



**Eilers & Krejcik**  
Gaming

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**Tax Policy And Practice  
In Sports Betting**

**SEPTEMBER 2024**

## Authors

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## Disclosure

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In September 2024, Eilers & Krejcik Gaming was retained by the Sports Betting Alliance (SBA) to prepare this presentation. This presentation summarizes key findings and conclusions from a larger, more comprehensive companion report—also titled *Tax Policy And Practice In Sports Betting*—that Eilers & Krejcik Gaming prepared for SBA in August 2024.

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## About Eilers & Krejcik Gaming

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Eilers & Krejcik Gaming LLC is an independent research and consulting firm headquartered in Newport Beach, California. The firm's focus is on product, market, and policy analysis related to the global regulated gambling market. Clients include operators, suppliers, private equity and venture capital firms, institutional investors, and state governments.

Our team uniquely combines leading academic scholars in gambling research with leading industry analysts in sports betting and online gambling. This combination of scholarly experience and industry-leading strategic insight provides a robust foundation for delivering nuanced, actionable recommendations that are well-aligned with the current regulatory landscape and proactive in addressing future challenges in the changing gambling sector.

# Executive Summary

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**THIS REPORT EXAMINES TAX POLICY FOR THE SPORTS BETTING INDUSTRY IN THE UNITED STATES.** Using both tax theory and empirical findings, we describe how government-imposed taxes on sports betting should be structured to improve outcomes across multiple stakeholder groups.

**WHAT IS A FRAMEWORK FOR A “REASONABLE” TAX POLICY?** Our framework, set out on [slide 21](#), consists of three general principles:

1. Taxes should generate sufficient revenue for the government to fund public services and provide regulatory oversight.
2. Taxes should be low enough to allow the industry to operate. The rates should be competitive with other jurisdictions to prevent businesses from relocating to or focusing development efforts on areas with lower taxes.
3. The tax structure should be equitable, ensuring that the burden is shared appropriately among operators while considering their ability to pay.

### **WHAT IS A “REASONABLE” TAX RATE FOR SPORTS BETTING?**

At right, we present our broad view of reasonable tax rates that are unlikely to risk a major unintended consequence. We provide our rates alongside two qualitative measures, License Availability and Regulatory Requirements, which we view as meaningfully impacting the level of competition and the potential profit margins, respectively. See [slide 22](#) for a fuller discussion.

License Availability	Regulatory Requirements	Corresponding Tax Rate Range
High	High	10-15%
High	Low	15-22.5%
Medium	High	15-20%
Medium	Low	20-30%

Note: Rules on promotional deductions should be viewed as more accommodating near the top of the tax rate range and less accommodating near the bottom.

**KEY INSIGHTS FROM CASE STUDIES AND REAL-WORLD IMPACTS.** Illinois and New York provide cautionary tales of aggressive tax policies. Illinois saw a significant drop in gaming demand and investment due to its high progressive tax rate, while New York’s 51% GGR tax rate appears to stifle promotional spending, dampening long-term market growth. These examples, explored further on [slides 12-15](#), emphasize the need for balanced tax structures.

**KEY INSIGHTS FROM OUR SCENARIO MODELING.** Our scenario modeling, set out on [slides 17-19](#), reveals potential unintended consequences of overly aggressive tax rates. High tax rates reduce operator profitability and risk a major change in market equilibrium through reduced marketing spending and firm exits. Progressive taxes should consider the marginal impact on the largest operators to understand how they might exacerbate operational strain, limiting both operator profits and government revenue over the long term.

# §1. Principles Of Good Tax Policy

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## Key Principles Of Good Tax Policy

**Key Takeaway:** In almost every market, the taxation of gambling industries is notably distinct from the rest of the economy. In addition, policies between markets are also quite different, either reflecting a difference in policy goals, a difference in market circumstances, or both. This report is structured to provide broad recommendations on how to approach taxation in sport betting by using both theoretical ideas and practical experience.

We begin with a few basic principles that can guide the design and evaluation of any tax system. By adhering to these principles, policymakers can create a tax system that is well suited to a variety of policy goals.

### Equity

Taxes are distributed fairly; those with equal ability to pay owe the same

### Efficiency

Minimize economic distortions and keep tax systems simple and inexpensive to administer

### Certainty

Provide clear and predictable tax laws so taxpayers know their obligation

### Convenience

Make tax payments easy and timely for taxpayers

### Revenue Sufficiency

Generates enough revenue to meet government needs without excessive burden on taxpayers

## A Brief Overview Of Common Tax Concepts And How They Intersect With Sports Betting

**Key Takeaway:** Economic tax theory largely focuses on the question of efficiency in the application of tax policy. It provides a framework for understanding the likely effects of tax structures. While there are no hard rules that determine the right path for tax policy in all situations, decisionmakers should understand the trade-offs and second-order effects that are associated with common tax structures.

