



## **HUMAN RESEARCH PROTECTION PROGRAM UPDATE, SEPTEMBER 2020**

### **DON'T RUN AFOUL OF TEXAS GAMBLING LAWS: WHAT HUMAN SUBJECTS RESEARCHERS NEED TO KNOW ABOUT THE ACCEPTABLE USE OF DRAWINGS AS COMPENSATION OR AN INCENTIVE TO PARTICIPATE IN RESEARCH**

To avoid running afoul of Texas gambling laws, researchers need to determine whether or not their use of a drawing for a chance to win a prize constitutes a lottery. Lotteries are illegal because they are considered “gambling” under Texas Penal Code Chapter 47.

A "lottery" is defined as any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win anything of value, whether such scheme or procedure is called a pool, lottery, raffle, gift, gift enterprise, sale, policy game, or some other name.

Given the possible implications to researchers using drawings as a form of compensation or an incentive to participate in research, the Division of Research, in conjunction with the Office of General Counsel, has identified a framework for the acceptable use of drawings in human research at Texas A&M University:

1. The compensation is appropriate when it is not large enough to be considered an inducement (undue influence).
2. The participant is not told that entry or eligibility for the drawing is conditioned on completing the study. This means that everyone is eligible for the drawing upon providing consent to participate in the study and cannot be told they must complete the study.
3. The time, effort, and inconvenience of the participant cannot be substantial.

Substantial time and effort is determined on a case by case basis and considers the procedures involved such as what is asked of the participant and the amount of time involved.

4. This approach is not limited to exempt research.

Should you have any questions contact the Human Research Protection Program by phone at 979.458.4067 or by email at [irb@tamu.edu](mailto:irb@tamu.edu).