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Online Gaming in the U.S.

AB466 – 2001 – Sec 3. (b)  
Restricts operators licenses to the following table:

Counties > 700,000 people	Counties > 45,000 but less than 700,000 people	Other counties
<ul style="list-style-type: none"> <li>A resort hotel that holds a nonrestricted gaming license.               <ul style="list-style-type: none"> <li>A resort hotel is any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has: 1. More than 200 rooms available for sleeping accommodations; 2. At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises; 3. At least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and 4. A gaming area within the building or group of buildings.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Holds a nonrestricted gaming license</li> <li>Has more than 120 rooms available for sleeping accommodations</li> <li>Has at least bar with permanent seating capacity for 20 patrons or more</li> <li>Has at least one 24 hour restaurant that holds 60 or more patrons</li> <li>Has a gaming area of at least 10,000 square feet with at least 1,600 slot machines and 40 table games.</li> </ul>	<ul style="list-style-type: none"> <li>Holds a nonrestricted gaming license that has been active for at least 5 years</li> <li>Meets the definition of a Group 1 license pursuant to Commission regulations</li> <li>Operates either more than 50 rooms for sleeping accommodations or 50 gaming devices.</li> </ul>

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Online Gaming in the U.S.

AB466 – 2001 – In sum:

- Permits the Nevada Gaming Commission to issue regulations and license for licensing interactive gaming operations to casino operators of sufficient size, and to issue licenses for the manufacture and distribution of interactive gaming systems, if the Commission determines the activity can be conducted in compliance with all applicable laws.

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### Online Gaming in the U.S.

AB466 – 2001 – In sum:

- The 2001 Act, envisioned an online gaming market similar to the casino market with two basic areas of licensing:
  - Operators
  - Manufacturers & Distributors

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### Online Gaming in the U.S.

AB466 – 2001 – In sum:

- The Commission begins hearings and learning about technologies for geofencing, age verification, fraud prevention, accounting, player protections, problem gambling...

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### Online Gaming in the U.S.

Can you guess the outcome?

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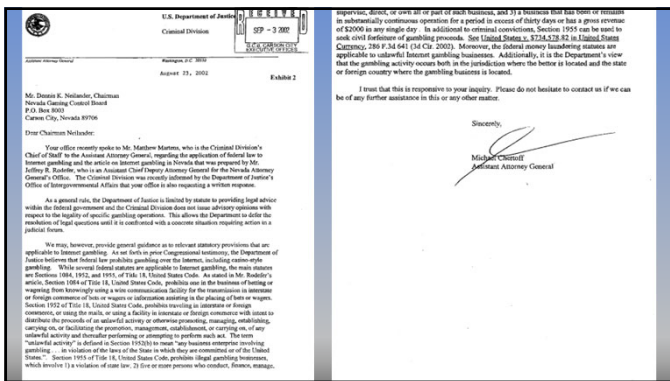
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Online Gaming in the U.S.

Nevada's initial efforts to draft regulations and issue licenses for interactive gaming end with the receipt of the DOJ letter.

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Online Gaming in the U.S.

- Time marches on...
  - 2006 – UIGEA is enacted
  - 2007 – Publicly traded companies in the U.K. abandon the U.S. online poker market
  - 2008 – While the major providers of online poker exited the market, demand was strong and it was filled by three major private companies – Poker Stars, Full Tilt, and Absolute Poker with several other smaller operators
  - 2009 - NY and IL begin online lottery subscriptions
  - 2011 – Senator’s Reid and Kyl reach a preliminary agreement on a federal online poker bill

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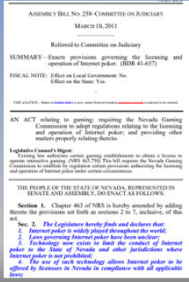
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## Online Gaming in the U.S.

- ABA258 – 2011 Session




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## UIGEA

- The background...
- The timing...
- The bill...

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## UIGEA

- What is the rule of construction?
  - 31 U.S.C. 5361(b) Rule of construction.--No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

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### UIGEA

- What is the rule of construction?
  - 31 U.S.C. 5361(b) Rule of construction.--No provision of this subchapter shall be construed as **altering, limiting, or extending** any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

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### UIGEA

- Based on the rule of construction, does the UEIGA make online poker illegal?

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### UIGEA

- Exceptions to the definition of Bet or Wager
  - Securities trading
  - Indemnity agreements
  - Insurance contracts
  - Free entry contests
  - Certain fantasy sports contests

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## UIGEA

- Business of Betting or Wagering
  - The term "business of betting or wagering" does not include the activities of a financial transaction provider, or any interactive computer service or telecommunications service.

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## UIGEA

- Unlawful Internet Gambling
  - The term "unlawful Internet gambling" means to place, receive, or otherwise knowingly transmit a **bet or wager** by any means which involves the use, at least in part, of the Internet **where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made.**

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## UIGEA

- Unlawful Internet Gambling - Exceptions
  - Intrastate wagers where such wagering is legal, provided there is appropriate data security and age verification...
  - Intra-tribal transactions...
  - Interstate horseracing in compliance with the IHRA...

