.5 billion dollars on the 2023 NCAA Men's Division I Basketball Tournament alone, either through traditional sports wagers, casual bets with friends, or bracket contests. Dara Cohen, *68 Million Americans to Wager on March Madness: Growth of Legal Market Driving Tournament Betting*, AMERICAN GAMING ASSOCIATION (Mar. 12, 2023), [https://www.americangaming.org/new/68-million-americans-to-wager-on-march-madness/#:~:text=Press%20Release&text=Washington%2C%20D.C.%20-%20A%20quarter%20of,American%20Gaming%20Association%20\(AGA\)](https://www.americangaming.org/new/68-million-americans-to-wager-on-march-madness/#:~:text=Press%20Release&text=Washington%2C%20D.C.%20-%20A%20quarter%20of,American%20Gaming%20Association%20(AGA)). The AGA expects this number to grow alongside the number of states legalizing online sports betting, as well as the increased interest in betting on women's basketball. Kristopher J. Brooks, *How much money is bet on March Madness? The 2024 NCAA tournament is expected to generate billions*, CBS NEWS (Mar. 21, 2024), <https://www.cbsnews.com/news/march-madness-ncaa-tournament-2024-bet-money-online-sports-gambling/>.

²⁵ *Id.* The campaign includes statistics on problem gambling among college students and betting-related harassment of student-athletes.

²⁶ *Id.*

²⁷ More Than A Bet, <https://morethanabet.org/about-us/>. See also, *Ohio Creates “More Than A Bet” Campaign to Curb Student Athlete Harassment Over Sports Bets*, PAUSE BEFORE YOU PLAY (Oct. 7, 2024), <https://pausebeforeyouplay.org/2024/10/ohio->

campaign's website includes tips on mental health, toolkits for campuses, and most notably, videos featuring college athletes reading out real instances of abuse.²⁸

The Responsible Online Gaming Association (ROGA), a new body founded by multiple betting firms, has also raised concerns about betting on college campuses, and has announced the rollout of an education program aimed at college-aged gamblers in 2025.²⁹ It seems this program, however, will focus on problem betting among students and will not address the harassment student-athletes face connected to sports betting, with the executive director calling the abuse "outside of the realm of what we're doing".³⁰

Though these educational programs are a promising start, the mounting evidence of proposition betting's detrimental impact on collegiate athletics demands immediate action through a comprehensive, coordinated effort to ban the practice. The NCAA asserts that gambling regulators in states with bans on college prop bets have reported fewer issues of harassment of college athletes, underscoring the idea that banning these types of bets will decrease instances of player harassment.³¹ Further, each time a state legalized the practice, the NCAA reports they have seen a notable increase in students and coaches in the state facing abuse.³²

The NCAA has long maintained a strong stance against sports betting, with its policies evolving over the decades. Originally focused primarily on preserving the integrity of competition, the NCAA's approach has recently expanded to encompass student-athlete welfare and education.³³ In late 2023, the NCAA announced

creates-more-than-a-bet-campaign-to-curb-student-athlete-harassment-over-sports-bets/.

²⁸ The first video put out by the campaign featured Tyler, a quarterback, and an unnamed female soccer goalie. They read real messages they had received from angry bettors to the camera, which included "your fumble cost me five hundred bucks you [expletive]" and "you cost me two grand, I hope your dog gets cancer." More Than A Bet, <https://morethanabet.org/about-us/>.

²⁹ Tom Nightingale, *ROGA college campaign moves to fill gambling education gap*, RESPONSIBLE ONLINE GAMING ASSOCIATION (Oct. 3, 2024), <https://www.responsibleonlinegaming.org/press-center/roga-college-campaign-moves-to-fill-gambling-education-gap>.

³⁰ *A Target*, *supra* note 13.

