

**UNITED STATES – MEASURES AFFECTING THE CROSS-BORDER SUPPLY
OF GAMBLING AND BETTING SERVICES**

Request for Consultations by Antigua and Barbuda

Addendum

The following communication, dated 1 April 2003, from the High Commission for Antigua and Barbuda to the Permanent Mission of the United States and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Thank you for your correspondence of 28 March last. Attached to this letter you will find the corrected Annex which is sent to you in order to clarify some of the references to US legislation in the original Annex. Contrary to the views expressed in your letter of 28 March, however, this does not change "the scope of the consultations".

As explained in our request for consultations of 13 March 2003 it is our understanding that the prohibition on the cross-border supply of gambling and betting services in the United States arises from the cumulative impact of measures of the type listed in the Annex. The corrected Annex clarifies some of the references to United States legislation and replaces references to a few measures which are no longer in force with references to current measures.

In our view these changes are of a purely formalistic nature and have no bearing on the substance of the United States policy to prohibit cross-border gambling and betting services. Our request for consultations concerns the substance of that prohibition. That is clear from our original request for consultations and this is not changed by the corrections which are merely intended to provide you with a list of specific measures that is as accurate as possible (which is a complex matter in view of the lack of clarity of many of the United States' federal and state measures relating to gambling and betting services).

However, to avoid a sterile procedural debate we resubmit the corrected Annex to you, which should be read in combination with our request for consultations of 13 March 2003 and this letter.

We look forward to the commencement of consultations as scheduled for Monday, 7 April 2003 in Geneva.

ANNEX

I. UNITED STATES FEDERAL LEGISLATION.

The measures taken by the United States Congress which infringe on the obligations of the United States under the GATS include, without limitation, the following:

15 U.S.C. §§ 3001-3007
18 U.S.C. § 2
18 U.S.C. §§ 1081, 1084
18 U.S.C. §§ 1301-1307
18 U.S.C. § 1952
18 U.S.C. § 1953
18 U.S.C. § 1955
18 U.S.C. § 1956
18 U.S.C. §§ 1961-1968
25 U.S.C. §§ 2701-2722
28 U.S.C. §§ 3701-3704
39 U.S.C. § 3005

II. STATE AND TERRITORIAL LEGISLATION.

The measures taken by the various States and Territories of the United States which infringe on the obligations of the United States under the GATS include, without limitation, the following:

Alabama

ALA. CODE §§ 13A-12-20 to 13A-12-31 (1977).
ALA. CODE § 34-6-12 (1975).
ALA. CODE § 11-47-111 (1975).
ALA. CODE § 8-1-150 (1975).

Alaska

ALASKA STAT. § 05.15.180 (1997).
ALASKA STAT. §§ 11.66.200 to 11.66.280 (1978).

Arizona

ARIZ. REV. STAT. ANN. § 9-240 (B)(17)(c) (1996).
ARIZ. REV. STAT. ANN. § 13-2301 (2001).
ARIZ. REV. STAT. ANN. §§ 13-3301 to 13-3312 (2001).

Arkansas

ARK. STAT. ANN. §§ 5-66-101 to 5-66-119 (1987).
ARK. STAT. ANN. § 16-118-103 (1999).
ARK. STAT. ANN. § 14-54-103 (1987).

California

CAL. PENAL CODE §§ 319-337z (West Supp. 2003).
CAL. BUS. & PROF. CODE § 19800-19807 (West. Supp. 2003).

Colorado

COLO. CONST. art. XVIII, § 2.
COLO. REV. STAT. §§ 18-10-101 to 18-10-08 (1999).
COLO. REV. STAT. §§ 12-47.1-101 to 12-47.1-106 (1996).

Connecticut

CONN. GEN. STAT. §§ 53-278a to 53-278g (2001).

Delaware

DEL CONST. art. 2, §17.
DEL. CODE ANN. tit. 11, §§ 1401-32, 1470-73 (2002).

District of Columbia

D.C. CODE ANN. §§ 22-1701 to 22-1712 (2001).