### Lump-Sum Taxes

A lump-sum tax is considered optimal from an efficiency standpoint. It is a fixed amount of tax that every individual or entity must pay, regardless of their income, consumption, or wealth (e.g., a one-time sports betting license fee).

Unlike other types of taxes, which are based on economic activity or personal financial status (e.g., a sales tax or income tax), a lump-sum tax does not vary with the taxpayer's economic behavior.

### Business Taxes

In raising public revenue, governments must consider how much their taxes on products will distort consumption from their ideal distribution without taxes.

For example, if sports betting has a positive effect on live sports viewership, a high tax rate on sports betting would not only distort demand for wagering but it would also distort demand for sporting event viewership. Similarly, a high tax on regulated sports betting may increase demand for unregulated betting.

### Sin Taxes

Sin taxes aim to reduce consumption of potentially harmful goods. In doing so, they can improve health outcomes and generate public revenue.

Policymakers must be cautious that if a sin tax is too high, it could drive sports betting activities underground or to unregulated markets. Likewise, while sin taxes applied to other products like tobacco might be universally good in reducing harm, most individuals consume gambling without harmful effects and therefore sin taxes in betting may be poorly targeted.

### Market Formalization

Market formalization refers to guiding economic activity toward regulated and legal markets, ensuring compliance, protecting consumers, and maximizing government revenue.

Competitive tax rates are essential to market formalization. If taxes are too high, businesses and consumers may be tempted to operate in unregulated markets. Governments should work with businesses to ensure that legal products and services are competitive in terms of quality, price, and availability.

## §2. Understanding Progressive Taxes Vs. Flat Taxes

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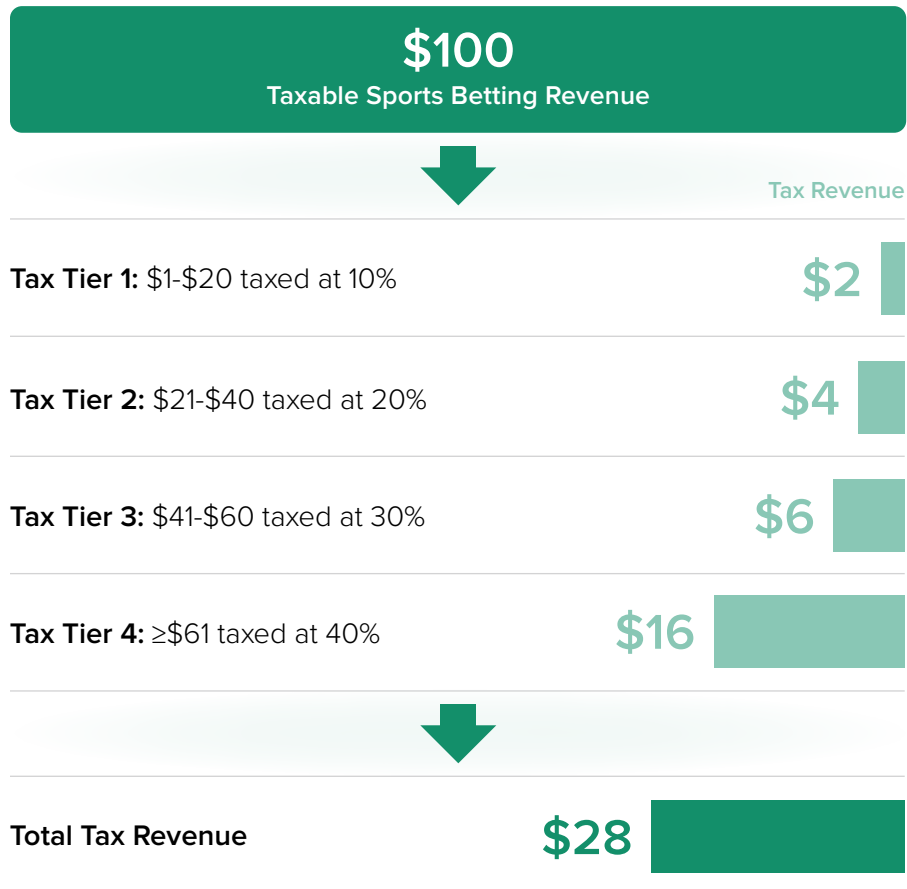




### Progressive Taxes And Flat Taxes: How They Work

**Key Takeaway:** Progressive business taxes are structured so that the tax rate increases with the level of a corporation’s income or profits, typically in one or more threshold tiers. The primary goal is to shift the relative contribution toward a potentially greater ability to pay. However, progressive corporate taxes tend to be more complex and can create economic distortions, prompting businesses to engage in tax avoidance strategies or restructure their operations to minimize tax liabilities. Both are used in sports betting markets, but flat taxes are more common.

