

Regulating gambling to prevent addiction: more necessary now than ever

Regular el juego para prevenir la adicción: hoy más necesario que nunca

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Abstract

The American Psychiatric Association published the 5th Edition of DSM in May 2013, in which the gambling disorder is included within the category of addictive disorders -a long-standing and recurrent demand from the clinical, social and scientific fields. Nevertheless, the harmful effects of gambling have not been considered by the Government, which is the main area of addiction prevention.

The present article is a proposal for the regulation of gambling by the Government through the different levels of the State (national, regional and even local), which has the ultimate goal of preventing gambling addiction. This proposal has been presented to the Chamber of Deputies of the Congress, as part of the Congress-Senate Joint Committee for the Study of Drug Problems. The proposed regulation is based on the evidence provided by scientific studies on the prevention of addiction.

Keywords: Gambling Addiction; Prevention; Gambling Regulation; Gambling Disorder; Responsible Gambling.

Resumen

En mayo de 2013 apareció la quinta edición de la clasificación de los trastornos mentales (DSM-5) de la American Psychiatric Association (APA, 2013), en la cual se incluye el trastorno de juego dentro de la categoría de trastornos adictivos, que es algo que era demandado desde hace décadas desde los ámbitos clínicos, sociales y científicos. El juego de azar, que según la propia APA tiene la misma consideración que las drogas o el alcohol en cuanto a la activación de los circuitos cerebrales de recompensa y a las consecuencias clínicas del trastorno del juego, no tiene, sin embargo, esa consideración desde el principal ámbito desde donde se debe llevar a cabo la prevención de la adicción, que es en los poderes públicos.

El trabajo que presentamos es una propuesta de regulación del juego para llevar a cabo desde la Administración mediante acciones de gobierno que competen a diferentes niveles de la misma (estatal, autonómico e incluso local), con el objetivo final de prevenir la adicción al juego. Dicha propuesta ha sido presentada tanto a la Dirección General de Ordenación del Juego como a la Cámara del Congreso de los Diputados, esta última en el marco de la Comisión Mixta Congreso-Senado para el Estudio del Problema de las Drogas. En este trabajo se defiende la propuesta de regulación desde la evidencia que proporcionan los estudios científicos en materia de prevención de las adicciones.

Palabras clave: Adicción al Juego; Prevención; Regulación del Juego; Trastorno de juego; Juego Responsable.

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The current state of play

The latest edition of the DSM-5 (APA 2013) included what had long been a recurrent demand, the recognition of pathological gambling as an addictive disorder, putting it into the same category as drug dependency, alcoholism or smoking (Petry, 2006a; Potenza, 2006). Something similar may occur with the case of addiction to on-line video games, a disorder the DSM-5 calls Internet Gaming Disorder and that is currently included in Section III of the manual (Carbonell, 2014).

Despite the fact that, as far as pathological gambling is concerned, there has been no significant conceptual change since the DSM-III-R (Chóliz, 2014a), the justification given by the APA for its definition of gaming disorder as an addictive disorder could not be more explicit, since *“gambling behaviors activate reward systems similar to those activated by drugs of abuse and produce some behavioral symptoms that appear comparable to those produced by the substance use disorders”* (APA, 2013, p. 481).

Currently, gambling as an economic and social activity is going through a period of rapid expansion in Spain (Jiménez-Murcia, Fernández-Aranda, Granero and Menchón, 2014), especially since the appearance and development of new forms of on-line gambling, something that is reflected in successive reports by the Directorate General for the Regulation of Gambling (DGOJ). In 2014, the Spanish spent €30,053,000 million on legal gambling activities, which is approximately 2.8% of GDP. Of that amount, some 23.4% (€7,032,000) was spent on new, online forms of gambling (DGOJ, 2015).

Despite the magnitude of the phenomenon and the evident implications gambling activity has on pathological gambling, prevention programs are scarce, partial and on many occasions lack adequate evaluation. There is, nevertheless, an extensive and objective scientific literature that analyzes the variables that have a greater prevalence in the emergence/appearance of problem gambling (Williams, West and Simpson, 20112).