Florida

FLA. STAT. §§ 849.01 to 849.46 (2000).

Georgia

GA. CONST. art. 1, § 2.
GA. CODE ANN. §§16-12-20 to 16-12-62 (2003).
GA. CODE ANN. § 13-8-3 (2002).

Hawaii

HAW. REV. STAT. ANN. § 28-71 (Michie 1993).
HAW. REV. STAT. ANN. §§ 712-1220 to 712-1231 (Michie 1973).
HAW. REV. STAT. ANN. § 842-1 (Michie 1991).

Idaho

IDAHO CONST. art. III, § 20.
IDAHO CODE §§ 18-3801 to 18-3810 (1992).
IDAHO CODE § 52-106 (1976).

Illinois

ILL. REV. STAT. ch. 720, §§ 5/28-1 to 5/28-9 (1993).

Indiana

IND. CODE §§ 35-45-5-1 to 35-45-5-8 (1998).

Iowa

IOWA CODE §§ 725.5 to 725.16 (1993).

Kansas

KAN. CRIM. CODE ANN. § 21-4303 to 21-4308 (1995).

KAN. STAT. ANN. § 21-922 (1995).

Kentucky

KY. REV. STAT. ANN. §§ 528.010 to 528.150 (Baldwin's 1974).

Louisiana

LA. CONST. art. XII, § 6.

LA. REV. STAT. ANN. § 14:90 (West 1986).

LA. REV. STAT. ANN. § 18:1300.21 (West Supp. 2003).

Maine

ME. REV. STAT. ANN., tit. 17, §§ 311-328 (1983).

ME. REV. STAT. ANN., tit. 17, §§ 330-347 (1983).

ME. REV. STAT. ANN., tit. 17, §§ 2305-2306 (1983).

ME. REV. STAT. ANN., tit. 17, § 2741 (1983).

Maryland

MD. CODE ANN., CRIM. LAW, §§12-101 to 12-307 (2002).

MD. CODE ANN., CRIM. LAW, §§13-101 to 13-2628 (2002).

MD. CODE ANN., BUS. REG., §§ 11-201 to 11-214 (2002).

MD. CODE ANN., COM. LAW I, § 3-305 (2002).

Massachusetts

MASS. GEN. LAWS ANN. ch. 271, §§ 1-50 (West 2000).

MASS. GEN. LAWS ANN. ch. 10 (West 2002).

MASS. GEN. LAWS ANN. ch. 12B (West 2002).

MASS. GEN. LAWS ANN. ch. 128A (West 2002).

MASS. GEN. LAWS ANN. ch. 128C (West 2002).

MASS. GEN. LAWS ANN. ch. 137 (West 2002).

Michigan

MICH. COMP. LAWS ANN. §§ 750.301-750.315a (West 1990).

MICH. COMP. LAWS ANN. §§ 432.1-432.278 (West 2001).

MICH. COMP. LAWS ANN. § 752.461 (West 1991).

MICH. COMP. LAWS ANN. § 91.1 (West Supp. 2003).

Minnesota

MINN. STAT. ANN. §§ 349.11-349.40 (1990).
MINN. STAT. ANN. §§ 349A.01-349A.16 (Supp. 2003).
MINN. STAT. ANN. ch. 240 (1992).
MINN. STAT. ANN. ch. 299L (1999).
MINN. STAT. ANN. ch. 349A (Supp. 2003).
MINN. STAT. ANN. §§ 609.75-609.763 (Supp. 2003).

Mississippi

MISS. CODE ANN. §§ 97-33-1 to 97-33-203 (1999).
MISS. CODE ANN. § 99-3-25 (1999).
MISS. CODE ANN. §§ 75-76-1 to 75-76-313 (1999).
MISS. CODE ANN. §§ 87-1-1 to 87-1-33 (1999).

Missouri

MO. ANN. STAT. §§ 572.010-572.125 (West 1995).
MO. ANN. STAT. §§ 313.001-313.850 (West 2001).
MO. ANN. STAT. §§ 434.010-434.100 (West 1992).