#### Progressive Tax Illustration



#### Flat Tax Illustration



Source: Eilers & Krejcik Gaming Research

## Progressive Taxes And Flat Taxes: Advantages Vs. Disadvantages

**Key Takeaway:** Although flat taxes tend to be more popular, both progressive and flat taxes—as mentioned on the previous slide—are regularly used in sports betting markets. There are trade-offs to both designs, and the trade-offs become more pronounced as the size of the incremental rates in a progressive tax become larger.

### Progressive Tax

#### Advantages

- Promotes more even competition among operators by taxing more profitable companies at higher rates—this can help reduce the concentration of market power and support smaller businesses.

#### Disadvantages

- More complex leading to higher compliance costs for businesses and administrative costs for tax authorities.
- High marginal tax rates might discourage businesses from expanding or investing more.
- Can create distorted incentives, prompting businesses to engage in tax avoidance strategies or restructure their operations to minimize tax liabilities.

### Flat Tax

#### Advantages

- Minimize distortions in business decisions, encouraging companies to focus on growth and efficiency.
- Enhance the attractiveness of a jurisdiction by providing a clear and stable tax environment, supporting more investment and economic activity.

#### Disadvantages

- Can lead to more concentrated market power among a small number of operators.
- Is unlikely to maximize public revenue in a sports betting market.

# §3. Case Studies: How Tax Policy Has Impacted The Gaming Industry

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## Rationale For Case Study Selection

**Key Takeaway:** There are very few exact cases of what we'd like to examine, i.e., a U.S. state altering its sports betting tax rate after legalization and launch. By expanding our search to similar, but not identical products and/or tax policies, we identify three relevant case studies and evaluate the downstream impacts that a change in tax policy may have on relevant stakeholders, including operators, consumers, and state governments.

Number	State	Case Study Core Concepts
1	Illinois	<ul style="list-style-type: none"><li>• Year: 2003</li><li>• Industry / Product: Land-based casino</li><li>• Effective tax rate increased (under progressive scheme)</li></ul>
2	New York	<ul style="list-style-type: none"><li>• Year: 2022-present</li><li>• Industry / Product: Online sports betting</li><li>• Flat tax rate set much higher than neighboring states</li></ul>
3	Ohio	<ul style="list-style-type: none"><li>• Year: 2023-present</li><li>• Industry / Product: Online sports betting</li><li>• Flat tax rate increased 6 months into operational betting</li></ul>

Source: Eilers & Krejcik Gaming Research

### Illinois Case Study: How Tax Rate Increases Negatively Impacted Market Performance

**Key Takeaway:** Lawmakers’ decision to increase land-based casino operators’ tax burden has been found to have negatively impacted multiple measures of the Illinois casino market performance, and positively impacted the casino market in Indiana, a neighboring state.

#### Illinois Casino Tax Structure, Pre- And Post-2003 Restructuring

Pre-2003 Restructuring		Post-2003 Restructuring	
Tax Rate	AGR Range	Tax Rate	AGR Range
15%	≤ \$25mm	15%	≤ \$25mm
22.50%	\$25mm - \$50mm	27.50%	\$25mm - \$37.5mm
27.50%	\$50mm - \$75mm	32.50%	\$37.5mm - \$50mm
32.50%	\$75mm - \$100mm	37.50%	\$50mm - \$75mm
37.50%	\$100mm - \$150mm	45%	\$75mm - \$100mm
45%	\$150mm - \$200mm	50%	\$100mm - \$250mm
50%	> \$200mm	70%	> \$250mm

As illustrated above, multiple changes to the tax structure worked to increase tax obligations for casino operators at most AGR\* levels.

#### Key Takeaways

**Demand for Illinois casino gaming declined.** Per Algren, et. al (2009), Illinois slot handle statistically significantly declined in the wake of restructuring—to the tune of \$136mm.

**Operators pulled back on promotional spending.** Algren, et. al (2013) found that, post-restructuring, a casino operator reduced promotional spending by \$920k. Researchers hypothesized that, at a high enough tax rate, additional revenue may not net the casino enough money to cover the costs of earning that additional revenue, and it thus may reduce efforts to attract customers.

**Illinois casino economic development contracted.** Shortly after the restructuring was signed into law, two major casino operators [publicly cancelled](#) plans to bid for or build additional properties in the state, specifically citing the tax policy change.

**Indiana casinos benefitted.** Algren, et. al (2011) found that slot handle at Indiana casinos close to the Illinois border *increased* by \$26mm. In other words, restructuring, via its impact on operator behavior (e.g., reduced promo spend), may have prompted some customers to take their business to Indiana.