Basic principles of gambling regulation

The need for gambling addiction prevention programs to be implemented by the Government of Spain is based on the following principles:

- Gambling is an activity that can have health risks since, despite personal differences in vulnerability (Clark, 2014; Lobo et al., 2014), and even genetic predisposition factors, both the structural characteristics of gambling (Parke and Griffiths, 2007) and the conditions in which it takes place (Williams, West and Simpson, 2012) are factors that can determine the development of gambling disorder among the population (Parke and Griffiths, 2007).
- A gambling disorder can have serious consequences both for the gambler and for their family; in an impor-

tant percentage of cases (approximately 25% of pathological gamblers) they commit illegal acts in order to obtain money to be able to continue gambling (Granero et al., 2014).

- As with any other health problem, and particularly in the case of addictive disorders, the most effective way of dealing with the problem is to implement prevention programs (Dickson-Gillespie, Rugle, Rosenthal and Fong, 2008) bearing in mind that:

a. Prevention programs must be carried out from different spheres, even though gambling policies (Government initiatives aimed at regulating gambling) have been shown to be the most effective ways of preventing excessive gambling (Williams, West and Simpson, 2012).

b. Once the disorder has developed, the person is incapable of controlling their gambling behavior, which is dominated by impulsiveness (Blanco et al., 2009), even when informed of the negative consequences of excessive gambling. Suitable external control is, therefore necessary, the most effective form of which are gambling policies.

c. The prevention of gambling addiction is incompatible with the promotion of excessive gambling (Williams, 2014), which makes regulating policies on the part of the Government even more necessary given that gambling, as an economic activity, bases its business model on a high level of consumption (Chóliz, 2014b). However, at the current time we find that it is difficult to legislate in gambling matters in such a way as to prevent disorders associated with it, in much the same way that it is difficult to legislate against alcohol and alcoholism (Rodríguez-Martos, 2007).

Despite all the aforementioned, the appearance of gambling disorders is a complex problem that also depends on other factors of vulnerability that must be borne in mind (Clarke, 2014), even though this is something that goes beyond the scope of this paper and corresponds to other sectors (education, health etc.) to develop prevention programs that address the different variables (biological, psychological etc.).

Gambling regulation proposal

The proposal for the regulation of gambling that we present is built around three core ideas, which include the principal variables responsible for gambling addiction whose addictive potential could be reduced by means of adequate gambling policies (see Figure 1):

- The regulation of advertising and promotional strategies
- The regulation of opportunities to gamble, whose most relevant variables are the availability and accessibility of gambling activities, and



Figure 1. General framework of the process for regulating gambling

- The regulation of the structural characteristics of gambling activities themselves, with the aim of reducing the addictive potential of the same.

Below, we outline the different specific actions that could be taken to address each of these core ideas:

Gambling advertising and promotional strategies.

Despite the fact that it is necessary to introduce specific regulations aimed at the advertising of gambling activities in order to prevent the appearance of disorders derived from the same (Binde, 2014), the emergence of online gambling in Spain has been accompanied by an increase in advertising and promotional techniques (this was in fact happening even before it was legalized) in the absence of specific rules and regulations governing advertising on the part of successive governments.

For that reason it is necessary to implement an advertising rulebook, or code, which should be revolve around two essential aspects: the limits of advertising and the contents of the same.

Advertising limits. As a general strategy, gambling advertising should be limited to the spaces in which gambling takes place: bingo halls, casinos, bookmakers' shops, betting shops and the gambling websites themselves in the case of online gambling. In the event of this general limitation not being put in place, there should be a series of regulatory measures, such as the following:

- **Limitations in the press and audiovisual communication media.** Advertising should be restricted to certain time slots (on radio and TV), or sections (of the printed press). In accordance with the General Law on Audiovisual Communication (Ley General de Comunicación Audiovisual), both on radio and television, and in Internet, the time slot should be restricted to the hours between 22:00 and 06:00 the following day.
- **Regulation of online gambling advertising.** Regarding the advertising of online gambling via Internet, this should

be subject to specific regulation, since the way Internet itself functions can make advertising not only intrusive but also turn it into a technique that encourages people to play when gambling sites open automatically, even when the user is engaged in other web activity. Thus, in Internet, online gambling advertising should remain within gambling web pages themselves, and only once the user has entered them, with banners, links to pages outside those webs (as happens in the electronic press), pop-up gambling windows etc. all being explicitly prohibited.

