



JEFFREY D. PERCONTE
GENERAL COUNSEL

August 24, 2026

By Email

The Honorable Richard Blumenthal
United States Senate
503 Hart Senate Office Building
Washington, DC 20510

The Honorable Paul Tonko
United States House of Representatives
2269 Rayburn House Office Building
Washington, DC 20515

The Honorable Valerie Foushee
United States House of Representatives
2452 Rayburn House Office Building
Washington, DC 20515

Re: Response to August 10, 2026, Letter Regarding Predatory Promotions

Dear Senator Blumenthal, Representative Foushee, and Representative Tonko:

My name is Jeffrey Perconte, and I am the General Counsel of the Major League Baseball Players Association (“MLBPA” or “Association”). The MLBPA serves as the exclusive collective bargaining representative for all Major League and Minor League baseball players employed by the thirty Major League Baseball teams in the United States and Canada. In my capacity as General Counsel, I am directly involved in the negotiation, administration, review, and enforcement of the MLBPA’s collective bargaining agreements, including the Sports Betting Policy for Major League Players (the “Sports Betting Policy” or “Policy”).¹ I write in response to your August 10, 2026, letter to Interim Executive Director Bruce Meyer expressing concern about predatory VIP programs offered to individuals by sports betting operators. The Association welcomes dialogue with lawmakers regarding our Sports Betting Policy and potential measures that can be taken to promote the safety and wellbeing of both our members and the public.

¹ A copy of the Policy can be accessed in Attachment 60 of the parties’ collective bargaining agreement, available at <https://www.mlbplayers.com/resources/major-league-cba>.

The Legalization and Growth of Sports Betting

In 2018, the Supreme Court decided *Murphy v. NCAA*,² a landmark ruling that struck down the Professional and Amateur Sports Protection Act and paved the way for legalized sports betting across the United States. Since *Murphy*, thirty-nine states and the District of Columbia have legalized some form of sports betting. The proliferation of legalized sports betting has fueled a multi-billion-dollar industry that shows no signs of abating.

Major League Baseball (“MLB”) and its thirty Clubs have benefitted enormously from the explosion of legalized sports betting. MLB’s league office has entered into exclusive “Official Sports Betting Partnerships” with multi-billion-dollar sports betting operators, including FanDuel,³ and more than half of the league’s Clubs now count sports betting operators among their corporate partners and official sponsors.

The owners’ financial relationships in the sports betting industry recently expanded to include prediction markets. In March 2026, MLB announced a groundbreaking agreement naming Polymarket its exclusive “Prediction Market Exchange Partner” in a deal reportedly worth upwards of \$300 million.⁴ Since then, multiple MLB Clubs have followed suit. The New York Mets and New York Yankees recently reached agreements with Novig and Polymarket, respectively, to serve as those Clubs’ official prediction market partners.⁵ Meanwhile, the owners of three MLB teams (the Boston Red Sox, Chicago Cubs, and Los Angeles Dodgers) are also reportedly seed investors in a newly announced prediction market futures trading platform called FutureSports.⁶

Baseball’s Sports Betting Policy and Regulations on Promotional Activity

In 2022, after extensive collective bargaining, the Association and MLB negotiated a new Sports Betting Policy aimed at strengthening—and modernizing for a post-*Murphy* landscape—the standards of conduct that apply to sports betting and betting-related promotions. Under the Policy, players are prohibited from betting on not just “Baseball Games,” but also all “Baseball Events,” including “bets on [...] events within games (e.g., the outcome of a particular pitch, at-bat, play or inning) [...] postseason qualification or results, the performance of players, actions that take place during games, transactions or the draft.” The Policy also prohibits players from “proxy betting” (i.e., having others place impermissible wagers on their behalf), knowingly benefiting from impermissible bets placed by others, or assisting with impermissible bets placed by others. In 2025, the MLBPA and MLB supplemented the Sports Betting Policy to clarify that the Policy prohibits players from participating in prediction markets to risk money on any outcome related to baseball games or events. Further, players may not provide confidential information to third parties who may use that information in betting markets.

² 584 U.S. 453 (2018).

³ MLB Press Release, *MLB names FanDuel a new official sports betting partner in North America*, available at <https://www.mlb.com/press-release/press-release-mlb-names-fanduel-a-new-official-sports-betting-partner-in-north-a>.