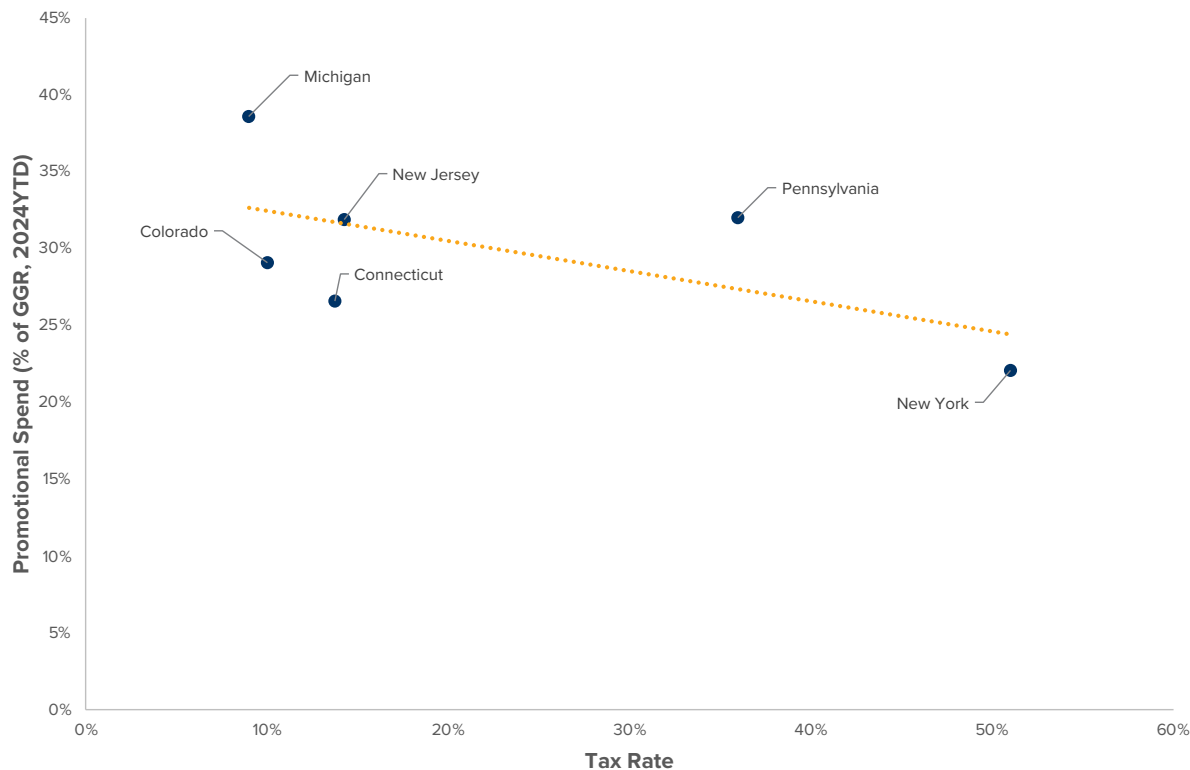
Source: Illinois Legislature / Eilers & Krejcik Gaming

\*Illinois [law](#) defines AGR, or adjusted gross revenue, as gross receipts less winnings paid to wagerers

### New York Case Study: How A High Tax Rate Appears To Limit Promotional Spending

**Key Takeaway:** New York online sports betting (OSB) operator promotional spend is materially and consistently lower than neighboring and comparable New Jersey; we suspect that New York’s high OSB tax rate of 51% GGR may be a contributing factor. More broadly, we note a negative correlation between a state’s OSB tax rate and statewide operator promotional spend.

OSB Tax Rates And Promotional Spend In Select U.S. States, 2024 Year-To-Date



Note: Tax rates reflect a variety of regulatory environments (e.g., New Jersey taxes GGR, Michigan taxes NGR) and, as such, represent top-line tax rates, rather than effective rates.

#### Key Takeaways

**New York OSB operators materially underspend on promos relative to New Jersey.** New Jersey has a few more operators, and freer entry/exit, but the markets are otherwise similar. Promo spend-to-GGR ratios in New York have averaged around 23% from 2022-present, while ratios in New Jersey have averaged 37%.

**Higher tax rates are generally correlated with lower levels of promo spend.** At left, we plot several states’ promo spend ratio and tax rate pairings, and a rough trend emerges: higher promo spend is generally present in lower tax environments, and vice versa. Per our Illinois case study, and recent earnings [calls](#), we suspect that higher tax burdens may prompt operators to reduce promo spending, all else equal.

**More study on this relationship is needed.** Many other factors, including number of operators, operator size, and operator strategy, also drive promo spend. As such, these results should be treated as one potential view of the downstream impact of New York’s 51% GGR tax rate, rather than a definitive causal analysis.

