April 30, 2026

The Honorable Michael Selig
Chairman
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st NW
Washington, DC 20581

RE: Public Comment to Advanced Notice of Proposed Rulemaking Regarding Prediction Markets (RIN 3038-AF65)

Dear Chairman Selig,

We are the unions that represent the athletes in major professional team sports played in the United States: the National Football League Players Association (NFLPA), the Major League Baseball Players Association (MLBPA), the National Basketball Players Association (NBPA), the National Hockey League Players' Association (NHLPA), and the Major League Soccer Players Association (MLSPA) (collectively, the "Players Associations").

The legalization and proliferation of sports wagering has not been without significant downsides to the very athletes that make professional sports so compelling. Among other things, our members and their families have been subject to increased levels of threatening and harassing behavior from gamblers. These bad actors express their vitriol both in-person and online through social media and other channels. No one should be subject to this sort of behavior just for showing up to work and performing their jobs, and the willingness of gamblers to direct their harassment at players' family members, including children, is extremely troubling to say the least.

Maintaining the safety and security of our athletes and their families is of paramount importance to our organizations and is critical to maintaining the integrity of professional sports. That is why we have been working with the states to ensure that their sports wagering regulatory regimes include appropriate protections and procedures to deal with the increased risks facing our members. In Massachusetts, Missouri, Virginia, and Illinois, we have successfully fought for the enactment of key provisions that involve protecting athlete safety, protecting athletes' biometric data, and ensuring full due process rights in sports betting conduct investigations.[1]

[1] Player protections enacted on the state level include: In Massachusetts - a prohibition on 'negative' bets (C.23n, §3), the right to petition to prohibit additional types of bets (C.23n, §11), a prohibition on the use or purchase of biometric data for making wagers (C.23n, §4), and disclosure of investigation requirements for players (C.23n, §11). In Missouri - the right to petition to prohibit additional types of bets (11 CSR 45-20.350), and a prohibition on personal biometric data use without permission (11 CSR 45-20.370). In Illinois and Virginia - a prohibition on using personal biometric data without permission (Section 25-80); (§ 58.1-4030).

As you know, the CFTC does not currently have a regulatory regime like those run by the state gambling authorities.[2] The individuals targeting our members, however, do not distinguish between state-regulated wagers and contracts offered on prediction markets. From their point of view, a bet is a bet regardless of where it is placed. Therefore, we believe it is essential that, should the CFTC allow for continued offering of sports-related contracts, it implements appropriate regulations that protect professional athletes and their families akin to those in place under the state regulatory regimes. The failure to do so not only increases the risks facing our members, but also provides more latitude to those seeking to manipulate sporting events. Accordingly, we urge you to consider the following safeguards in any rulemaking process.

I. Protect Athlete Safety

It should come as no surprise that our first priority is to ensure the safety of our members and their families. Our attention to this area has only become more focused since sports betting has been legalized in states across the country. Even with our efforts, there are still many instances where fans blame a lost bet on players and resort to abusive and harassing behavior. Indeed, multiple players have spoken out about this harassment and how it affects them and their loved ones, including the negative impact to their mental health.[3]

To address these concerns, we believe any prediction market rulemaking that allows for the continued offering of sports-related contracts should, at a minimum, include:

1. A prohibition on contracts based on a "negative" outcome or that can be manipulated by a single individual. This would include contracts based on so-called "under" bets or on whether an athlete is injured or penalized. It would also include "mention contracts" dependent on whether specific words or phrases, such as "concussion," are spoken during live event broadcasts (which is just another way of betting on a negative outcome).

2. Establishment of a transparent and easy process to petition the CFTC to disallow and remove prohibited (like the negative outcome contracts noted above) or otherwise problematic contracts.

3. The creation of a transparent list of bad actors who are prohibited from participating in event contracts. Such a list can also serve as a basis for restricting game attendance.

4. Requiring all sporting venues to enact and enforce specific fan conduct policies that prohibit prediction market-related harassment with significant penalties for violators (including but not limited to ejection and loss of future ticket privileges).

II. Ensure Full Due Process Rights in Investigations into Event Contract Manipulation

The CFTC Division of Market Oversight (DMO) Staff guidance released on March 12, 2026, emphasized the importance of Designated Contract Markets (DCMs), the CFTC, and the relevant sports leagues working together to promote settlement integrity and enhance oversight of sports-related event contracts. Specifically, DMO staff recommended that DCMs engage with leagues during contract development, align contract terms

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[2] The Players Associations are not, via this letter, taking any position on the legality or appropriateness of the CFTC's basis to potentially regulate prediction markets through the rulemaking process. Accordingly, these comments are submitted solely to stress the importance of securing adequate protections for the members we represent.

[3] Jane, Sam. "How Sports Betting Is Affecting NFL, NBA, MLB and NHL Players - The Athletic." *How Sports Betting Is Affecting NFL, NBA, MLB and NHL Players*, 14 Nov. 2025; S Sherman, Alex. "Sports Gambling Affects Athletes Mentally, Says NBA Star Carmelo Anthony." *CNBC Television*, 23 Oct. 2025.

with league integrity standards, establish information-sharing arrangements with integrity monitoring organizations, rely on official league data for settlement, and cooperate with league-led investigations into potential manipulation or insider trading.[4]

While these recommendations may strengthen market integrity, they do not necessarily safeguard the due process rights of athletes who may be subject to aforementioned investigations. If the leagues are being encouraged and/or required to share information regarding potential misconduct with the CFTC and DCMs, any affected athletes and their Players Association representatives should receive the same information at the same time.

Due process is a fundamental principle of the American legal system and should be preserved in any investigation conducted by the CFTC, DCMs, or affiliated integrity partners. Providing for information sharing between leagues and regulators while excluding athletes that may be the subject of resulting investigations risks undermining this principle. Accordingly, any framework designed to enhance cooperation and oversight should also require transparency and notice to impacted athletes and their representatives.

III. Protect Athletes' Personal Health Information and Performance Data

The proliferation of sports betting and prediction markets has increased the demand for non-public information and data relating to athletes' health and performance. Whether relating to injuries or illnesses, performance metrics, or advanced forms of biometric data and analyses, these categories of private information are uniquely personal to athletes. The CFTC should therefore ban the unauthorized use of such information in connection with those entities and activities that may fall under its jurisdiction. The failure to implement such protections would open the door to fundamental invasions of privacy.

We view the availability of sport-related event contracts on prediction markets as a crucial matter and appreciate the Commission providing the opportunity for us to contribute our comments. We are ready and willing to assist the Commission towards strengthening athlete safety and rights in the context of prediction markets. Thank you.

[4] https://www.cftc.gov/PressRoom/PressReleases/9193-26.