⁴ Evan Drellich, *MLB further embraces sports betting in deal with prediction platform Polymarket*, available at <https://www.nytimes.com/athletic/7131682/2026/03/19/mlb-deal-polymarket-prediction-markets/>.

⁵ Press Release, *Novig Names Exclusive Official Prediction Market Partner of the New York Mets*, available at <https://novig.com/blog/novig-named-exclusive-official-prediction-market-partner-of-the-new-york-mets>; Press Release, *Polymarket Becomes An Official Prediction Market Partner of the New York Yankees*, available at <https://www.prnewswire.com/news-releases/polymarket-becomes-an-official-prediction-market-partner-of-the-new-york-yankees-302844285.html>.

⁶ Chris Smith, *FutureSports allows stakeholders to mitigate risk on team performance*, available at <https://www.sportsbusinessjournal.com/Articles/2026/08/17/futuresports-allows-stakeholders-to-mitigate-risk-on-team-performance/>.

The Policy also governs marketing and endorsements by delineating which types of betting-related promotional activities are permitted, and which are not. Specifically, Section I(G) of the policy provides as follows:

Activities for and Grants of Rights to Legal Sports Gaming Companies. Major League Players may engage in promotional or endorsement activities (e.g., licensing the use of the Major League Player’s name, image, likeness, and other personal attributes (collectively, “Attributes”) in advertisements or making personal appearances) on behalf of, may promote or endorse, and may license use of his Attributes in or in connection with a third party engaged in, or products that involve or enable (e.g., video games that enable sports betting or contain components of daily fantasy sports), legal betting (including, without limitation, casinos, racetracks, purveyors of Fantasy Baseball Games, sportsbooks, lotteries, or any other entity that offers or accepts wagering relating to sporting events or otherwise) (a “Sports Gaming Company”); provided that (i) the promotional activity and/or licensed use of Attributes is otherwise permitted by and consistent with the Basic Agreement, Major League Rules, and the Major League Player’s UPC; and (ii) the Player does not authorize or allow the use of his name, uniform number, image, likeness, or any other Attributes in order to advertise, promote, or encourage betting on (for or against) any Baseball Game(s) or Baseball Event(s), or any event(s) or outcome(s) related in any way to Baseball Games or Events (including, without limitation, betting on a Club’s season or partial season win/loss records; end of season awards voting; or any other in-game or in-season “prop bets” associated with Clubs or players) (collectively, the “Permitted Activities and Grants”). Other than the Permitted Activities and Grants set forth in the preceding sentence, or as otherwise set forth in this Policy, Major League Players are prohibited from performing any other services related to, in support of or in connection with sports betting (including, without limitation, consulting or advising on sports betting issues) for any Sports Gaming Company. . . .

In practice, these provisions have been administered to allow only certain types of sports betting promotions involving players. The vast majority of these promotions involve the passive use of players’ name, image, and likeness, including game highlights, action photos, in-uniform headshots, and other video and photography in which players appear to consumers, but without engaging in active endorsement or promotional commentary. A smaller number of advertisements have involved active promotions by individual players (e.g., commercials in which players provide scripted voice content).

Ongoing Collective Bargaining

As noted in your letter, the Association and MLB are currently engaged in collective bargaining negotiations, including negotiations over our Sports Betting Policy. As part of these talks, we have been open to—and indeed, have affirmatively proposed—measures to rein in the types of bets that are associated with significantly higher rates of problem gambling⁷ and an epidemic of harassment and abuse directed toward our members and their families.⁸ Specifically, we proposed that the Association and MLB engage in a joint lobbying effort to ban proposition bets and event contracts that are based on in-

⁷ Vieira et al., *Who Makes In-Play Bets? Investigating the Demographics, Psychological Characteristics, and Gambling-related Harms of In-Play Sports Bettors*, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC10316160/#S2>.