Source: State Regulators and Legislatures / Eilers & Krejcik Gaming

### Ohio Case Study: How A Recent Tax Increase Has So Far Affected Promotional Spending

**Key Takeaway:** Top online sports betting (OSB) operator promotional spend has declined more slowly in Ohio than a selection of comparable markets, even with Ohio’s tax rate [doubling](#) in 2023 from 10% GGR to 20% GGR. This result, compared to the more apparent negative impacts of tax structures in our first two studies, underscores the nuanced relationship between market conditions (e.g., tax structure, number of operators, market size) and market outcomes (e.g., marketing spend, operator revenue, resulting tax revenue).

#### Ohio OSB Promotional Spend, Pre- And Post-2023 Tax Increase

Operator	OH Avg. monthly promo spend after tax increase	OH Avg. monthly promo spend before tax increase	OH After increase spend / before tax increase spend	AZ	KS	MD
BetMGM	\$2.5mm	\$3.5mm	69%	70%	48%	46%
Caesars	\$464k	\$628k	74%	34%	71%	44%
DraftKings	\$9.1mm	\$8.4mm	108%	55%	99%	61%
FanDuel	\$8.5mm	\$9.2mm	92%	115%	75%	47%
Group Avg.	\$20.5mm	\$21.8mm	94%	69%	77%	51%

*Note 1:* In all markets shown, BetMGM, Caesars, DraftKings, and FanDuel have combined OSB GGR share of greater than 75% in the trailing 12-month period through July 2024.

*Note 2:* In Arizona and Maryland, promo spending is not fully reported, so the data is not directly comparable to data from Ohio and Kansas, where promo reporting is comprehensive.

#### Key Takeaways

**Post-tax change, Ohio operators pulled back slightly on promo spend.** After the tax change, major Ohio operators spent 94% of their pre-tax-change monthly average, indicating a small decline in spending.

**The same operators in control states pulled back even more.** To contextualize Ohio, we tracked the same operators’ spend in the same period (months after launch) in a few states that didn’t experience a tax change. Operators in this group spent much less in the post-period—51% - 77% of their pre-period monthly averages.

**Ohio promo spend’s relative resilience could have several explanations.** It’s possible that 20% GGR is low enough for Ohio operators to absorb the increase, but other factors may also contribute to operators keeping spend up (market size, competitiveness). Operators could also have cut back on expenses we are not tracking (e.g., advertising).

Source: State Regulators and Legislatures / Eilers & Krejcik Gaming

# §4. Tax Scenario Analysis

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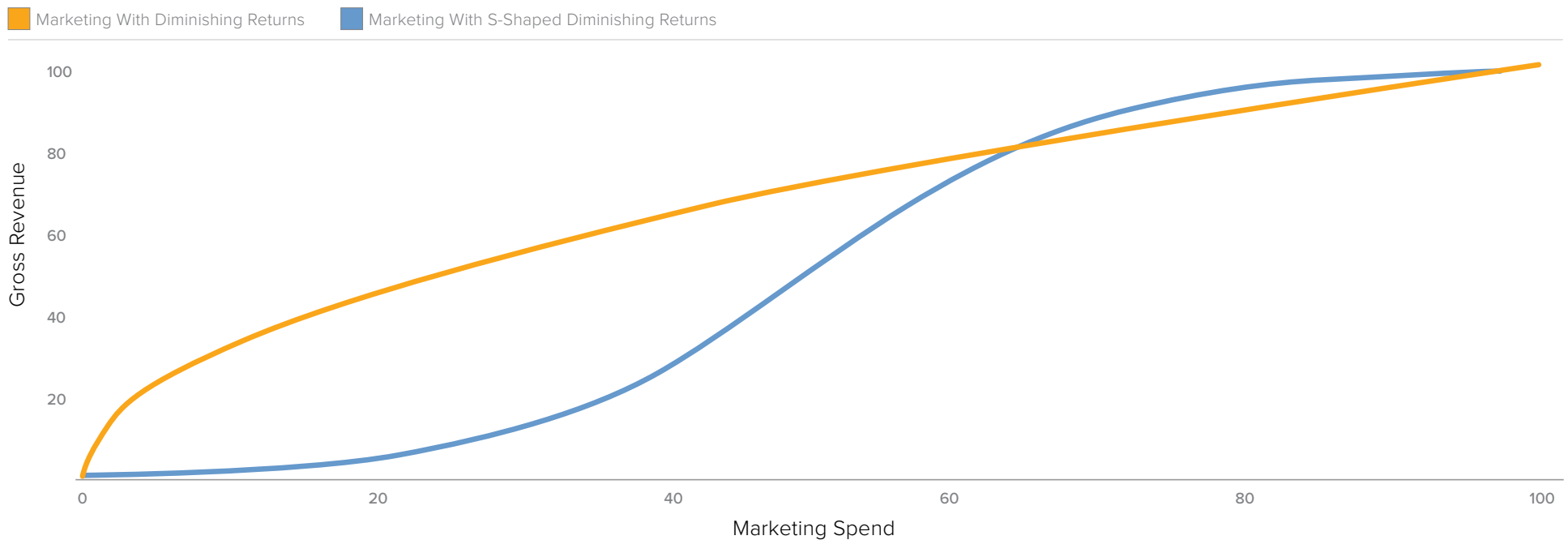
### Responses To Changes In Tax Policy Can Have Non-Linear Effects On The Market