³¹ *Id.*

³² *Id.*

³³ Massillon Myers, *NCAA to begin advocating for updated sports betting laws in state legislatures*, NCAA (Oct. 4, 2023), <https://www.ncaa.org/news/2023/10/4/media->

its intention to advocate for state law changes regarding sports betting to “better address problem gambling, protect student athletes from coercion and harassment to fix results, and ensure the integrity of collegiate sports competitions.”³⁴ NCAA President Charlie Baker expressed his concern regarding proposition bets specifically, claiming that prop bets in college sports are something he “worr[ies] about the most”³⁵ and that they present “a special risk that should not be allowed in college sports.”³⁶

Along with this expression of worry came a call for all states where sports wagering is legal to work with the NCAA to ban proposition betting in collegiate sports.³⁷ While this is pending, however, the NCAA has begun communicating with gaming firms to propose legislation to create a “prohibited bettors list” that bars individuals with a history of harassment from placing bets, mandatory education for operators to identify harassment, and mandatory reporting hotlines for gambling authorities to report bettors to law enforcement.³⁸

center-ncaa-to-begin-advocating-for-updated-sports-betting-laws-in-state-legislatures.aspx (“With the legalization of sports betting, it is imperative that we take a proactive approach to protecting student-athletes from the potential of negative engagement with bettors.”) *See also Draw the Line*, *supra* note 24 (“The NCAA is doing more than ever to protect the integrity of the game and arm student-athletes with the truth about sports betting”).

³⁴ *Not Alright*, *supra* note 1.

³⁵ Alyssa Spady et al., *NCAA president Charlie Baker blasts “prop bets,” citing risk to game integrity in college sports*, CBS NEWS (Nov. 11, 2023), <https://www.cbsnews.com/news/sports-betting-prop-bets-ncaa-charlie-baker-college-athletes/>.

³⁶ *Id.*

³⁷ Ty Roush, *NCAA President Charlie Baker Calls for Nationwide Ban on College Prop Bets*, FORBES (Mar. 27, 2024), <https://www.forbes.com/sites/tylerroush/2024/03/27/ncaa-president-charlie-baker-calls-for-nationwide-ban-on-college-prop-bets/>. *See also Draw the Line*, *supra* note 24 (“We know some bettors are harassing student-athletes and officials, so that’s why we are advocating for policy changes at the state level and launching monitoring tools around championships to refer serious threats to law enforcement”).

³⁸ *NCAA*, *supra* note 30. The Association also proposes that revenue generated from sports betting should be partially allocated toward education to support the college student population, and that any sports betting advertisement should include “information about the harassment hotline, problem gambling and prohibitions on harassment related to sports wagering.” *Id.*

IV. THE CASE FOR FEDERAL ACTION

The Inadequacy of State-Level Solutions

While some states have implemented patchwork solutions in line with the NCAA's requests, the interstate nature of both online gambling and college sports along with the inconsistency of state regulations create a landscape of large gaps in student-athlete protection. The current state-by-state approach, while a promising starting point, creates a fragmented legal environment that falls short of student-athlete protection for multiple reasons. Consider a college basketball player from Ohio State who plays games across the Big Ten Conference: while they might be protected from prop bets during home games under Ohio's regulations, they could face unrestricted proposition betting when playing in states with more permissive gambling laws.

This jurisdictional patchwork creates a situation where a student-athlete's protection fluctuates based on their physical location, which is compounded even further when one considers that big games are broadcast nationally and available for betting across the country. When these games are broadcast nationwide, they are likely the subject of bets from bettors all over the country, including states that do not have prop bet regulations. These regulatory gaps are particularly problematic given the instantaneous and widespread nature of online betting – a harassing message can reach a student-athlete within seconds after a missed shot, regardless of where the bet originated. Even though an Ohio State player is protected by regulations against prop bets from in-state bettors, no protection exists against a bettor in Louisiana who watches the broadcast, places a prop bet on the player, and subsequently sends the player an angry message on social media.