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UIGEA

- The operative language (31 USC 5363)
  - No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—
    - ...anything of common value...

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UIGEA

- Regs

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UIGEA

- Regulatory Definition of Bet or Wager
  - (c) Bet or wager. (1) Means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;
  - (2) Includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);
  - (3) Includes any scheme of a type described in 28 U.S.C. 3702;
  - (4) Includes any instructions or information pertaining to the establishment or movement of funds by the bettor or customer in, to, or from an account with the business of betting or wagering (which does not include the activities of a financial transaction provider, or any interactive computer service or telecommunications service); and

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### UIGEA

- Regulatory Definition of Unlawful Internet Gambling
  - Unlawful Internet gambling means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made. The term does not include placing, receiving, or otherwise transmitting a bet or wager that is excluded from the definition of this term by the Act as an intrastate transaction or an intra-tribal transaction, and does not include any activity that is allowed under the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq. ; see §132.1(a)). The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

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### UIGEA

- Other provisions
  - Regulations to make financial organizations the enforcers of the statute...

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### UIGEA

- Discussion
  - What does the UIGEA prohibit?
  - Does the UIGEA make online casino wagering illegal?
  - Does the UIGEA make funding skill gaming illegal?
  - What are the parameters for acceptable online fantasy sports exempted from the Act?
  - ...

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UIGEA

- Discussion
  - <http://www.informationweek.com/news/showArticle.jhtml?articleID=215801153>

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UIGEA

- Interactive Media Entertainment and Gaming Association v. US
  - IMEGA is a non-profit that collects and disseminates information related to electronic and Internet-based gaming.
  - Its members are primarily off-shore gaming businesses.
  - IMEGA challenges the constitutionality of the UIGEA.

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UIGEA

- IMEGA'S ARGUMENTS

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UIGEA

- IMEGA'S ARGUMENTS
  - The Act is unconstitutionally vague
  - The Act violates treaty obligations
  - The Act violates the First Amendment
  - The Act violates privacy rights

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UIGEA

- GOVERNMENT'S ARGUMENTS
  - IMEGA lacks standing

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UIGEA

- DISTRICT COURT HOLDING
  - IMEGA has standing (in part)
  - The Act does not limit the members of IMEGA from expressing themselves
  - The Act only prohibits financial transfers which are not speech
  - There is no overbreadth problem as the Act does not implicate any form of protected expression
  - IMEGA lacks standing to assert privacy violations on behalf of bettors
  - IMEGA also lacks standing to bring treaty violation claims

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### UIGEA

- IMEGA Appeals on two Grounds
  - The Act is too vague to be constitutional
  - IMEGA has standing to bring privacy claims

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### UIGEA

- 3<sup>rd</sup> Circuit Holding - Vagueness
  - The statute is not vague
    - "It is true, as Interactive notes, that the Act does not itself outlaw any gambling activity, but rather incorporates other Federal or State law related to gambling."
      - "Interactive also raises a hypothetical in which a gambler in a state that prohibits all gambling makes a bet over the Internet with a gambling business in a foreign jurisdiction that permits such activity. According to Interactive, if the law of the foreign jurisdiction provides that the bet is deemed to be placed and received in that jurisdiction, the Act becomes unconstitutionally vague because it is impossible to know where the bet was placed as a matter of law. However, Interactive does not point to anything in the language of the Act to suggest that Congress meant anything other than the physical location of a bettor or gambling business in the definition of "unlawful Internet gambling." Further, to the extent that Interactive's hypothetical raises a vagueness problem, it is not with the Act, but rather with the underlying state law. It bears repeating that the Act itself does not make any gambling activity illegal. Whether the transaction in Interactive's hypothetical constitutes unlawful Internet gambling turns on how the law of the state from which the bettor initiates the bet would treat that bet, i.e., if it is illegal under that state's law, it constitutes "unlawful Internet gambling" under the Act."

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### UIGEA

- 3<sup>rd</sup> Circuit Holding - PRIVACY
  - No Standing Upheld
    - "To successfully assert third-party standing: (1) the plaintiff must suffer injury; (2) the plaintiff and the third party must have a 'close relationship'; and (3) the third party must face some obstacles that prevent it from pursuing its own claims."