**Key Takeaway:** Changes in tax rates can alter unit economics and competitive dynamics, influencing how much firms invest in marketing and customer acquisition efforts. We simulated different tax scenarios to provide general insight into how different tax structures could impact operators and public revenue in the sports betting market. Through multiple scenarios shown on subsequent slides and our accompanying report, our analysis highlights the delicate relationship between tax policy, marketing spend, and operator profitability.

The figure below depicts two generic views of how demand responds to marketing: with diminishing returns or more of an S-shaped return.

**What is unknown and depends on the curve: where the slope is steepest.** This matters as a large impact on gross revenue can occur from a small change in marketing spend along that steep part of the curve.

#### Conceptual Illustration Of Marketing Elasticities



Source: Eilers & Krejcik Gaming Research

### Moderate Flat Tax Scenario Analysis

**Key Takeaway:** Using background research on financial performance and market shares in real markets, we analyzed a hypothetical market of 10 operators and \$1bn in GGR. In our 20% flat tax scenario, shown below, all firms have modest operating margins, with firm 1 showing the highest rate of profitability and firms 2-4 showing lower margins. This difference likely reflects short-run competitive effects to spend on customer acquisition, which we observe in the marketplace today. In this scenario, we estimate roughly \$116mm in industry gross income less sales and marketing and \$200mm in tax revenue.

#### Gross Income Less Sales And Marketing Estimates In Moderate Flat Tax Scenario

*(Dollar Values In 000s)*

	Firm 1	Firm 2	Firm 3	Firm 4	Firm 5	Firm 6	Firm 7	Firm 8	Firm 9	Firm 10
Tax Rate	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
New Cost of Revenue (Tax and Non-Tax)	56%	61%	63%	64%	65%	66%	67%	68%	69%	70%
Revised Sales and Marketing	26%	33%	33%	28%	25%	23%	20%	20%	20%	20%
Marketing Elasticity of Demand	0.30	0.35	0.45	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Change in Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Revenue	\$410,000	\$330,000	\$80,000	\$50,000	\$30,000	\$30,000	\$20,000	\$20,000	\$20,000	\$10,000
New Margin (After Cost of Revenue + Sales and Marketing)	18%	6%	4%	8%	10%	11%	13%	12%	11%	10%
<b>Gross Income Less Sales and Marketing</b>	<b>\$74,145</b>	<b>\$20,013</b>	<b>\$3,200</b>	<b>\$4,000</b>	<b>\$3,000</b>	<b>\$3,396</b>	<b>\$2,600</b>	<b>\$2,400</b>	<b>\$2,200</b>	<b>\$1,000</b>
<b>Tax Revenue</b>	<b>\$82,000</b>	<b>\$66,000</b>	<b>\$16,000</b>	<b>\$10,000</b>	<b>\$6,000</b>	<b>\$6,000</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$2,000</b>

<b>Total Industry Gross Income Less Sales and Marketing</b>	<b>\$115,953</b>
<b>Total Public Tax Revenue</b>	<b>\$200,000</b>

Source: Eilers & Krejcik Gaming Research And Estimates

### Two-Tier Progressive Tax With Larger Marketing Effects Scenario Analysis

**Key Takeaway:** We modeled a two-tier tax that initially leads to effective average tax rates of 45% for operators 1 and 2, 40%, for operator 3, 35% for operator 4, and 20% for all other operators. This scenario produces volatile market-size effects depending on assumptions about the operator response. With moderate assumption about the demand change from marketing cost reductions, we can produce large changes in estimated market size. Under our assumptions below, we estimate industry gross income less sales and marketing falls ~45% to \$64mm in this scenario, and tax revenue falls 2% to \$196mm. The higher tax rate cannot offset the shrinking market size from changes in marketing spend by large firms.

