



Responsible Gaming in the United States of America:

THE RENO MODEL

By Hugo Luz dos Santos

I-Introduction:

The Reno Model approach to deal with problem gambling

“A strategic framework should guide stakeholders to develop socially responsible policies that are founded on sound empirical evidence rather than those that emerge solely in response to anecdotally based socio-political influences. Such a framework for action can promote public health and welfare through a range of prevention efforts that differentially target vulnerable community members and sectors; simultaneously, this framework [Reno Model] also allows the gambling industry to deliver its recreational product in commercial markets that permit such activity. Within these markets, socially responsible regulatory efforts that oversee gambling activities must demonstrate a likelihood of effectiveness for targeted groups and an awareness of the potential for regulations to cause unintended negative effects among those targeted and for the broader population of harm-free responsible recreational gamblers”¹.

Thus, this article, closely following the Reno Model, describes a strategic framework that sets out principles to guide industry operators, health service and other welfare providers, interested community groups, consumers and governments and their related agencies in the adoption and implementation of responsible gambling and harm minimization.

II-Background Section:

The Science-Based Framework for Responsible Gambling: The Reno Model

Having the above mentioned concerns very firmly in mind, gaming jurisdictions around the world are engaging in a discourse among policymakers, regulators, operators, and the general public in an effort to address the needs of those gambling problems.

Some of these policies under consideration are “*walls-inward*” policies designed to help gamblers inside of gaming locations, and some of these policies are “*walls-outward*” policies designed to help

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those in communities². For instance, the Canadian Government, namely the Nova Scotia province, has adopted the latter³.

The Reno Model has been constructed under two key principles underpinning responsible gaming: 1) *choice and informed choice* and 2) *harm minimization*.

As argued by the scholars who have shaped the Reno Model, any responsible gambling program rests upon two fundamental principles: 1) the ultimate decision to gamble resides with the individual and represents a *choice*, and 2) to properly make this decision, individuals must have the opportunity to be *informed*. In addition to viewing gambling as a choice, responsible gambling also rests upon the principle of informed choice. This concept, being a fundamental principle of human rights policies, is a key principle for the Reno Model. Hence, participation—or the choice not to participate—in gambling is determined by a sequence of decisions made by an individual with access to relevant information; this information provides the foundation upon which people form opinions and make choices. Informed choice assures that individuals will retain the ability to decide whether and how they intend to gamble by providing them with information that is accurate and not misleading. Informed choice should be based on providing relevant, empirically-based information to help the players to make the decision⁴.

Furthermore, harm minimization, the other key principle underpinning responsible gaming in the Reno Model, means that governments have the final responsibility for maintaining a legislative and regulatory function over the conduct of gambling and the protection of vulnerable population segments from harm and exploitation. The perception that gambling can cause harm to gamblers and adversely impact society led to convergence of strong socio-political forces designed to reverse, restrict or moderate gambling activity in the community.

According to the Reno Model, from an industry perspective, the primary long-term objective of a responsible gambling framework is to prevent and reduce harm associated with gambling in general and excessive gambling in particular.

Because the gambling industry does not have the expertise or responsibility to diagnose or treat clinically individuals with gambling-related harms, the industry should be guided by the principle that it is their obligation to establish and support links with the qualified clinical services vested with the responsibility of providing clinical services⁵.

Consequently, research should be used as a tool to guide policy decision-making regardless of whether the research is advantageous to the industry or not. Only by confronting the reality of empirical data can the gambling industry develop and sustain long-term responsible gaming practices that assure harm minimization⁶.

III-Discussion: The Key Features of the Reno Model

Scholars who have carved out the Reno Model further asserted that to achieve a responsible policy toward identified gambling-related harm, key stakeholders should clarify their respective roles and promote strong collaborative links between industry, scientists, governments, health and welfare providers and interested community and consumer groups. In its pursuit of responsible gambling practices, the Reno Model urges the key stakeholders to collaborate and endorse the following five principles:

1. The key stakeholders will commit to reducing the incidence and ultimately the prevalence of gambling-related harms.
2. Working collaboratively, the key stakeholders will inform and evaluate public policy aimed at reducing the incidence of gambling-related harms.



3. Key stakeholders will collaboratively identify short and long-term priorities thereby establishing an action plan to address these priorities with a recognized time frame.
4. Key stakeholders will use *scientific research* to guide the development of public policies. In addition, the gambling industry will use the Reno Model as a guide to the development of industry-based strategic policies that will reduce the incidence and prevalence of gambling-related harms.
5. Once established, the action plan to reduce the incidence and prevalence of gambling-related harms will be monitored and evaluated using methods⁷.