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1 Sec. 6. "Internet poker" means any of the card games  
 2 commonly referred to as poker which is played by two or more  
 3 persons who wager against each other and not against the person  
 4 operating or offering the game and in which success over the long  
 5 term is determined by the skill of the player. The term includes,  
 6 without limitation, games which use community cards that are  
 7 played face down and which are played on  
 8 the Internet with an interactive gaming system that simulates a  
 9 deck of cards.  
 10 Sec. 7. The Commission shall adopt regulations and  
 11 shall, in the event that the applications are timely, grant licenses  
 12 to operators of Internet poker and to manufacturers of interactive  
 13 gaming systems, manufacturers of equipment associated with  
 14 interactive gaming and interactive gaming service providers who  
 15 provide services, software or equipment to operators of Internet  
 16 poker.  
 17 Sec. 8. Applications for licenses to operate Internet poker must be  
 18 filed, investigated and processed in the same manner and are  
 19 subject to the same application and investigative fees as other  
 20 applications. The Board shall not recommend denial of, and the  
 21 Commission shall not deny, a license to an operator of Internet  
 22 poker or to a manufacturer of interactive gaming systems, a  
 23 manufacturer of equipment associated with interactive gaming  
 24 systems or an interactive gaming service provider solely because  
 25 the operator, manufacturer or interactive gaming service provider,  
 26 before the effective date of this act, operated or was  
 27 associated with, an Internet or an interactive gaming system  
 28 licensed in another jurisdiction, one or more Internet poker  
 29 operators which were unlicensed in the United States or the State  
 30 of Nevada or in which the facilities, one or more Internet poker  
 31 operators which were unlicensed in the United States or the State  
 32 of Nevada were located in the United States.

• AB258 – Initially reflects the desires of the off-shore online poker industry when the bill is introduced on March 10, 2011.

Series of horizontal lines for handwritten notes.

Wynn Resorts Announces Alliance With PokerStars

How Casino Mogul Steve Wynn Went All In On Online Poker and

Series of horizontal lines for handwritten notes.

**United States Attorney**  
**Southern District of New York**

**FOR IMMEDIATE RELEASE CONTACT: U.S. ATTORNEY'S OFFICE**  
**APRIL 15, 2011 ELLEN DAVIS, CARLY SULLIVAN,**  
**JERIKA RICHARDSON, EDILLY RIVERA**  
**PUBLIC INFORMATION OFFICE**  
**(212) 637-2600**

**FBI**  
**TIM FLANNELLY, JIM MARGOLIN**  
**PUBLIC INFORMATION OFFICE**  
**(212) 384-2100**

**MANHATTAN U.S. ATTORNEY CHARGES PRINCIPALS**  
**OF THREE LARGEST INTERNET POKER COMPANIES WITH BANK**  
**FRAUD, ILLEGAL GAMBLING OFFENSES AND LAUNDERING**  
**BILLIONS IN ILLEGAL GAMBLING PROCEEDS**

*Multi-Billion Dollar Civil Money Laundering And  
 Forfeiture Action Also Filed*

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### Online Gaming in the U.S.

- ABA258 – 2011 Session – Major Changes after April
  - The language initially sought by off-shore online poker sites was dropped
  - The bill established a new class of licenses for “service providers”
  - The bill required the Control Board to Draft and the Commission to Adopt regulations for online poker licenses by the end of January 2012
  - The bill removed the requirement that the Commission determine that licensing would comply with federal law
  - The bill left it up to the Commission determine suitability
  - The bill left it up to the Commission whether or not to issue licenses

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Assembly Bill No. 258 - Committee on Judiciary

CHAPTER \_\_\_\_\_

AN ACT relating to gaming, requiring the Nevada Gaming Commission to adopt regulations relating to the licensing and operation of interactive gaming; providing a penalty, and providing other matters properly relating thereto.

**Legislative Counsel's Report:**

Existing law authorizes certain gaming establishments to obtain a license to operate interactive gaming. NRS 463.790. This bill requires the Nevada Gaming Commission to establish by regulation certain provisions authorizing the licensing and operation of interactive gaming under certain circumstances. The bill further provides that a license to operate interactive gaming shall be issued effective until (1) the passage of federal legislation authorizing interactive gaming, or (2) the United States Department of Justice notifies the Commission of the licensing control board that interactive gaming is prohibited under federal law.

1000-00000 - <https://nvlhs001.nv.gov/nvlegislation/legislation.nvlhs> accessed on 04/14/2024

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth in sections 2 to 7, inclusive, of this act.

**Sec. 2. The Legislature hereby finds and declares that:**

*The State of Nevada needs the nation's gaming regulation and enforcement, such that the State of Nevada is uniquely positioned to develop an effective and comprehensive regulatory structure related to interactive gaming.*

**2.** A comprehensive regulatory structure, coupled with strict licensing standards, will ensure the protection of consumers, prevent fraud, guard against underage and problem gambling and aid in law enforcement efforts.

**3.** To provide for federal and regulated interactive gaming and to prepare for possible federal legislation, the State of Nevada must develop the necessary structure for licensure, regulation and enforcement.