Montana

MONT. CONST. art. III, §9.
MONT. CODE ANN. §§ 23-5-101 to 23-5-810 (1993).
MONT. CODE ANN. §§ 23-4-101 to 23-4-106 (2001).
MONT. CODE ANN. §§ 23-7-101 to 23-7-110 (1991).

Nebraska

NEB. REV. STAT. §§ 9-401 to 9-437 (2002).
NEB. REV. STAT. §§ 28-1101 to 28-1117 (1995).

Nevada

NEV. REV. STAT. § 202.450 (1999).
NEV. REV. STAT. § 463.160 (2001).

New Hampshire

N. H. REV. STAT. ANN. § 647:2 (1999).
N. H. REV. STAT. ANN. §§ 338:1 to 338:4 (2002).
N. H. REV. STAT. ANN. § 47:17 (1996).
N. H. REV. STAT. ANN. § 284:12 (1991).

New Jersey

N.J. CONST. art. IV, § 7.
N. J. STAT. ANN. §§ 2A:40-1 to 2A:40-9 (2000).
N. J. STAT. ANN. §§ 2C:37-1 to 2C:37-9 (1995).

N. J. STAT. ANN. §§ 2C:41-1 to 2C:41-6.2 (Supp. 2003).

N. J. STAT. ANN. § 5:5-63 (1996).

N. J. STAT. ANN. §§ 5:12-1 to 5:12-210 (1996).

New Mexico

N.M. STAT. ANN. § 3-18-17 (1978).

N.M. STAT. ANN. § 29-9-2 (1978).

N.M. STAT. ANN. §§ 30-19-1 to 30-19-15 (1978).

N.M. STAT. ANN. §§ 30-42-3 (1978).

N.M. STAT. ANN. §§ 44-5-1 to 44-5-14 (1978).

N.M. STAT. ANN. §§ 60-2E-1 to 60-2E-62 (1978).

New York

N.Y. CONST. art. II, §9.

N.Y. EXECUTIVE LAW §§ 430-439a (McKinney 1996).

N.Y. PENAL LAW §§ 225.00-225.40 (McKinney 1999).

N.Y. RACING, PARI-MUTUEL WAGERING AND BREEDING LAW §§ 101 to 1112 (McKinney 2000).

N.Y. GENERAL OBLIGATION LAW §§ 5-401 to 5-423 (McKinney 2001).

North Carolina

N. C. GEN. STAT. §§ 14-289 to 14-309.4 (1994).

N. C. GEN. STAT. §§ 16-1 to 16-2 (2002).

N. C. GEN. STAT. §§ 19-1 to 19.8.3 (1999).

North Dakota

N.D. CONST. art. 11, § 25.

N.D. CENT. CODE § 12.1-06.1-01 (2001).

N.D. CENT. CODE § 12.1-28-01 to 12.1-28-02 (1987).

N.D. CENT. CODE §§ 53-06.1-01 to 53-06.1-18 (2001).

Ohio

OHIO CONST. art. XV, § 6.

OHIO REV. CODE ANN. § 715.51 (1953).

OHIO REV. CODE ANN. §§ 2915.01-2915.06 (1996).

OHIO REV. CODE ANN. §§ 3763.01-3763.08 (1976).

Oklahoma

OKLA. STAT. ANN. tit. 3A, § 205.6 (West 1993).

OKLA. STAT. ANN. tit. 11, § 22-108 (West 1994).

OKLA. STAT. ANN. tit. 21, §§ 941-993 (West 2002).

OKLA. STAT. ANN. tit. 22, § 1402 (West 1993).

Oregon

OR. REV. STAT. § 30.740 (1977).

OR. REV. STAT. § 91.240 (2001).

OR. REV. STAT. § 91.245 (2001).
OR. REV. STAT. § 105.555 (1999).
OR. REV. STAT. § 166.715 (2001).
OR. REV. STAT. §§ 167.108-167.170 (2001).
OR. REV. STAT. §§ 167.109 (2001).
OR. REV. STAT. § 221.916 (2001).
OR. REV. STAT. § 461.030 (1985).

