

ALL BETS ARE ON! . . . LINE: THE VARIED REGULATORY  
FRAMEWORK OF AN INTERCONNECTED ONLINE SPORTS  
BETTING SYSTEM

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## I. INTRODUCTION

Considering the vast variation of opinions toward betting throughout history, it is unsurprising that extreme inconsistencies exist in the regulation of gambling throughout the United States.<sup>1</sup> Well before transatlantic travel to the Americas, British subjects enjoyed their fair share of games of chance.<sup>2</sup> Interestingly, private English lotteries were used as a form of support for American settlements.<sup>3</sup> The chronicles of the English wager did not make American betting practices difficult to speculate. The practice of betting was brought from England,<sup>4</sup> but ideals varied among the colonists.<sup>5</sup> Perceptions of placing wagers varied from socially acceptable to “not so much on moral grounds”<sup>6</sup> as “an appearance of evil as is forbidden in the word of God.”<sup>7</sup>

Today, the world is quite different. Instead of primarily moving people across land and sea to share ideas, sentiments, and opinions, these values are spread easily with a reliable internet connection. Through the accessibility of the internet, the interconnectedness of the world has increased sharing of ideas and opportunities.<sup>8</sup>

Individuals in the United States could access online bookmakers prior to legalization in their respective states.<sup>9</sup> However, congressional legislation

<sup>1</sup> *Gambling in California* by Roger Dunstan (*History of Gambling in the United States II*), THE WEALTH OF CHIPS (Nov. 24, 2014), <https://thewealthofchips.wordpress.com/2014/11/24/gambling-in-california-by-roger-dunstan-history-of-gambling-in-the-united-states-ii/>.

<sup>2</sup> See Unlawful Games Act 1541 (realizing the historical depth of gambling in the United Kingdom. Although the enforcement of the law was limited, it acted as a harm to those continuing to participate in betting practices because those individuals could seek no legal recourse for unpaid earnings).

<sup>3</sup> See JOHN ASHTON, A HISTORY OF ENGLISH LOTTERIES 28 (1893).

<sup>4</sup> David Dean, *Elizabeth's Lottery: Political Culture and State Formation in Early Modern England*, 50(3) J. BRIT. STUD. 587 (2011).

<sup>5</sup> U.S. DEP'T OF JUST., NAT'L CRIM. JUST. REFERENCE SERV., COMM'N ON THE REV. OF THE NAT'L POL'Y TOWARD GAMBLING, GAMBLING IN PERSPECTIVE: A REVIEW OF THE WRITTEN HISTORY OF GAMBLING AND AN ASSESSMENT OF ITS EFFECT ON MODERN AMERICAN SOCIETY (1974), <https://www.ojp.gov/pdffiles1/Digitization/44064NCJRS.pdf>.

<sup>6</sup> *Id.* at 15 (quoting LYCURGUS MONROE STARKEY, MONEY, MANIA, AND MORALS: THE CHURCHES AND GAMBLING 39 (1964)).

<sup>7</sup> *Id.* (alteration in original) (emphasis omitted) (quoting HENRY CHAFETZ, PLAY THE DEVIL: A HISTORY OF GAMBLING IN THE UNITED STATES FROM 1492 TO 1955, at 14 (2017) which quoted one Cotton Mather's statement).

<sup>8</sup> Org. for Econ. Coop. & Dev. [OECD], *Economic and Social Benefits of Internet Openness*, at 6 (May 30, 2016), <https://www.oecd-ilibrary.org/docserver/5j1lwqf2r97g5-en.pdf?expires=1634865053&id=id&accname=guest&checksum=7D7EA49BB11A9A02A58E7022D5235C90>.

<sup>9</sup> David Nugent, *Does Using a VPN Help You Gamble in a Restricted Jurisdiction?*, LEGAL GAMBLING & THE L. (Mar. 13, 2018), <https://www.legalgamblingandthelaw.com/blog/does-using-a-vpn-help-you-gamble-in-a->

attempted to squander the ability of individual states to regulate online sports betting due to the “harms . . . inflict[ed]” by sports betting.<sup>10</sup> Considering most legislation did not impact participation in online sports betting, it seems that regulatory bans would serve little to no purpose.

The United Kingdom’s history with gambling is not a short one.<sup>11</sup> Through the United Kingdom’s proactivity on gambling legislation, online bettors in the country have been afforded protections that are not only beneficial to the individual bettors, but to the industry.<sup>12</sup> The impact online sports betting affords the country is notable, as tax revenue is derived from earnings and operations of licensed bookmakers.<sup>13</sup> The United Kingdom was one of the first countries to have a regulatory framework to protect those placing online bets.<sup>14</sup> Access to online betting agencies was not restricted to countries in which online betting was legalized or regulated.<sup>15</sup> To this day, the remote betting sector is continuing to experience growth in the United Kingdom, with bets placed on European football and horses comprising a large portion of the sector.<sup>16</sup> It is clear the United Kingdom capitalized on the benefits of the industry.