Advertising contents. Gambling is a potentially addictive activity, that shares certain traits with smoking and alcoholism, but one that also has some singularities that should be borne in mind.

- **Aspects of regulation common to other addictions.** As is the case with alcohol advertising, gambling publicity should not be aimed at minors, and nor should minors be used to promote gambling activities; gambling should not be associated with career success nor should it give the impression that it favors a good mood or helps to resolve conflicts etc.; unrestrained gambling should not be encouraged nor should the fact of not gambling be portrayed in a negative light; clear rules governing sponsorship or other indirect ways of promoting gambling etc. should be established
- **Specific regulatory aspects.** One of the main variables that affects the addictive potential of gambling is the way in which it is presented, since this arouses cognitive biases and errors that, at the same time, have fundamental relevance on the development and maintenance of the addiction (Sharpe, 2002). For that reasons, neither advertising nor promotional techniques should employ strategies that lead to such cognitive biases or errors that themselves encourage gambling disorder. The main biases and promotional techniques that should

be eliminated in the case of gambling are: expertise bias (induced by the so-called “welcome bonuses”), “big win” prizes (induced by an accumulation of small wins) (Weatherly, Sauter and King, 2004), the “near miss” (Habib and Dixon, 2010), etc.

Opportunities to gamble.

The opportunity to consume is one of the most relevant variables both in the development of an addiction and in the relapses that occur in recuperated addicts (Marlatt and Gordon, 1989, 1985). In the case of gambling, the two main variables involved are the *availability* of gambling activities in the immediate environment and the *accessibility* of the same for gamblers.

Availability. Availability refers both to the supply of gambling activities and the proximity of gambling outlets or establishments where gambling takes place. There is a positive relationship between the availability of gambling and the appearance of cases of pathological gambling (Welte, Wiczorek, Barnes, Tidwell and Hoffman, 2004), between the problems of excessive and pathological gambling and the proximity of gambling outlets (Pearce, Mason, Hiscock and Day, 2008), with the number of games (Grun and McKeigue, 2000) or with the density of gaming machines (Storer, Abbott and Stubbs, 2009). Specific regulatory measures aimed at availability would be as follows:

- Both presential and online gambling should take place in gambling halls that are duly authorized for this activity. This would imply the removal of both “type B” slot machines (commonly known as fruit machines or “one-armed bandits”) and the more recent models of betting machines from establishments such as bars and restaurants.
- The awarding of licenses to gambling halls based on geographical criteria but, in any case, reducing the number of those already in existence.

Accessibility. Accessibility refers to the ease with which gambling activities can take place. It is considered to be one of the main variables in the development of problematic gambling (Thomas, Sullivan and Allen, 2008). The principal dimensions that should be subject to regulation on the part of the Government would refer to the requisites demanded and the conditions that are established in order to be able to gamble, even for types of gambling that are widely available. Some of the specific measures that could be carried out in this sense are:

- A General Register of Interdictions for all types of gambling in Spain (both presential and online) and the possibility of carrying it out from the State Administrations, or on the part of first-degree relatives, according to the principle of precaution.
- Identification by means of the National Identity Card for any type of gambling and the issue of a receipt in the case of lotteries.

- Providing proof of identity in order to be able to take part in any electronic and online gambling:
 - Building an electronic ID Card reader into all “type B” slot machines and all other gambling and betting machines.
 - The enabling of a system for credible identification for online gambling by means of a password obtained from Government offices, which must be periodically renewed. The enabling of a system for obtaining a password for foreigners via the Spanish consulate in their country of origin.

