What Changing Public Policies toward Gambling Mean for Gaming Law

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Law Reflects Society

- Law is based on the views of society, or at least the society’s leaders.
- Law is reactive, not pro-active.
- Law, statutes more than regulations, usually deals with paradigm cases.
- Law is slow to change.
- Law is made by politicians.
The Three Waves Of Legal Gambling

• First Wave - Colonial period to mid-19th century:

  Legal Debris:  “Lotteries” prohibited in state constitutions and Canada (except Quebec)

• Second Wave - Wild West; South after the Civil War, new inventions. Crash - Victorian morality

  Legal Debris:  Statutes prohibit bookmaking, slot machines; U.S. federal and Quebec anti-lottery laws

• Third Wave - Depression to present:

  Legal Debris:  Piecemeal legalization by states, provinces
STATE LOTTERIES:
1961
STATE LOTTERIES:
1963 - New Hampshire
STATE LOTTERIES:
1966 - New York
STATE LOTTERIES:
1969 - New Jersey
STATE LOTTERIES: 1971 – Connecticut, Massachusetts, Pennsylvania
1972 - Michigan, Maryland
1973 - Ohio, Illinois, Maine
1974-76 - Rhode Island, Delaware, Vermont
1980 - Arizona, Colorado
1981-82 - D.C., Washington
1984 - Oregon, California, Missouri, West Virginia
1986 - South Dakota, Kansas, Florida
1987 - Wisconsin, Virginia
1988 - Kentucky, Idaho, Indiana, Minnesota
1990 - Louisiana
1991 - Texas
1992 - Georgia
1993 - Nebraska
Nov. 2000 - South Carolina
Nov. 2002 - North Dakota, Tennessee
Nov. 2004 - Oklahoma
Nov. 2008 – Arkansas
A State in America – Which One?

- Casinos
- State Lottery
- Tracks
  - Betting on Horse Racing
  - Betting on Dog Racing
- Charity Bingo
- State used to take Bets on Sports Events
- Liquor Licensees have Video Poker
LEGAL GAMBLING:

Sin → Vice → Entertainment

Prohibition → Grudging → Active
Acceptance

Illegal → Geographically → Widespread
Isolated
Legalization, and now Legitimacy

- Proliferation of Near Gambling
- Advertising
- Gambling Debts
- Other Gambling Contracts
- Taxes – Professional Gamblers
- Fewer Exclusions, e.g. Disaster $, Patents
- Weird Legal Twists - Bankruptcy
LEGAL GAMBLING:

Sin → Vice → Entertainment

GAMBLING TO EXCESS:

Sinner Morally Weak Diseased
Recognition of Gambling and the Problems it may Bring

- Age Restrictions on Betting
- Self-exclusion Programs
- Third-party Exclusion Programs
- Funding of Treatment Programs
- Compulsive Gamblers Sue
- Singapore