**Sec. 3-10. (Deleted by amendment.)**

**Sec. 463.06425** 1. "Interactive gaming" means the conduct of gambling games through the use of communications technology that allows a person, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other

**Sec. 463.06425** 1. "Interactive gaming" means the conduct of gambling games through the use of communications technology that allows a person, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other

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Sec. 12. NRS 463.750 is hereby amended to read as follows:  
463.750. 1. Except on other laws operating on the licensing and—3.—3(d) The Commission [now] shall, with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.  
2. [The Commission may not adopt regulations governing the licensing and operation of interactive gaming until the Commission has determined that—  
(a) Interactive gaming can be operated in compliance with all applicable laws;  
(b) Interactive gaming systems are secure and reliable and provide reasonable measures that players will be of lawful age and communicating only from jurisdictions where it is lawful to make such communications; and  
(c) Such regulations are consistent with the public policy of the State to foster the viability and success of gaming.]  
—3.—4 The regulations adopted by the Commission pursuant to this section must:  
(a) Establish the investigation fees for:  
(1) A license to operate interactive gaming;  
(2) A license for a manufacturer of interactive gaming systems; and  
(3) A license for a manufacturer of equipment associated with interactive gaming;  
(b) Provide that:  
(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; and

14. (f) Provide that any license to operate interactive interactive gaming does and becomes effective until:  
(1) A federal law authorizing the specific type of interactive gaming for which the license was granted is enacted; or  
(2) The United States Department of Justice notifies the Board or Commission in writing that it is permissible under federal law to operate the specific type of interactive gaming for which the license was granted.  
3. Except as otherwise provided in [subsection 4] subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:  
(a) In a county whose population is <=400,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices;  
(b) In a county whose population is more than 40,000 but less than 400,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:  
(1) Holds a nonrestricted license for the operation of games and gaming devices;  
(2) Has more than 120 rooms available for sleeping accommodations [in the gaming area].

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104. The Commission may:  
(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:  
(1) The establishment satisfies the applicable requirements set forth in subsection 1(c) and 2;  
(2) The affiliate is located in the same county as the establishment; and  
(3) The establishment has held a nonrestricted license for at least 3 years before the date on which the application is filed; and  
(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provisions of this chapter.  
105. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regarding the licensure of interactive gaming.  
6. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming.  
(a) Limit the Commission adopts regulations pursuant to this section; and

• ABA258 – 2011 Session – Major Changes after April

- The bill recognized that efforts were underway in Washington D.C. to provide a federal regulatory framework for online poker
- The bill removed all requirements imposed on regulators from the original bill text other than the creation and adoption of regulations, thus preserving the discretionary powers of Nevada’s gaming regulators
- AB258 is enrolled and enacted in May 2011

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### Online Gaming in the U.S.

- December 23, 2011
- The DOJ issues its Federal Wire Act Opinion
- A memorandum is issued that that DOJ Opinion is sufficient notice from the Federal Government that Interactive Gaming can be regulated and operated within Nevada

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# Online Gaming in the U.S.

- AB114 – 2013 Session –

Assembly Bill No. 114-Assemblymen Home, Kirkpatrick, Fierston, Hardy, Heinen, Paul, Anderson, Eason, Ellison, Flores, Hardy, Heicy and Kerner

Joint Sponsors: Senators Atkinson, Khan, Denis, Smith, Mancuso, Ford, Hammond and Seimenseyer

CHAPTER.....

AN ACT relating to gaming; defining certain terms related to interactive gaming; requiring the Nevada Gaming Commission to adopt regulations authorizing the Governor to enter into agreements with other states to conduct interactive gaming; prohibiting the issuance of licenses to operate interactive gaming to certain persons; revising provisions related to interactive gaming; and providing other matters properly relating thereto.

**Enlightens Counselor's Digest:**  
 Enacting law requires certain gaming establishments to obtain a license to operate interactive gaming. (NRS 463.770) Section 24 of this bill defines certain terms for the purposes of determining whether a person may be found suitable for a license to operate interactive gaming. Section 4 of this bill requires the Nevada Gaming Commission to adopt regulations authorizing the Governor to enter into agreements with other states to allow patrons of those states to participate in interactive gaming.  
 Existing law requires the Commission to establish by regulation that a license to operate interactive gaming does not become effective until: (1) the receipt of federal legislation authorizing interactive gaming; or (2) the United States Department of Justice notifies the Commission or the State Gaming Control Board that interactive gaming is permissible under federal law. (NRS 463.770) Section 18 of this bill removes the condition that a license to operate interactive gaming does not become effective until the receipt of federal legislation or notice from the United States Department of Justice. Section 18 also prohibits the issuance of a license to operate interactive gaming for a period of 3 years after the effective date of this bill for certain entities that, after December 31, 2006, operated interactive gaming involving patron located in the United States. Finally, section 18 authorizes the Commission to waive such prohibition if the Commission determines that those entities complied with all applicable provisions of federal law or the law of any state when, after December 31, 2006, those entities operated interactive gaming involving patron located in the United States.  
 Section 11 of this bill authorizes the Commission to adopt regulations to waive or decrease the fees for the initial issuance and the renewal of a license for an establishment to operate interactive gaming under certain circumstances. (NRS 463.765)



**AB114**

Introduced in the Assembly on Feb 13, 2013.  
 (Sponsor's name and contact information)  
 (Author's name and contact information)

Assemblymen Home, Kirkpatrick, Fierston, Hardy, Heinen, Paul, Anderson, Eason, Ellison, Flores, Hardy, Heicy and Kerner

Joint Sponsors: Senators Atkinson, Khan, Denis, Smith, Mancuso, Ford, Hammond and Seimenseyer

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# Online Gaming in the U.S.

