

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

Request for Consultations by Antigua and Barbuda

The following communication, dated 13 March 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.

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I present my compliments and have the honour to advise that I have been instructed by my Government to request consultations with you, as the representative of the Government of the United States of America, pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article XXIII of the General Agreement on Trade in Services (GATS) regarding measures applied by central, regional and local authorities in the United States of America that affect the cross-border supply of gambling and betting services.

It is my Government's understanding that the cumulative impact of the Federal and State measures of the type listed in the Annex to this request is that the supply of gambling and betting services from another WTO Member (such as Antigua and Barbuda) to the United States on a cross-border basis is considered unlawful under United States law.

These measures and their application may, therefore, constitute an infringement of the obligations of the United States of America under the GATS and the Schedule of Specific Commitments by the United States of America annexed to the GATS. In particular these measures and their application appear to contravene, among other provisions, Articles II, VI, VIII, XI, XVI and XVII of the GATS.

I look forward to receiving your reply to this request, and to setting a mutually convenient date and place for these consultations.

## **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 §§ 13-12-20-31 (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. §§ 11.66.200-80 (1978).

#### **Arizona**

ARIZ. REV. STAT. ANN. § 9-240 (B)(17)(c) (1996).  
ARIZ. REV. STAT. ANN. § 13-2301 (2001).  
ARIZ. REV. STAT. ANN. §§ 13-3301-12 (2001).

#### **Arkansas**

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

## **California**

CAL. PENAL CODE §§ 319-337z (SUPP. 2003).  
CAL. BUS & PROF. CODE § 19805 (SUPP. 2003).

## **Colorado**

COLO. CON. art. XVIII, § 2.  
COLO. REV. STAT. §§ 18-10-101-08 (1999).  
COLO. REV. STAT. §§ 12-47.1-101-06 (1996).

## **Connecticut**

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

## **Delaware**

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

## **District of Columbia**

D.C. CODE ANN. §§ 22-1701-12 (2001).

## **Florida**

FLA. STAT. §§ 849.01-46 (2000).

## **Georgia**

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

## **Idaho**

IDAHO CON. art. III, § 20.  
IDAHO CODE §§ 18-3801-10 (1992).  
IDAHO CODE § 52-106 (1976).

## **Illinois**

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

## **Indiana**

IND. CODE §§ 35-45-5-1-8 (1998).

## **Iowa**

IOWA CODE §§ 725.5-16 (1993).

## **Kansas**

KAN. CRIM. CODE ANN. § 21-4303 (1995).  
KAN. STAT. ANN. § 21-922 (1995).

## **Kentucky**

KY. REV. STAT. ANN. §§ 528.010-150 (Baldwin's 1974).

## **Louisiana**

LA. CON. art. XII, § 6.  
LA. REV. STAT. ANN. § 14:90 (West 1986).  
LA. REV. STAT. ANN. 1300.21 (West SUPP. 2003).

## **Maine**

ME. REV. STAT. ANN., tit. 17, §§ 311 to 328.  
ME. REV. STAT. ANN., tit. 17, §§ 330 to 347.  
ME. REV. STAT. ANN., tit. 17, §§ 2301 to 2306.  
ME. REV. STAT. ANN., tit. 17, § 2741.

## **Maryland**

MD. CODE ANN., CRIM. LAW, §§ 12-101 to 12-307.  
MD. CODE ANN., CRIM. LAW, §§ 13-101 to 12-2628.  
MD. CODE ANN., BUS. REG., §§ 11-201 to 11-214.  
MD. CODE ANN., COM. LAW I, § 3-305.

## **Massachusetts**

MASS. GEN. LAWS ANN. ch. 171, §§ 1 to 50.  
MASS. GEN. LAWS ANN. ch. 10.  
MASS. GEN. LAWS ANN. ch. 12B.  
MASS. GEN. LAWS ANN. ch. 128A  
MASS. GEN. LAWS ANN. ch. 128C  
MASS. GEN. LAWS ANN. ch. 137.

## **Michigan**

MICH. COMP. LAWS ANN. §§ 750.301 to 750.315a.  
MICH. COMP. LAWS ANN. §§ 432.1 to 432.278.  
MICH. COMP. LAWS ANN. § 752.461.  
MICH. COMP. LAWS ANN. § 91.1.

## **Minnesota**

MINN. STAT. ANN. §§ 349.11 to 349.40.  
MINN. STAT. ANN. §§ 349A.01 to 349A.16.  
MINN. STAT. ANN. ch. 240.  
MINN. STAT. ANN. ch. 299L.  
MINN. STAT. ANN. ch. 349A

MINN. STAT. ANN. §§ 609.75 et seq.

### **Mississippi**

MISS. CODE ANN. §§ 97-33-1 to 97-33-203.

MISS. CODE ANN. § 99-3-25.

MISS. CODE ANN. §§ 75-76-1 to 75-76-313.

MISS. CODE ANN. §§ 87-1-1 to 87-1-33.

### **Missouri**

MO. ANN. STAT. §§ 572.010 to 572.125 (West 2002).

MO. ANN. STAT. §§ 313.001 to 313.850 (West 2002).

MO. ANN. STAT. §§ 434.010 to 434.100 (West 2002).

### **Montana**

MONT. CONST. art. III, § 9.

MONT. CODE ANN. §§ 23-5-101 to 23-5-810 (2002).

MONT. CODE ANN. §§ 23-4-101 to 23-4-106 (2002).

MONT. CODE ANN. §§ 23-7-101 to 23-7-110 (2002).

### **Nebraska**

NEB. REV. STAT. §§ 9-101 to 9-1,006 (2003).

NEB. REV. STAT. §§ 28-1101 to 28-1117 (2003).

### **New Hampshire**

N.H. REV. STAT. ANN. § 647-2 (2000).