A General Set of Gambling Regulations

Despite the fact that the structural characteristics that affect gambling addiction are many and varied, any set of regulations should select those that are especially relevant and clearly operationalize the way in which they should be regulated, with the aim of reducing the addictive potential of gambling. In this sense, the most addictive gambling activities are those that have high playing and reinforcement rates (Parke and Griffiths, 2007; Welte, Barnes, Wiczorek, Tidwell and Hoffman, 2007), as well as immediacy in response (Chóliz, 2010). Looking at different modalities of gambling, electronic gambling, or EGMs (Electronic Gaming Machines) are the ones that maximize these characteristics and are considered to be the most addictive (Brooks, Ellis and Lewis, 2008; Dowling, Smith and Thomas, 2005; Welte et al., 2007), for which reason their being regulated is especially important.

On the other hand, the conditions in which gambling activities are carried out also condition enormously the addictive potential of the same, strengthening its effects in some cases (Welte et al., 2004). This could be the form of payment (in cash or by card), the location, the possibility of consuming other substances (alcohol, tobacco), etc. But, without any doubt, one of the principal factors that can encourage the addictive potential of gambling is the use of Internet as a tool (Petry, 2006b), since the Web fosters the main variables that are responsible for the addictive potential of gambling; availability, accessibility, immediacy, short time-cycles etc. (Griffiths 2003; Griffiths, Parke, Woods and Parke, 2006). In fact, one of the clearest proofs of this is that online gamblers show higher addiction rates than those who take part in presential gambling (Wood and Williams, 2009; Wood, Williams and Parke, 2012), which makes the regulation of online gambling one of the immediate objectives that need to be carried out to protect vulnerable people (Monaghan, 2009), especially given that until now, existing legislation has been incapable of suitably regulating online gambling to protect pathological gamblers or young people who are at risk of addiction (Schoen, Hughes, Lewis and Marmon, 2007). In fact, in a recent study carried out in Spain, it was shown that there has been a notable increase in the number of pathological gamblers for whom the principal cause of

their disorder is online gambling and, in the case of gamblers below the age of 26, the main cause of their problem is online gambling, even more so than the “type B” machines (Chóliz, 2015).

Following are some of the principal measures proposed for dealing with the problems of excessive gambling and addiction.

General measure: loss limitation. Loss limitation, also known as pre-commitment, has shown its effectiveness both in addiction prevention and in the promotion of responsible gambling (Bernhard, Lucas and Jang, 2006; Focal Research Consultants, 2007, 2010; Griffiths, 2012; Omnifacts Bristol Research, 2007; Parke, Rigbye and Parke, 2008; Productivity Commission, 2010; Responsible Gambling Council, 2009; Schrans, Grace and Schellinck, 2004; Williams, 2010). The way of making this operational in General Gambling Regulations would be to impede a player from losing more than a previously-fixed amount of money. The amount in question would be determined by the Government and reflected in the General Gambling Regulations. Control over the amounts would be by means of a smartcard, described below.

Two types of loss limitation are foreseen:

- Overall gambling losses. Daily, weekly and monthly limits on losses would be fixed, which will reflect the total amount of money that it is possible to lose taking into account all the games in which bets are placed. These limits would be established by the Government in the General Gambling Regulations.
- Losses incurred in specific games. Before starting any electronic gambling session, there should be the option of pre-fixing the maximum amount that the player is prepared to lose. Said amount should be lower than that which the Government will have established as a daily limit for gambling losses.

The “Intelligent Gambling Card” (IGC, TIJ in its Spanish initials) is the tool which would allow for many of the gambling control techniques to be put into practice. It is a smart card, that would store the most relevant information concerning gambling activities, with the aim of preventing excessive spending. It should contain, therefore, the basic personal and gambling data of its owner (frequency of play, spending, losses etc.). it would be a necessary device for participating in gambling activities, accompanied by the National Identity Card and would be issued by the Government.