- AB114 – 2013 Session –

Assembly Bill No. 114-Assemblymen Home, Kirkpatrick, Fierston, Hardy, Heinen, Paul, Anderson, Eason, Ellison, Flores, Hardy, Heicy and Kerner

Joint Sponsors: Senators Atkinson, Khan, Denis, Smith, Mancuso, Ford, Hammond and Seimenseyer

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 Section 11 of this bill authorizes the Commission to adopt regulations to waive or decrease the fees for the initial issuance and the renewal of a license for an establishment to operate interactive gaming under certain circumstances. (NRS 463.765)



## Online Gaming in the U.S.

- AB114 – 2013 Session –
  - On February 21, 2013 the Bill was introduced, subject to a joint hearing of both chambers of the Nevada legislature, approved out of committee, approved by both chambers and signed by the Governor.

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## Online Gaming in the U.S.

- AB114 – 2013 Session –
  - On February 21, 2013 the Bill was introduced, subject to a joint hearing of both chambers of the Nevada legislature, approved out of committee, approved by both chambers and signed by the Governor.

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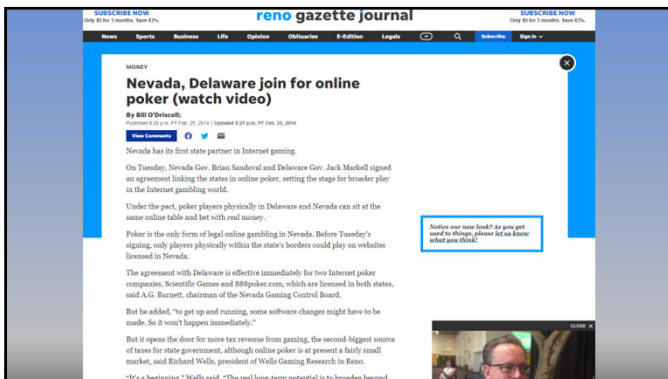
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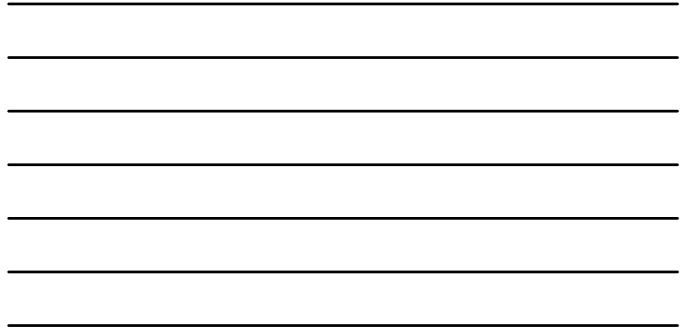
# Online Gaming in the U.S. – Nevada Today

NRS 463.016425 "Interactive gaming" defined.

1. "Interactive gaming" means the conduct of gambling games through the use of communications technology that allows a person, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. The term:
  - (a) Includes, without limitation, Internet poker.
  - (b) Does not include the operation of a race book or sports pool that uses communications technology approved by the Board pursuant to regulations adopted by the Commission to accept wagers originating within this state for races, or sporting events or other events.
2. As used in this section, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.

NRS 463.016427 "Interactive gaming facility" defined.

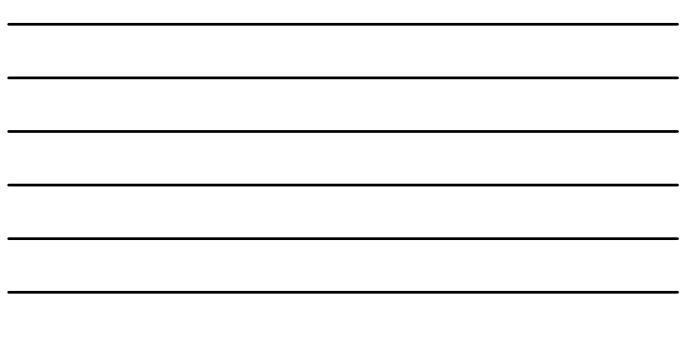
1. "Interactive gaming facility" means any internet website, or similar communications facility in which transmissions may cross any state's boundaries, through which any person operates interactive gaming through the use of communications technology.
2. As used in this section, "communications technology" has the meaning ascribed to it in NRS 463.016425.