#### Gross Income Less Sales And Marketing Estimates In Two-Tier Progressive Tax Scenario With Larger Marketing Effects

(Dollar Values In 000s)

	Firm 1	Firm 2	Firm 3	Firm 4	Firm 5	Firm 6	Firm 7	Firm 8	Firm 9	Firm 10
Tax Rate (Initial Target)	45%	45%	40%	35%	20%	20%	20%	20%	20%	20%
New Cost of Revenue (Tax and Non-Tax)	81%	86%	83%	79%	65%	66%	67%	68%	69%	70%
Revised Sales and Marketing	9%	4%	7%	11%	10%	9%	8%	7%	6%	5%
Marketing Elasticity of Demand	0.60	0.70	0.90	1.00	0.50	0.50	0.50	0.50	0.50	0.50
Change in Revenue	-\$160,846	-\$203,000	-\$56,727	-\$30,357	-\$9,000	-\$9,130	-\$6,000	-\$6,500	-\$7,000	-\$3,750
New Revenue	\$249,154	\$127,000	\$23,273	\$19,643	\$21,000	\$20,870	\$14,000	\$13,500	\$13,000	\$6,250
<b>Adjusted Tax Rate (After Change in Revenue)</b>	<b>45%</b>	<b>45%</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>
New Margin (After Cost of Revenue + Sales and Marketing)	10%	10%	10%	10%	25%	25%	25%	25%	25%	25%
<b>Gross Income Less Sales and Marketing</b>	<b>\$25,125</b>	<b>\$12,782</b>	<b>\$2,327</b>	<b>\$1,964</b>	<b>\$5,250</b>	<b>\$5,284</b>	<b>\$3,500</b>	<b>\$3,375</b>	<b>\$3,250</b>	<b>\$1,563</b>
<b>Tax Revenue</b>	<b>\$112,119</b>	<b>\$57,150</b>	<b>\$4,655</b>	<b>\$3,929</b>	<b>\$4,200</b>	<b>\$4,174</b>	<b>\$2,800</b>	<b>\$2,700</b>	<b>\$2,600</b>	<b>\$1,250</b>

<b>Total Industry Gross Income Less Sales and Marketing</b>	<b>\$64,420</b>
<b>Total Public Tax Revenue</b>	<b>\$195,576</b>

Source: Eilers & Krejcik Gaming Research And Estimates

# §5. Recommendations And Conclusions

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## A “Reasonable” Framework For Sports Betting Tax Policy In The U.S.

**Key Takeaway:** We view a “reasonable” tax policy as one that fulfills the three criteria below that balance the interests of government, consumers, and industry. This approach tends to produce public revenue, economic activity, and a product that can compete effectively with nearby or offshore markets. Public acceptance is crucial for the legitimacy and sustainability of the tax system.

1

Tax rates should generate sufficient revenue for the government to fund public services and provide regulatory oversight.

2

Tax rates should be low enough to allow the sports betting industry to viably operate. The rates should be competitive with other jurisdictions to prevent businesses from relocating to or focusing development efforts on areas with lower taxes.

3

The tax structure should be equitable, ensuring that the burden is shared appropriately among operators while considering their ability to pay and future competitive dynamics.

## Eilers & Krejcik Consensus “Reasonable” Tax Rates

**Key Takeaway:** Below, we present our broad view of reasonable tax rates that are unlikely to risk a major unintended consequence. We provide our rates alongside two qualitative measures, License Availability and Regulatory Requirements, which we view as meaningfully impacting the level of competition and the potential profit margins respectively.

### Eilers & Krejcik Consensus “Reasonable” Tax Rates

License Availability	Regulatory Requirements	Corresponding Tax Rate Range
High	High	<b>10-15%</b>
High	Low	<b>15-22.5%</b>
Medium	High	<b>15-20%</b>
Medium	Low	<b>20-30%</b>

**Note:** Rules on promotional deductions should be viewed as more accommodating near the top of the tax rate range and less accommodating near the bottom.

### Description Of Qualitative Measures

**High License Availability:** Governments issue many or unlimited licenses for sports betting platforms. This creates a highly competitive market with low entry barriers, fostering diversity, innovation, and greater consumer choice. However, it may require a strong regulatory system to ensure compliance and protect consumers.

**Medium License Availability:** Government limits the number of licenses to keep the regulatory process manageable. This approach balances competition with effective regulatory control. Operators face moderate entry barriers, and the market remains competitive but not oversaturated, supporting profitability and consumer protection through regulatory oversight.

**High Regulatory Requirements:** Strict rules on operators, including comprehensive consumer protections, rigorous financial audits, strict advertising guidelines, and robust anti-money laundering protocols. Compliance can be costly and may limit operational scope, impacting the consumer experience.

**Low Regulatory Requirements:** Minimal oversight and few compliance obligations for operators. Regulations focus on basic licensing criteria and essential consumer protections but place fewer restrictions on operational practices. This reduces compliance costs and encourages market entry and innovation but may increase risks of unethical practices, reduced consumer protection, and market instability.