The absence of federal oversight also hampers enforcement efforts, as state regulators face significant challenges in investigating and prosecuting harassment cases that cross state lines. For instance, when a student-athlete receives threats from bettors in multiple states, local law enforcement agencies must navigate varying state gambling laws, jurisdictional issues, and interstate coordination challenges, often leading to an inadequate level of protection for players.

Only comprehensive federal legislation can establish the consistent, nationwide protections necessary to shield student-athletes from the harm enabled by proposition betting, regardless of where they play or where the bets originate. A federal ban on collegiate prop betting would preserve the public's ability to wager on game outcomes while eliminating the direct connection between individual student performance and gambling profits that has led to documented cases of harassment and threats. In acknowledging that the thirty-eight states where sports betting is legal have passed thirty-eight very different laws, Morgyn Wynne, vice chair of the NCAA's Division I Student-Athlete Advisory Committee, stressed that "one thing that needs to be consistent across all is prioritizing the student-athlete experience and preventing harmful activity that jeopardizes the integrity of sports."³⁹

The documented cases of harassment, threats, and abuse directed at student-athletes by disgruntled bettors demonstrate the inadequacy of the current regulatory framework in protecting this vulnerable population.. While educational initiatives like *Draw the Line* and *More Than A Bet* represent important first steps in addressing this crisis, they alone cannot adequately address the abuse enabled by proposition betting. The evidence from states that have implemented complete bans on collegiate proposition bets, showing reduced instances of player harassment, provides a clear path forward. However, the interstate nature of both online gambling and collegiate athletics demands a comprehensive federal solution.

Learning from PASPA

While federal legislation may seem like an untenable solution, precedent for such a move may be found in the form of recently struck-down legislation. The Professional and Amateur Sports Protection Act of 1992, also known as The Bradley Act or PASPA, was enacted in 1992 as federal legislation that effectively banned sports betting nationwide, with a few exceptions.⁴⁰ The law prohibited states from authorizing or licensing sports betting

³⁹ *Id.* The NCAA further criticized the lack of uniformity in state laws in announcing their Draw the Line Campaign: "In the past five years, 38 states have passed 38 different laws legalizing sports betting, and while some contain robust protection and integrity provisions, many do not." *Draw the Line*, *supra* note 24.

operations, though it grandfathered in states that already had legal sports gambling at the time - primarily Nevada, with its existing sportsbooks, and Delaware, Montana, and Oregon with their sports lotteries.⁴¹ PASPA was championed by Senator Bill Bradley, a former NBA player, along with major professional sports leagues who argued the law was necessary to protect the integrity of sports.

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PASPA stood as federal law for 26 years until it was challenged by the state of New Jersey. After a lengthy legal battle, the U.S. Supreme Court struck down PASPA in *Murphy v. Nat'l. Collegiate Athletic Ass'n.*, finding that the law violated the 10th Amendment's anti-commandeering doctrine by impermissibly forcing state legislatures to maintain prohibitions on sports betting.

⁴³ This decision allowed for individual states to legalize and regulate sports wagering.⁴⁴

While PASPA was ultimately struck down, it offers important precedent for a federal ban on collegiate proposition betting, demonstrating Congress's authority to regulate sports gambling under the Commerce Clause given its interstate impact. The key distinction is that unlike PASPA's broad prohibition of sports

⁴⁰ The text of PASPA read: "It shall be unlawful for—(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or (2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity, a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games." S.474 - 102nd Congress (1991-1992): Professional and Amateur Sports Protection Act, S.474, 102nd Cong. (1992), <https://www.congress.gov/bill/102nd-congress/senate-bill/474>.

⁴¹ 28 U.S. Code § 3704.