# Online Gaming in the U.S.

## INTERACTIVE GAMING

- NRS 463.748 Legislative findings and declarations.** The Legislature hereby finds and declares that:
1. The State of Nevada leads the nation in gaming regulation and enforcement, such that the State of Nevada is uniquely positioned to develop an effective and comprehensive regulatory structure related to interactive gaming.
  2. A comprehensive regulatory structure, coupled with strict licensing standards, will ensure the protection of consumers, including minors and vulnerable persons, prevent fraud, guard against underage and problem gambling, avoid unauthorized use by persons located in jurisdictions that do not authorize interactive gaming and aid in law enforcement efforts.
  3. In order to license and regulate interactive gaming, the State of Nevada must develop the necessary structure for licensure, regulation and enforcement.
- NRS 463.747 Governor may enter into agreements with certain governments for purposes of interactive gaming; regulations.**
1. Upon recommendation of the Commission, the Governor, on behalf of the State of Nevada, is authorized to:
    - (a) Enter into agreements, in accordance with the requirements of this section, with other governments whereby persons who are physically located in a regulatory jurisdiction may participate in interactive gaming conducted by one or more operators licensed by one or more of the regulatory governments; and
    - (b) Take all necessary actions to ensure that any agreement entered into pursuant to this section becomes effective.
  2. **Legislative intent.**
    - (a) Make recommendations to the Governor to enter into agreements pursuant to this section.
    - (b) Upon the recommendation of the Board, adopt regulations relating to agreements pursuant to this section.
  3. The regulations adopted by the Commission pursuant to this section may include, without limitation, provisions pertaining to:
    - (1) Terms and terms of an agreement entered into by this State and another government, including, without limitation, provisions relating to how:
      - (i) Taxes are to be treated by this State and another government;
      - (ii) Fees are to be shared and distributed; and
      - (iii) Disputes are to be resolved;
    - (2) The information to be furnished to the Board and the Commission by a government that proposes to enter into an agreement with this State pursuant to this section.
    - (3) The information to be furnished to the Board by the Commission to enable the Commission to make the Commission to this section.
    - (4) The manner and procedure for hearings conducted by the Board and Commission pursuant to this section, including, without limitation, the need for any special rules or orders.
    - (5) The information to be furnished to the Commission by the Governor that supports the recommendations of the Commission made pursuant to this section.



# Online Gaming in the U.S.

**NRS 463.750 License required for person to operate interactive gaming or to manufacture interactive gaming systems; registration required to act as service provider; powers and duties of Commission; regulations; conditions; limitations; penalties.**

1. The Commission shall, with advice and assistance of the Board, adopt regulations governing:
  - (a) The licensing and operation of interactive gaming; and
  - (b) The registration of service providers to perform any actions described in paragraph (b) of subsection 4 of NRS 463.417.
2. The regulations adopted by the Commission pursuant to this section must:
  - (a) Establish the investigation fees for:
    - (1) A license to operate interactive gaming;
    - (2) A license for a manufacturer of interactive gaming systems;
    - (3) Registration as a service provider to perform the actions described in paragraph (a) of subsection 4 of NRS 463.417; and
    - (4) Registration as a service provider to perform the actions described in paragraph (b) of subsection 4 of NRS 463.417.
  - (b) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware:
    - (1) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 4 of NRS 463.417; and
    - (2) A person must be registered as a service provider to perform the actions described in paragraph (b) of subsection 4 of NRS 463.417.
  - (c) Licensed as a manufacturer of interactive gaming systems:
    - (1) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection 4 of NRS 463.417 that are as stringent as the standards for a nonrestricted license;
    - (2) Registered as a service provider as described in paragraph (b) of subsection 4 of NRS 463.417 that are as stringent as the standards for a nonrestricted license.
  - (d) Set forth provisions governing:
    - (1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection 4 of NRS 463.417;
    - (2) The fee for the renewal of such a license for such an interactive gaming service provider or registration as a service provider, as applicable; and any renewal requirements for such a license or registration, as applicable;
    - (3) The fee for the renewal of such a license for a person licensed to operate interactive gaming, pursuant to subsection 4 of NRS 463.417, for which an interactive gaming service provider may be liable to the person licensed to operate interactive gaming;
    - (4) Provide that fees are not received by an establishment from the operation of interactive gaming in subject to the same license fee provisions of NRS 463.220 as the games and gaming devices of the establishment, unless federal law otherwise provides for a specific fee or tax;
    - (5) Define "interactive gaming systems," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter;
    - (6) Establish an otherwise provided in subsection 4 and 5 of the Commission shall not operate a license for an establishment to operate interactive gaming unless:
      - (i) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices;
      - (ii) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment;







### Online Gaming in the U.S. – new jersey

In 2013, New Jersey enacted A2578, that permitted casino operators to offer online poker and casino games on an intrastate basis.

The New Jersey law permits casino operators to use internet gaming affiliates to conduct online gaming on behalf of licensees. Internet gaming affiliates are required to be licensed.