The Internet offers “cheap and easy access to a variety of gambling services.”<sup>17</sup> The first online gambling services began operation in 1995.<sup>18</sup>

restricted-jurisdiction. It is likely that most individuals who placed bets online prior to legalization have done so through the use of a virtual private network, either to conceal their respective location or to obtain access to betting sites. *Id.*

<sup>10</sup> S. REP. NO. 102-248, at 5 (1992), as reprinted in 1992 U.S.C.C.A.N. 3553.

<sup>11</sup> See JOHN REEVES, HISTORY OF THE ENGLISH LAW: FROM THE TIME OF THE SAXONS, TO THE END OF THE REIGN OF PHILIP AND MARY [1558], at 293 (1814) (King Edward IV’s rule—Stat. 17 Edw. IV. c. 4—forbade playing certain games with punishment for violating the same).

<sup>12</sup> D. Clark, *Betting and Gaming Tax Receipts in the United Kingdom from 2000/01-2020/21*, STATISTA (Apr. 29, 2021), <https://www.statista.com/statistics/284338/betting-and-gaming-united-kingdom-hmrc-tax-receipts/>.

<sup>13</sup> *What We Do*, GAMBLING COMM’N, <https://www.gamblingcommission.gov.uk/about/Who-we-are-and-what-we-do/How-we-regulate-the-gambling-industry.aspx> (last visited Oct. 22, 2021).

<sup>14</sup> CULTURE, MEDIA AND SPORT COMMITTEE, THE GAMBLING ACT 2005: A BET WORTH TAKING?, 2012-13, HC 421.

<sup>15</sup> *Id.* at 39.

<sup>16</sup> GAMBLING COMM’N, GAMBLING INDUSTRY STATISTICS: APRIL 2015 TO MARCH 2020, at 12 (2020), [https://assets.ctfassets.net/j16ev64qyf6l/7wgmPLdViatyOi3nEdHMxK/d1ddab9075febbd3f7aa3078eff3ec57/Industry\\_Stats\\_November\\_2020\\_Static\\_.pdf](https://assets.ctfassets.net/j16ev64qyf6l/7wgmPLdViatyOi3nEdHMxK/d1ddab9075febbd3f7aa3078eff3ec57/Industry_Stats_November_2020_Static_.pdf).

<sup>17</sup> TOM W. BELL, INTERNET GAMBLING 3 (1999), <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa336.pdf>.

<sup>18</sup> ROBERT J. WILLIAMS & ROBERT T. WOOD, INTERNET GAMBLING: A COMPREHENSIVE REVIEW AND SYNTHESIS OF THE LITERATURE 6 (2007), [https://www.greoc.ca/Modules/EvidenceCentre/files/Williams%20et%20al\(2007\)Internet\\_gambling\\_A\\_comprehensive\\_review\\_and\\_synthesis\\_of\\_the\\_literature.pdf](https://www.greoc.ca/Modules/EvidenceCentre/files/Williams%20et%20al(2007)Internet_gambling_A_comprehensive_review_and_synthesis_of_the_literature.pdf).

Although it is quite possible to vote on close to anything,<sup>19</sup> the primary focus of this Note is internet sports betting.<sup>20</sup> With more participants in online sports betting, there are increased risks. Without regulation to mitigate that risk, bettors are put in a precarious situation. Those who choose to participate in activities such as day-trading are provided protections when placing their money in an online market.<sup>21</sup> While the risks of each activity are different, there are similarities. As such, online bettors should be provided some type of protection and security to know their bets are not sent to bookmakers that in reality are simply scammers. Although a 2018 Supreme Court ruling<sup>22</sup> designated power to the states to determine independent regulatory schemes for sports betting, this decision did not provide protections for bettors in states that have yet to produce legislation on the matter.

This Note is divided into three Parts. Part I details the history of sports gambling legislation and case law in the United States at both the federal and state level. Three states are identified in Part I for their distinct policies toward internet betting: New Jersey, Mississippi, and Texas. In addition, Part I identifies and explains the history and structure of the United Kingdom's online betting regulations. Part II discusses Congressional involvement in online sports betting. Part III further considers the United States adopt a

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<sup>19</sup> See Brett LoGiurato, *A Single Trader Lost Millions Betting on Mitt Romney on Intrade Late in the 2012 Election*, INSIDER (Sept. 24, 2013, 8:46 AM), <https://www.businessinsider.com/mitt-romney-intrade-bets-trader-millions-2013-9>. For example, during InTrade's brief 2012-2013 existence, the company established in Ireland offered bettors the ability to place wagers on the United States Presidential contest between Barack Obama and Mitt Romney. Such political wagers are not permissible in the United States; however, they are common for political contests within the United Kingdom. Individuals in the UK vote on more than just political contests, including political decision making in Parliament, such as exact determinations of Brexit. Bettors may choose to place wagers on anything from the color tie worn by Boris Johnson to the number of seconds that will be spent clapping during debates. There is a concern that allowing individuals to place bets on American political contests would result in increased and unnecessary influence over elections or other political decision-making.