N.H. REV. STAT. ANN. §§ 338-1-338-4.

N.H. REV. STAT. ANN. § 47-17 (1996).

N.H. REV. STAT. ANN. § 284-12 (1985).

### **New Jersey**

N.J. CONST. Art. IV § 7.

N.J. STAT. ANN. §§ 2A-40-1 – 2A-40-9 (2000).

N.J. STAT. ANN. §§ 2C-37-1 – 2C-37-9 (2000).

N.J. STAT. ANN. §§ 2C-41-1 – 2C-41-6.2 (1995).

N.J. STAT. ANN. § 5-5-63 (1996).

N.J. STAT. ANN. §§ 5-12-1 – 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 – 30-19-15 (1978).

N.M. STAT. ANN. §§ 30-42-3 (1978).

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

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

## **New York**

N.Y. CONST. art. II, § 9.

N.Y. EXECUTIVE LAW §§ 430 to 439a (McKinney 2003).

N.Y. PENAL LAW §§ 225.00 to 225.40 (McKinney 2003).

N.Y. RACING, PARI-MUTUEL WAGERING AND BREEDING LAW §§ 101 to 1112 (McKinney 2003)

N.Y. GENERAL OBLIGATION LAW §§ 5-401 to 5-423 (McKinney 2003).

## **Nevada**

NEV. REV. STAT. § 202.450 (1997).

NEV. REV. STAT. § 463.160 (2001).

## **North Carolina**

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

N.C. GEN. STAT. §§ 16-1 – 16-2.

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

## **North Dakota**

N.D. CONST. art. 11, § 25.

N.D. CENT. CODE § 12.1-06.1-01 (1997).

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

N.D. CENT. CODE §§ 53-06.1-01 – 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 (2002)

## **Oklahoma**

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

OKLA. STAT. ANN. tit. 11, § 22-108 (West 1978).

OKLA. STAT. ANN. tit. 21, §§ 941 – 993 (West 1999).

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

## **Oregon**

OR. REV. STAT. § 30.740 (1977).

OR. REV. STAT. § 91.240.

OR. REV. STAT. § 91.245

OR. REV. STAT. § 105.555 (1989).

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.

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 2000).

## **Rhode Island**

R.I. CONST. art. I, § 22.  
R.I. GEN. LAWS § 7-15-1 (1979).  
R.I. GEN. LAWS §§ 11-19-1 – 11-19-45 (1993).  
R.I. GEN. LAWS § 11-30-1 (1938).  
R.I. GEN. LAWS § 11-51-1 (1979).  
R.I. GEN. LAWS § 11-51-2 (1979).  
R.I. GEN. LAWS §§ 41-9-1 – 41-9-6 (1990).  
R.I. GEN. LAWS § 41-10-1 – 41-10-8 (1993).  
R.I. GEN. LAWS § 42.61.2-2 (1992).

## **South Carolina**

S.C. CODE ANN. § 12-21-2710 (Law Co-op. 1986).  
S.C. CODE ANN. §§ 16-19-10 – 16-19-160 (Law Co-op. 1996).  
S.C. CODE ANN. §§ 32-1-10 – 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 – 22-25-51 (Michie 1939).  
S.D. CODIFIED LAWS § 22-25A-1 – 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.  
TENN. CODE ANN. §§ 29-19-01 – 29-19-06.  
TENN. CODE ANN. §§ 39-17-501 – 39-17-509 (1989).

## **Texas**

TEX. CONST. art. 4, § 47.  
TEX. CIV. PRAC. & REM. CODE ANN. § 125.001 (West 1999).  
TEX. PENAL CODE ANN. §§ 47.01 – 47.14 (West 1995).  
TEX. PENAL CODE ANN. §§ 71.02 (West 1999).

## **Utah**

UTAH CODE ANN. § 10-8-51 (1995).  
UTAH CODE ANN. §§ 76-10-1101 – 76-10-1109 (1998).

UTAH CODE ANN. § 76-10-1602 (2000).  
UTAH CODE ANN. § 78-38-1 (1997).

### **Vermont**

VT. STAT. ANN. tit. 9, § 3982.  
VT. STAT. ANN. tit. 13, §§ 2131-2156.

### **Virginia**

VA. CODE ANN. § 11-14 (Michie 1998).  
VA. CODE ANN. § 11-15 (Michie 1998).  
VA. CODE ANN. §§ 18.2-325 – 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 – 9-46-903 (West 1996).  
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 § 18-12-5 (2001).  
W. VA. CODE § 19-7-8 (1921).  
W. VA. CODE § 29-22A-4 (1994).  
W. VA. CODE § 29-25-1 (1999).  
W. VA. CODE §§ 55-9-1 – 55-9-3 (1923).  
W. VA. CODE § 61-10-1 – 61-10-5 (1970).

### **Wisconsin**

WIS. CONST. art. IV, § 24.  
WIS. STAT. ANN. § 66.0107.  
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. § 123.106 (1982).  
WYO. STAT. § 6-6-201 (1983).  
WYO. STAT. §§ 6-7-101 – 6-7-104 (1996).  
WYO. STAT. § 15-1-103 (1999).



#### **Guam**

9 GUAM CODE ANN. §§ 64.10-22A (2003).

#### **Puerto Rico**

P.R. LAWS ANN. tit. 25, § 971a (1992).

P.R. LAWS ANN. tit. 33, §§ 1241 – 1259 (1937).

#### **US 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, §§ 602-602 (1995).

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

Other actions or measures taken by the 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**

*U.S. v. Syrax*, 235 F.3d 422 (9<sup>th</sup> Cir. 2000), *cert. denied*, 532 U.S. 988 (2001).

*U.S. v. Cohen*, 260 F.3d 68 (2<sup>nd</sup> 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).

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