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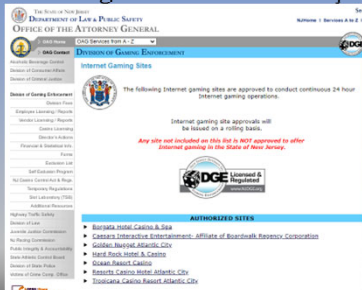
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### Online Gaming in the U.S. – new jersey



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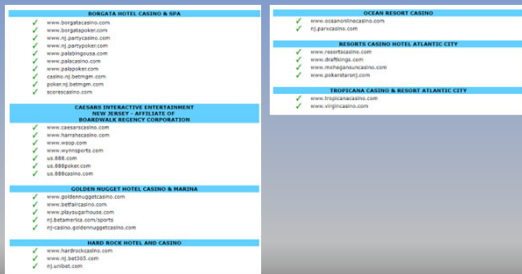
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### Online Gaming in the U.S. – new jersey



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### Online Gaming in the U.S. – PENNSYLVANIA

Pennsylvania's Expanded Gaming Act of 2017 officially authorized the operation of online gaming regulated by Pennsylvania Gaming Control Board pursuant to appropriate licensing. Regulated online gaming includes online slot machines, online poker, and online banked table games.

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### Online Gaming in the U.S. – PENNSYLVANIA



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### Online Gaming in the U.S. – Michigan

Michigan enacted its iGaming statute in 2019. It permits 3 commercial casinos and tribal casinos to conduct iGaming. Tribal operators are not subject to state regulatory oversight for wagers taken from players on Indian Land, but they are subject to state regulation for wagers taken from players off Indian land in Michigan.

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### Online Gaming in the U.S. – Delaware

Delaware legalized online poker, lottery games and casino games in 2012. Delaware operates three racinos:

- Delaware Park Online (Delaware Park)
- Dover Downs Online Gaming (Dover Downs)
- Harrington Online (Harrington Raceway)

All three locations operate with 888 Holding to provide online gambling services to Delaware residents..

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### Online Gaming in the U.S. – Rhode Island

In 2021, state legislators voted to approve a law that provided Bally's and its IGT gaming supplier a 20-year no-bid contract to run both of the land-based casinos in the state: Bally's Twin Rivers Lincoln Casino Resort and Bally's Tiverton Casino & Hotel. iGaming is regulated by the Rhode Island state lottery.

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### Online Gaming in the U.S. – West Virginia

West Virginia offers several legally-licensed online casinos available to players 21 and up since March 2019. There are currently 5 land-based casinos in the Mountain state but this number is likely to increase in the future. These casinos are:

- BetMGM,
- Caesars,
- BetRivers,
- FanDuel,
- DraftKings.

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### The Internet

- Can a U.S. company offer online sports wagering legally?

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- Can a U.S. company offer online sports wagering legally?

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### The Internet

- Can a U.S. company offer online sports wagering legally?



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### The Internet

- Can a U.S. company offer online casino style gambling legally?

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### The Internet

- Can a U.S. company offer online casino style gambling legally?



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### The Internet

- Can a U.S. company offer services to online gambling sites that take wagers from U.S. residents?

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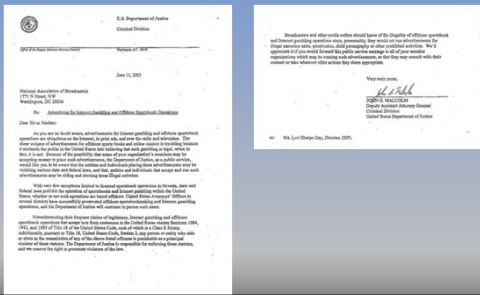
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### The Internet




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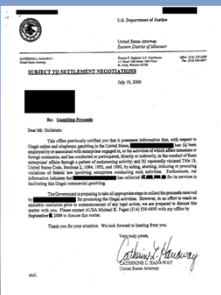
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### The Internet




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### The Internet

- Peter Dicks:
- <http://www.ft.com/cms/s/d27d424a-c93f-11dc-9807-00007b07658.html>
- <http://www.timesonline.co.uk/article/0,,2095-2350224,00.html>
- David Carruthers:
- <http://www.forbes.com/business/feeds/afx/2006/07/17/afx2883564.html>

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### The Internet

- David Carruthers
  - Racketeering and Conspiracy
    - 1084 & 1955
  - Scheme to Defraud – Mail
  - Use of Communications Facility to Transmit Bets and Betting Information
  - Interstate Transportation of Wagering Paraphernalia
  - Tax Evasion
  - Interference with Administration of Revenue Laws

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### The Internet

- Anurag Dikshit

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### The Internet

- Anurag Dikshit

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA  
-v-  
ANURAG DIXIT, Defendant.  
-vs-  
INFORMATION OF  
THE U.S.

The United States Attorney charges:

**BACKGROUND**

1. From in or about 1997 through in or about October 2004, Parityme Inc., a Gibraltar corporation, and its predecessor and affiliated companies collectively "Parityme", operated an internet gambling business that offered online and poker games, among other games of chance, to customers who wished to wager online. At all times relevant to this Information, a substantial majority of Parityme's online gambling customers, representing approximately 88 percent of Parityme's revenue in 2003, were located in the United States, including in the Southern District of New York.