Pennsylvania

PA. STAT. ANN. tit. 18, § 911 (Purdon 1998).
PA. STAT. ANN. tit. 18, § 5513 (Purdon 2000).
PA. STAT. ANN. tit. 53, § 23130 (Purdon 1998).
PA. STAT. ANN. tit. 66, § 2902 (Purdon 2000).
PA. STAT. ANN. tit. 73, § 2031 (Purdon 1993).

Rhode Island

R.I. CONST. art. I, § 22.
R. I. GEN. LAWS § 7-15-1 (1985).
R. I. GEN. LAWS §§ 11-19-1 to 11-19-45 (1993).
R. I. GEN. LAWS § 11-30-1 (1956).
R. I. GEN. LAWS § 11-51-1 to 11-51-2 (1979).
R. I. GEN. LAWS §§ 41-9-1 to 41-9-6 (1998).
R. I. GEN. LAWS § 41-10-1 to 41-10-8 (1997).
R. I. GEN. LAWS § 42-61-2 (1999).

South Carolina

S.C. CODE ANN. § 12-21-2710 (Law Co-op. 1999).
S.C. CODE ANN. §§ 16-19-10 to 16-19-160 (Law Co-op. 1996).
S.C. CODE ANN. §§ 32-1-10 to 32-1-60 (Law Co-op. 1962).

South Dakota

S.D. CODIFIED LAWS § 21-6-1 (Michie 1939).
S.D. CODIFIED LAWS §§ 22-25-1 to 22-25-51 (Michie 1976).
S.D. CODIFIED LAWS § 22-25A-1 to 22-25A-15 (Michie 2000).
S.D. CODIFIED LAWS § 42.7B-2.1 (Michie 1993).

Tennessee

TENN. CONST. art. XI, § V.
TENN. CODE ANN. § 28-3-106 (2003).
TENN. CODE ANN. §§ 29-19-101 to 29-19-106 (2003).
TENN. CODE ANN. §§ 39-17-501 to 39-17-509 (1989).

Texas

TEX. CONST. art. 4, §47.
TEX. CIV. PRAC. & REM. CODE ANN. § 125.001 (West 1997).
TEX. PENAL CODE ANN. §§ 47.01 to 47.14 (West 2003).

TEX. PENAL CODE ANN. §§ 71.02 (West 2003).

Utah

UTAH CODE ANN. § 10-8-51 (1953).

UTAH CODE ANN. §§ 76-10-1101 to 76-10-1109 (1998).

UTAH CODE ANN. § 76-10-1602 (2002).

UTAH CODE ANN. § 78-38-1 (1997).

Vermont

VT. STAT. ANN. tit. 9, § 3982 (2002).

VT. STAT. ANN. tit. 13, §§ 2133-2156 (1957).

Virginia

VA. CODE ANN. § 11-14 (Michie 1998).

VA. CODE ANN. § 11-15 (Michie 2003).

VA. CODE ANN. §§ 18.2-325 to 18.2-340 (Michie 1992).

VA. CODE ANN. § 59.1-364 (Michie 1998).

Washington

WASH. REV. CODE ANN. § 4.24.070 (West 1988).

WASH. REV. CODE ANN. § 4.24.080 (West 1988).

WASH. REV. CODE ANN. § 7.48.052 (West 1990).

WASH. REV. CODE ANN. §§ 9.46.010 to 9.46.903 (West 1998).

WASH. REV. CODE ANN. § 9A-82-010 (West 2001).

WASH. REV. CODE ANN. § 35-23-440 (West 1994).

WASH. REV. CODE ANN. § 35-27-370 (West 1993).

West Virginia

W. VA. CODE § 8-12-5 (2002).

W. VA. CODE § 19-7-8 (2001).

W. VA. CODE § 29-22A-4 (1994).

W. VA. CODE § 29-25-1 (1999).

W. VA. CODE §§ 55-9-1 to 55-9-3 (1923).

W. VA. CODE §§ 61-10-1 to 61-10-5 (1970).

Wisconsin

WIS. CONST. art. IV, § 24.