⁴² Jill R. Dorson, *What is PASPA, The Federal Ban on Sports Betting?*, SPORTSHANDLE (Jul. 1, 2020), <https://sportshandle.com/what-is-paspa-sports-betting-ban-professional-amateur-sports/>. Testifying before Congress, the then-commissioner of the National Football League echoed the "integrity of the game" argument, stating: "Sports gambling threatens the character of team sports With legalized sports gambling, our games instead will come to represent the fast buck, the quick fix, the desire to get something for nothing. The spread of legalized sports gambling would change forever—and for the worse—what our games stand for and the way they are perceived." Brett Smiley, *A History of Sports Betting in the United States: Gambling Laws and Outlaws*, SPORTSHANDLE (Nov. 13, 2017), <https://sportshandle.com/gambling-laws-legislation-united-states-history/>.

⁴³ *Murphy*, 138 S. Ct. 1461 (2018) at 1478.

⁴⁴ *Id.* at 1484.

betting, which raised concerns about overriding states' rights, a ban on collegiate prop bets would be narrowly targeted at specific wagers documented to harm student athletes. The focused approach, aimed at protecting athletes from exploitation while preserving general sports betting, could help the ban better withstand legal challenges.

The key difference between PASPA and a hypothetical ban on collegiate prop betting isn't just the scope but also the regulatory mechanism. By requiring states to maintain their own prohibitions, PASPA's constitutional flaw was its regulation of state legislatures.⁴⁵ A federal ban on collegiate prop bets would need to be structured differently to avoid the same anti-commandeering issues.⁴⁶ Specifically, it would need to directly prohibit the activity rather than compelling states to maintain or pass their own prohibitions. Instead of requiring states to maintain prohibitions, the law could directly prohibit gaming operators from accepting college prop bets. This structure would help the ban stand up against the constitutional challenges which ultimately struck down PASPA.

V. ADDRESSING CHOICE ARGUMENTS AND IMPLEMENTATION CHALLENGES

Advocates of consumer rights in sports betting argue that adults should maintain the freedom to make their own wagering choices, characterizing restrictions on proposition bets as overly paternalistic toward both bettors and athletes.⁴⁷ They contend that such a ban could diminish casual fans' interest in college sports by reducing their engagement. However, this argument fundamentally mischaracterizes the purpose of a proposed ban. A restriction on collegiate prop bets is not aimed at limiting consumers' choices, but rather at protecting a vulnerable

⁴⁵ *Id.* at 1478.

⁴⁶ Michael McCann & Eben Novy-Williams, *NCAA Push to Ban Prop Betting is a Complex Wager*, SPORTICO (Mar. 27, 2024) <https://www.sportico.com/law/analysis/2024/ncaa-seeks-prop-betting-ban-1234772725/> (“*Murphy* didn’t foreclose the possibility of Congress passing federal sports betting legislation; it forbade the federal government taking away the autonomy of states to legalize sports betting when there is no accompanying federal standard”).

⁴⁷ *Id.* (“Consumers who like placing prop bets could assert they should have a “right” as law-abiding adults to bet on what they wish”).

population of student athletes against documented patterns of harassment and abuse.

Furthermore, the argument that such a ban would reduce fan engagement relies on the troubling premise that collegiate athletics' appeal depends on the ability to wager on individual student performances. This position not only diminishes the inherent entertainment value of collegiate sports but also suggests that fan interest should take precedence over student athlete welfare. The continued viewership of collegiate sports in states that have already banned such bets demonstrates that the restrictions do not meaningfully impact fan engagement. Rather than being seen as a limitation on consumer rights, a hypothetical ban should be viewed as a necessary protection for student athletes.

VI. CONCLUSION

The integrity of collegiate athletics and, more importantly, the welfare of student-athletes must take precedence over the gambling industry's desire for expanded betting options. Only through comprehensive federal legislation can we ensure that student athletes are protected from the targeted harassment enabled by proposition betting, regardless of where they play or where the bets originate. As sports betting continues to expand across the United States, the time for federal action is now, before the culture of harassment and abuse becomes further entrenched in collegiate sports.