⁸ Doug Greenberg, *Venmo requests and death threats: Heckling in the digital sports betting age*, available at https://www.espn.com/espn/betting/story/_/id/45913349/espn-sports-betting-venmo-requests-death-threats-heckling-digital-age; see also Dave Sheinin & Andrew Golden, *‘Kill yourself’: Toxic mix of betting, social media fuels athlete abuse*, available at <https://www.washingtonpost.com/sports/2025/06/14/sports-betting-athlete-abuse-online/>.

game performance (e.g., a player's number of hits, runs, or home runs; the outcome of a pitch or an at bat; and "negative props" such as whether a player will be injured during a game). And while MLB has thus far rejected this proposal, we intend to continue pursuing it.

We have also proposed Policy amendments aimed at ensuring that players cannot be punished or otherwise penalized for participating in the types of sports betting promotional agreements that MLB and its Clubs have been entering into and benefitting from for years. We are not seeking to remove all restrictions on sports betting promotions and, as described below, we are willing to adopt new Policy restrictions banning participation in personalized marketing campaigns connected to VIP programs.⁹

The Association's Responses to the Questions Posed in the August 10, 2026 Letter

We now turn to the specific questions posed in your August 10th letter:

- 1. As MLB and MLBPA renegotiate their collective bargaining agreement, what is your current position on allowing MLB players to seek endorsements and partnerships from sportsbooks?*

Our position is that players should be permitted to participate in the types of endorsements and partnerships that MLB and its Clubs have been entering into and benefiting from for years. We do not believe the ability of players to enter into such agreements should be unlimited, however. For example, we are prepared to support CBA restrictions that ban players from participating in personalized marketing campaigns connected to a VIP or tier program.

- 2. How will MLB and the MLBPA guarantee that fan safety and well-being take precedence over revenue from gambling partnerships?*

As noted above, the Association is seeking MLB's cooperation in a joint lobbying effort to ban the types of in-game proposition bets that have exploded in recent years, and that many experts believe are associated with problematic gambling behaviors. MLB has thus far balked, but negotiations remain ongoing and players intend to continue to push this proposal. We are also open to CBA restrictions prohibiting players from participating in personalized marketing campaigns aimed at VIPs, and we will of course continue to encourage our members to support marketing initiatives that promote responsible betting and addiction resources for those in need.

- 3. Do you believe MLB and MLBPA policies on sportsbook endorsements and partnerships are adequate to prevent engagement with predatory VIP programs?*

We believe the restrictions on endorsements and partnerships in our collectively bargained policies represent a good faith effort to allow responsible betting-related promotional activity by teams and players. That said, our current policies do not explicitly reference or otherwise address the types of "predatory VIP programs" described in your August 10th letter. The Association stands ready to make proposals in an effort to fill that gap.

⁹ The August 10th letter references a personalized greeting from Philadelphia Phillies star Bryce Harper that was obtained by FanDuel via the Cameo platform and thereafter allegedly used to target a gambling addict and encourage his continued betting. The letter does not allege Mr. Harper himself targeted an addict or sought to encourage his continued betting. This distinction is important given that FanDuel: has no promotional or endorsement deal with Mr. Harper; purchased the video through Cameo's "personal" platform that explicitly prohibits the repurposing of personal videos for commercial use; never informed Mr. Harper that the video would be repurposed for usage in a VIP program; and never asked for (let alone obtained) Mr. Harper's approval to redeploy the personal greeting as part of a commercial VIP program.

August 24, 2026

Page 5

4. *Will the MLB and MLBPA undertake any player education to ensure that players understand the risks their participation in sportsbook promotions poses to fans?*

The Association engages in extensive and regular educational initiatives with players, including initiatives pertaining to addiction, mental health, and conduct prohibited under our policies and the law. We will refine our educational materials to highlight the potential risks posed by personalized marketing campaigns.

5. *Will the MLB and MLBPA prohibit players from participating in personalized marketing campaigns by sportsbooks as part of VIP or tier programs?*

As noted above, the Association is willing to adopt new restrictions banning player participation in personalized marketing campaigns that operate as part of a VIP or tier program.

We hope this letter has provided useful information in response to your inquiries. Should you have any questions, please contact me via email at jperconte@mlbpa.org or telephone at 212-826-0808.

Very truly yours,

MAJOR LEAGUE BASEBALL
PLAYERS ASSOCIATION

A handwritten signature in black ink that reads "Jeff Perconte". The signature is written in a cursive, flowing style.

Jeffrey Perconte
General Counsel

cc: Bruce Meyer