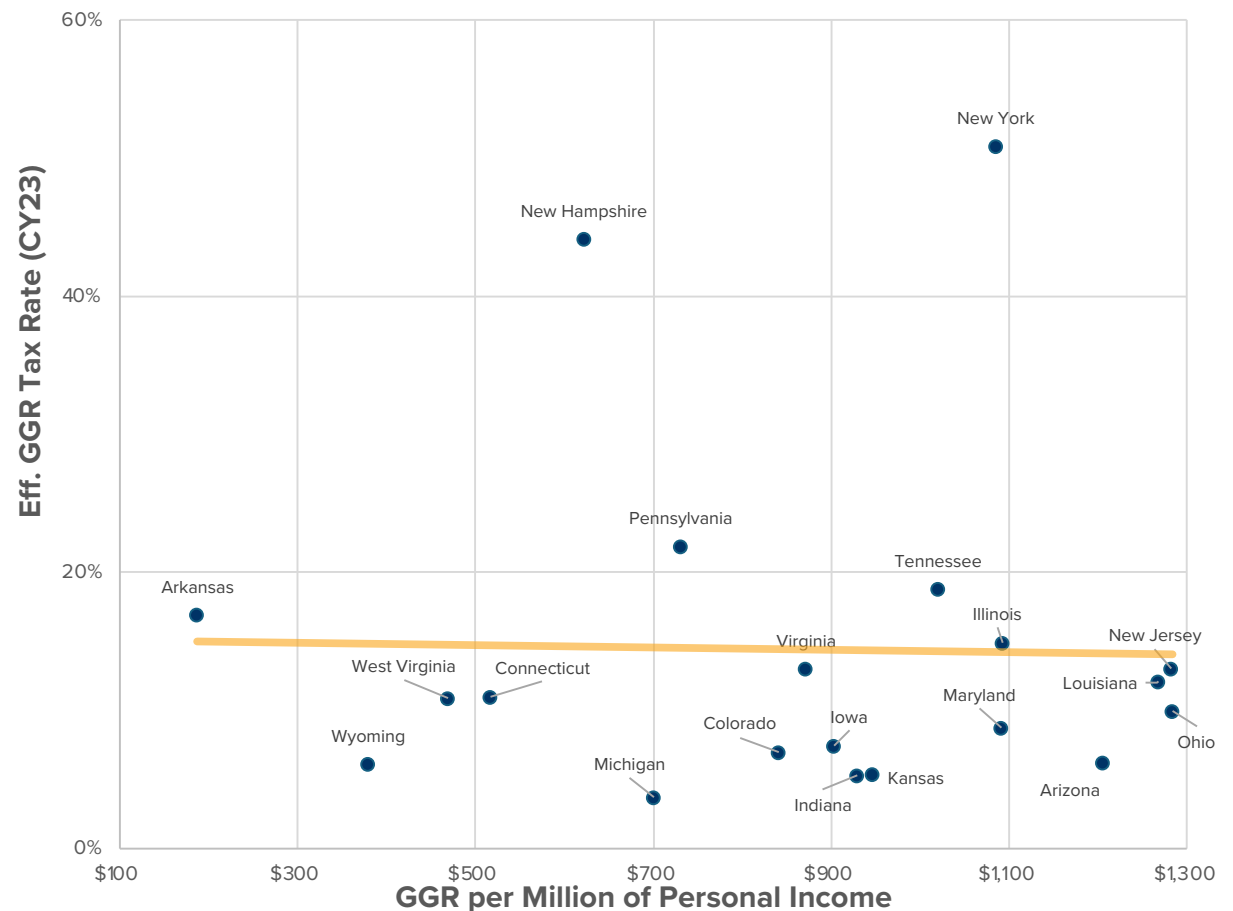
Source: Eilers & Krejcik Gaming Research And Estimates

### Key Caveats To Our Analysis

- Markets are idiosyncratic and no single rule of thumb or summary table can fully inform tax policy in any jurisdiction.** That said, our “reasonable” tax rate ranges tend to be implemented in well-functioning markets. While there are exceptions to the range that maintains strong and orderly markets (see, e.g., New York in the chart at right), we expect that rates that go beyond our “reasonable” ranges do risk some of the breakdowns that we observed in our case studies and modeling analysis.
- Implicit in our figures are current norms around promotional allowances, which vary widely from state to state.** Promotional credits represent non-cash transactions that do not generate direct revenue for gaming operators—and taxing GGR without allowing deductions for these promotional expenses will distort the true cost to operators. For instance, a 20% tax on GGR translates to a 25% tax on net gaming revenue assuming promotional spending is one fifth of GGR, which is roughly what we observe in mature markets. Jurisdictions with more accommodating rules on promotional deductions should be viewed as near the top of our tax rate range and non-accommodating jurisdictions should be viewed as near the bottom.

### U.S. Online Sports Betting States: Effective Tax Rates Vs. GGR Per Million Of State Personal Income

**Key Takeaway (Chart):** Across the group of states near or within our suggested ranges, there appears to be little sensitivity of market size (adjusted for state economy size) to the effective tax rate, which increases our confidence that rates within these bands will limit the risk of a policy error. We stress, however, that our “reasonable” tax rate ranges remain rough guidelines.



Source: Eilers & Krejcik Gaming Research And Estimates



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