2. Between in or about 1998 and October 2004, ANURAG DIXIT, the Defendant, developed a proprietary software platform for Parityme and directed Parityme's computer operations.

3. Beginning in or about 1999, and continuing up to and including October 2004, DIXIT was a principal shareholder of Parityme. At various times relevant to this Information, DIXIT served as a Parityme corporate officer and director.

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### The Internet

- Anurag Dikshit

**THE OFFENSE**

4. From in or about 1999, up through and including in or about October 2006, in the Southern District of New York and elsewhere, ANURAG DIKSHIT, the defendant, being engaged in the business of betting and wagering, unlawfully, willfully and knowingly used a wire communication facility for the transmission in interstate and foreign commerce of bets and wagers on any sporting event and contest, and a wire communication which entitled the recipient to receive money and credit as a result of bets and wagers, and for information assisting in the placing of bets and wagers.

(Title 18 United States Code, Sections 1084 and 2.)

**FORFEITURE ALLEGATION**

5. As the result of committing the gambling offense alleged in count one of this Information, ANURAG DIKSHIT shall forfeit to the United States \$100 million dollars in United States currency pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982 and 98 U.S.C. § 2461, constituting property, real and personal, involved in the gambling offense, and property, real and personal, that constitutes or is derived from proceeds traceable to the violation of 18 U.S.C. § 1084.

**Substitute Asset Forfeiture**

a. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

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### The Internet

- Anurag Dikshit

**Convicted Former Online Poker Billionaire Avoids Jail**

Dec. 16 2018 - 5:53 pm

Anurag Dikshit, the former online poker billionaire, was sentenced on Thursday to one year of probation and no jail time in a hearing that highlighted the extreme confusion over how U.S. law applies to online poker.

Dikshit, 39, had traveled from his home in Gibraltar with a one-way ticket to New York to attend Thursday's sentencing hearing, where he faced a maximum of two years in prison. He pleaded guilty in 2008 to one count of violating the federal wire act and agreed to forfeit \$100 million.

"I am persuaded that no jail time is appropriate here," said U.S. District Judge Jed Rakoff.

As part of his original plea deal, Dikshit agreed to cooperate in an ongoing investigation with federal prosecutors, who did not seek any jail time. "I came to believe there was a high probability it was in violation of U.S. laws," Dikshit said of his work at PartyGaming, the online poker company that he helped build at the court hearing when he pleaded guilty in 2008.

Indeed, Dikshit, who is married with two children, had reached out to federal prosecutors in the U.S. to inform the regulations that resulted in his 2008 guilty plea. Dikshit's plea deal was originally seen as an important victory for the Department of Justice, which has long taken the position that facilitating for-money online poker in America violates U.S. law, making no distinction between sports betting — clearly illegal — and poker playing.

A few months after Dikshit pleaded guilty, his former company, PartyGaming, a Gibraltar company that was once the world's biggest online gaming company, struck a non-prosecution agreement with federal prosecutors in Manhattan, admitting that its U.S. operations for years had violated U.S. law. To some it seemed like the Justice Department had drawn a line in the sand against online poker and set a two-year time limit to go after industry players.

At Thursday's hearing Judge Rakoff challenged a government prosecutor wondering why there have been no other prosecutions, specifically mentioning Dikshit's fellow PartyGaming cofounder, American Rudy Perini. Dikshit and his husband Richard DeLeon. "Nobody else has been indicted," said Judge Rakoff. "It has been two years since this defendant began cooperating, who's going out?"

Assistant U.S. Attorney Ayla Devlin Stone said that the investigation that involved Dikshit remains ongoing, pointing to sealed papers the government filed with the court. "There are challenges to this prosecution," said Devlin Stone, adding that Dikshit had asked to settle the case at an early stage. "It has been two years and there are

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### Time Marches On

- 2018 – The DOJ issues another new opinion regarding the Federal Wire Act
- 2020 – The First Circuit Court of Appeals, rejects the application of the new interpretation of the Federal Wire Act against the online lottery products of the New Hampshire State Lottery and its vendor
- 2022 – The Federal District Court applies the First Circuit Court of Appeals decision to IGT, precluding prosecution of IGT under the 2018 opinion regarding the Wire Act for anything other than sports wagering.

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The Internet

- Antigua, the WTO, GATS and other nations.
  - Antigua won a WTO action against the U.S. regarding online gaming
    - The decision was essentially a default judgment as the U.S.
    - The U.S. never responded to the action
    - The U.S. withdrew gaming explicitly from its GATS commitments
      - Antigua won a \$21,000,000 judgment to be applied to IP protections. (Antigua could statutorily suspend \$21,000,000 of IP rights for U.S. companies in Antigua)

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The Internet

- QUESTIONS

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The Internet

- GEOLOCATION
  - Applied to the Federal Wire Act
  - Applied to the Illegal Gambling Business Act

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