IV-Assessment of the Reno Model

The core of the proposal of the Reno Model rests upon the voluntary nature of the problem gambling policy.

For that reason, the Reno Model further asserts, unjustified intrusion is likely not the way to promote responsible gambling. For example, player reactions to time limits forced on their gaming session might increase their problem gambling behaviours. Responsible gambling is best achieved at the direction of the player by using all the information available⁸.

The roots of the success of the Reno Model are deeply enshrined in a rather understandable reason: the issue of problem gambling ought to be addressed in a voluntary way rather than a mandatory one. No problem gambling model whatsoever can override or disregard the adhesion of the problem gambler. The problem gambler's input is essential, rather than ancillary, for the success of any problem gambling policy.

No matter how perfectly shaped the problem gambling program may be, or even squarely aligned with public goals, if the problem gambler does not adhere to the program, its foundations will surely collapse, and everyone's time and efforts would be regrettably wasted. As a result, the problem gambling policy would not be more than a statement of good intentions.

Overall, the responsible gambling features shaped by the Reno Model meet both the interests of the problem gamblers (defending the problem gamblers from themselves) and the goals of the entire community as a whole, in that they provide an effective mechanism to prevent social harm.

As stated by the Supreme Court of United States of America and by the US doctrine, these goals should be, as they are in the Reno Model, a "minimal impairment test of the protected rights" and the "the least restrictive alternative"^{9/10} for the problem gamblers, and, thus, this model should be embraced in the United States of America. ♣



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¹ See, A. BLASZCZYNSKI/ R. LADOUCEUR/H. J. SHAFFER, "A science-based framework for responsible gambling: The Reno model", in: *Journal of Gambling Studies*, 20 (3), (2004), pp. 301-317, whose research we will follow very closely from this point onward.

² In this sense, in the US doctrine, BO J. BERNHARD/ANTHONY F. LUCAS/DONGSUK JANG/JUNGSUN KIM, *Responsible Gaming Device Research Report, University of Nevada, Las Vegas International Gaming Institute Responsible Gaming Device Research Report*, Las Vegas, (2006), p. 6.

³ In this sense, about the cutting-edge model of Nova Scotia, HUGO LUZ DOS SANTOS, "Responsible Gaming in Canada: The Nova Scotia Legal Framework as a model for the world?", in: *Canadian Gaming Lawyer*, Spring Issue, (2016), being published.

⁴ See, A. BLASZCZYNSKI/ R. LADOUCEUR/H. J. SHAFFER, *id.*, p. 312.

⁵ See, A. BLASZCZYNSKI/ R. LADOUCEUR/H. J. SHAFFER, *id.*, pp. 312-313, whose research we have been following very closely.

⁶ See, A. BLASZCZYNSKI/ R. LADOUCEUR/H. J. SHAFFER, *id.*, pp. 305-306.

⁷ See, A. BLASZCZYNSKI/ R. LADOUCEUR/H. J. SHAFFER, *id.*, pp. 307.

⁸ See, A. BLASZCZYNSKI/ R. LADOUCEUR/H. J. SHAFFER, *id.*, p. 312.

⁹ In this sense, very recently in the US doctrine, VICKI C. JACKSON, "Constitutional Law in a Age of Proportionality", in: *The Yale Law Journal*, Vol. 124: 3094, (2015), p. 3114, which we will very closely follow.

¹⁰ In the same sense, in the jurisprudence of the US *Supreme Federal Court of the USA (US Supreme Court)*, *Graham v. Florida*, 560 U.S. 48, 59 (2010) (the concept of proportionality is central to the Eight Amendment); *United States v. Alvarez*, 132 S. Ct 2537 (2012); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Solem v. Helm*, 463, U.S. 277, (1983); *Pervear v. Massachusetts*, 72 U.S. (5 Wall.) 475, 480 (1867) (suggesting that the Eight Amendment clauses as a whole prohibited punishments that were excessive, or cruel, or unusual); *O'Neil v. Vermont*, 144 U.S. 323, 331 (1892) (quoting a lower court opinion construing the Eight Amendment and in analogous state constitutional provision to ban "excessive", "oppressive". Or "unreasonably severe" punishments, but for other reasons rejecting and attack on a lengthy sentence imposing cumulative time on multiple counts).