Without any pretensions to being exhaustive, and bearing in mind both the technical properties and the specific procedure for action that should be indicated in detail in the General Gambling Regulations, some of the most relevant characteristics of the IGC should be as follows:

- It should be a personal and non-transferable card to be used together with the electronic National Identity Card for use in electronic gambling. A registration system should also be put in place for use in gambling

halls and in other sectors where non-electronic gambling takes place.

- The card will register all gambling activity, the time and the day in which they were carried out as well as the daily, weekly and monthly gains and losses.
- In order to obtain the card, the user should identify themselves by, for example, going in person to an office of the Regional or Local Government and proving their identity by means of the National Identity Card. It should have an expiry date of between three and six months from the date of issue and, once that time has elapsed, be renewed by means of the previous process, thus guaranteeing the identity of the player.
- In the General Gambling Regulation, daily, weekly and monthly loss limits will be clearly fixed. As soon as the cardholder reaches those limits, the IGC will be blocked for the time fixed in the Regulation.

It should be borne in mind that this is not a credit card, but rather a gambling control card. Electronic and other gambling machines will continue to function with their habitual mechanisms, but will control excessive spending.

Specific measures for each game of chance. These are specific rules aimed at mitigating the effect that the variable structures have and which depend on each specific form of gambling or game. For that reason, these measures may need to be, unlike those described above, aimed solely at one type of game or just some of them. They are technical modifications that involve certain variables which have been shown to influence on the development or maintenance of gambling addiction.

Some of the most significant are the following:

- Delay of the reward in electronic games, pre-drawn lotteries, casino games etc. It is a question of increasing the time-cycle between: a) the placing of the bet or wager and the result (gain or loss); or b) between the result and the payout.
- Reducing the time-cycle of betting. With this measure the aim is to diminish the player’s absorption in the game. Some of the preventive strategies that impede this excessive absorption are the following:
 - Banning “live betting”. Betting should be closed before the competition on which bets are placed begins.
 - Single bets in the case of online betting. Banning combined or accumulator bets etc. In particular, banning cross betting owing to the risk of addiction and safety of the player (Chóliz, 2013).
 - A ban on playing several online poker games simultaneously. With this measure the aim is to hinder professional players from carrying out strategies against novices or occasional players who are at a disadvantage because they lack the techniques and the technological tools that professionals have available.

- Limiting big payouts. Some of the measures to be taken are:
 - A ban on the interconnection of machines, such as combined bingo machines, that excessively increase prizes.
 - Putting a limit on the percentage given to prizes, especially in online betting and gambling, which is currently very high in some cases, and gives rise to patterns of excessive gambling.

Conclusions

Gambling policy, that is to say, the regulatory mechanisms of the State applied to games of chance, are the basis on which the rest of preventive measures sit (Williams, West and Simpson, 2012). Some of the dimensions to be regulated, such as availability and accessibility, have a proven and close relationship with the emergence of problems of excessive gambling and gambling disorders (Grun and McKeigue, 2000; Pearce et al., 2008; Werte et al., 2004), while others are probably effective and their effectiveness would need to be shown once they have been implemented within a system of regulation. These measures are not only necessary in order to prevent the emergence of gambling addiction, but also to help control those who already suffer the disorder. The responsibility for developing and implementing them corresponds to the powers that be, even if that should be complemented by educational, family and community measures, or action on the part of the health services.

It is a proposal that, though plausible and, with the right measures, probably effective, must be continually subject to a process of evaluation of its effects, with the aim of refining the procedures and techniques proposed. Certain objective evaluation criteria need to be established, such as how to proceed in evaluating the emergence of gambling disorders or of the demand for help before and after the application of the measures; selecting specific population groups in which to observe the effect of the measures established; implementing in a sequential way some of the measures and observing the effect they have on the general population or on specific milieus etc.

The principal goals of this proposal for regulation of gambling are none other than the prevention of gambling addiction and the reducing of the risks of those who already show maladaptive gambling patterns, and has the aim of reconciling the participation in a recreational activity with the preservation of the higher right of public health.

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