WIS. STAT. ANN. § 66.0107 (West 2003).

WIS. STAT. ANN. § 562.11 (West 1997).

WIS. STAT. ANN. § 823.20 (West 1995).

WIS. STAT. ANN. § 895.055 (West 1997).

WIS. STAT. ANN. § 895.056 (West 1997).

WIS. STAT. ANN. §§ 945.01-945.13 (West 2001).

Wyoming

WYO. STAT. § 1-23-106 (1982).
WYO. STAT. § 6-6-201 (1983).
WYO. STAT. §§ 6-7-101 to 6-7-104 (1996).
WYO. STAT. § 15-1-103 (1999).

Guam

9 GUAM CODE ANN. §§ 64.10 to 64.22A (2003).

Puerto Rico

P.R. LAWS ANN. tit. 25, § 971a (1992).
P.R. LAWS ANN. tit. 33, §§ 1241 to 1259 (1949).

U.S. Virgin Islands

V.I. CODE ANN. tit. 14, § 604 (1990).
V.I. CODE ANN. tit. 14, §§ 1224-1226 (1985).
V.I. CODE ANN. tit. 32, §§ 602-646 (2001).

III. OTHER UNITED STATES FEDERAL AND STATE ACTIONS OR MEASURES.

Other actions or measures taken by United States Federal and State administrative agencies, elected officials and judiciary which infringe on the obligations of the United States under the GATS include, without limitation, the following:

United States

United States v. Syrax, 235 F.3d 422 (9th Cir. 2000), *cert. denied*, 532 U.S. 988 (2001).
United States v. Cohen, 260 F.3d 68 (2nd Cir. 2001), *cert. denied*, 122 S. Ct. 2587 (2002).

Florida

Internet/wire communications gambling, Op. Att'y Gen. AGO 95-70 (18 October 1995).

Florida Attorney General, *Press Release: Western Union Cuts Off Sports Betting Accounts* (23 December 1997).

Kansas

Op. Att'y Gen. No. 96-31 (25 March 1996).

Kansas Attorney General, *Internet Gambling Warning* (visited 13 March 2003).

Maryland

Op. Att'y Gen. No. 01-015, 2001 WL 721091 (18 June 2001).

Michigan

Michigan Gaming Control Board, *Frequently Asked Questions: Is it Legal to Gamble Over the Internet in Michigan?*

Minnesota

Humphrey ex rel. State v. Granite Gates Resorts, Inc., 568 N.W.2d 715, 721 (Minn. Ct. App. 1997).

Minnesota Attorney General, *Statement of Minnesota Attorney General on Internet Jurisdiction* (visited 13 March 2003).

Missouri

State v. Interactive Gaming & Communications Corp., No. CV97-7808 (Mo. Cir. Ct. 22 May 1997).

Missouri Attorney General, *Press Release: Prosecution of Internet Gambling Operator* (22 September 1998).

Missouri Attorney General, *Press Release: Announcement That Indian Tribe's Online Casino Violates Missouri Law* (29 December 1997).

New York

Vacco ex rel. People v. World Interactive Gaming Corp., 714 N.Y.S.2d 844, 854 (N.Y. Sup. Ct. 1999).

New York Attorney General, *Press Release: Ten Banks End Online Gambling With Credit Cards – Spitzer Hails Establishment of New Banking Industry Standard* (11 February 2003).

New York Attorney General, *Press Release: Agreement Reached with Paypal to Bar New Yorkers from Online Gambling – Campaign Against Illegal Gambling Web Site in New York Continues* (21 August 2002).

In the matter of PayPal, Inc., Assurance of Discontinuance (16 August 2002).

New York Attorney General, *Press Release: Financial Giant Joins Fight Against Online Gambling – Leading Credit Card Issuer Agrees to Block Key Internet Transactions* (14 June 2002).

In the matter of Citibank (South Dakota), N.A., Assurance of Discontinuance (21 June 2002).

Oklahoma

Op. Att'y Gen. No. 02-025, 2002 WL 1653010 (26 June 2002).