<sup>20</sup> See generally *Sports Betting 101: Sports Betting Explained — Types of Sports Wagers*, WILLIAM HILL RACE & SPORTSBOOK, <https://www.williamhill.us/how-to-bet/sports-betting-101/> (last visited Oct. 30, 2021) (highlighting general terms and types of wagers for sports betting); *Responsible Marketing Code for Sports Wagering*, AM. GAMING ASS'N (Sept. 14, 2020), <https://www.americangaming.org/responsible-marketing-code-for-sports-wagering/> (providing an overview of the internet gaming options in various states).

<sup>21</sup> *Day Trading: Your Dollars at Risk*, U.S. SEC. & EXCH. COMM'N (Apr. 20, 2005), <https://www.sec.gov/reportspubs/investor-publications/investorpubsdaytipshtm.html>.

Similar to gambling, day traders are not entitled to nor guaranteed a return. However, those participating in day trading know they are making decisions on companies that have completed the regulatory filings required by the Securities and Exchange Commission. Additionally, those companies will face penalties if there are not adequate or accurate disclosures to allow those traders to make informed decisions.

<sup>22</sup> *Murphy v. Nat'l Collegiate Athletic Ass'n*, 138 S. Ct. 1461 (2018).

regulatory system for online sports betting similar to that of the United Kingdom.

A. *The Rise of Online Sports Betting*

Use of the internet for online gambling began in 1995.<sup>23</sup> Due to the limited access to online sportsbooks in the United States, those who wanted to place bets online were able to do so through websites based in Caribbean Islands and Central American countries.<sup>24</sup> During the 1990s, the practice of placing offshore bets was illegal under United States federal regulation,<sup>25</sup> but was rarely enforced.<sup>26</sup> Many of the online sportsbooks lacked any affiliation with established gambling companies because the state of the law was ambiguous and those companies did not want to risk loss of their licenses to operate their gambling establishments.<sup>27</sup>

In the early days of online gambling, regulations lacked clarity on both the national and international level.<sup>28</sup> Due to the vagueness and pure lack of a legal standard, those who wanted to operate gambling sites did so in jurisdictions that either did not regulate against online betting or had no existing regulations in place.<sup>29</sup> Although the United States explicitly prohibited online gambling, access to online sites that were legal in their respective jurisdictions was unrestricted.<sup>30</sup> Countries like Antigua and

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<sup>23</sup> WILLIAMS & WOOD, *supra* note 18.

<sup>24</sup> *Id.*

<sup>25</sup> The regulation provides that:

- (a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined under this title or imprisoned not more than two years, or both.

18 U.S.C. § 1084(a).

<sup>26</sup> DAVID O. STEWART, AN ANALYSIS OF INTERNET GAMING AND ITS POLICY IMPLICATIONS 8 (2006), <file:///Users/emmanuelkyei/Downloads/david-stewart-examines-policy-implications-of-internet-gambling.pdf> (noting that “[t]hrough DOJ has consistently stated that Internet gaming violates federal law, federal prosecutors have not been very active in pursuing Internet gaming offenses.”).

<sup>27</sup> WILLIAMS & WOOD, *supra* note 18.

<sup>28</sup> See generally U.S. GEN. ACCT. OFF., INTERNET GAMBLING: AN OVERVIEW OF THE ISSUES (2002), <https://www.gao.gov/new.items/d0389.pdf>.

<sup>29</sup> WILLIAMS & WOOD, *supra* note 18, at 10.

<sup>30</sup> Federal law provides that:

Panama did not place restrictions on either residents or non-residents from placing online bets.<sup>31</sup> As a result of the Internet's accessibility, those in the United States could place bets on sites based in these countries and others. Federal legislation created liability for offshore agencies accepting wagers from Americans,<sup>32</sup> so many companies restricted bets originating from the United States. Even with these prohibitions, Americans accounted for large portions of the online gambling market.<sup>33</sup>

In stark contrast to the 2007 status of online sports betting in the United States, the United Kingdom permitted internet wagers as long as the organization obtained and maintained a valid license.<sup>34</sup> Responsibility shifted to the bookmakers, as opposed to shaming or preventing bettors from participation.

In recent years, sports bookmakers have experienced incredible growth, resulting in an increased number of partnerships to effectively reach new markets.<sup>35</sup> Regardless of legal challenges and opposition to online

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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—

- (1) credit . . .
- (2) an electronic fund transfer . . .
- (3) any check . . . through any financial institution . . .
- (4) the proceeds of any other form of financial transaction . . .

31 U.S.C. § 5363. The statute limits how consumers may *pay* for online bets, but provides no restriction or blocking mechanism for access to the actual websites. Prior to clear regulation, the sites were accessible regardless of an individual's location.

<sup>31</sup> WILLIAMS & WOOD, *supra* note 18, at 10.

<sup>32</sup> *Id.*

<sup>33</sup> AM. GAMING ASS'N, STATE OF THE STATES: THE AGA SURVEY OF CASINO ENTERTAINMENT 21 (2006), [https://www.iowagaming.org/support/upload/docs/2006\\_Survey\\_AGA\\_State\\_of\\_States.pdf](https://www.iowagaming.org/support/upload/docs/2006_Survey_AGA_State_of_States.pdf); AM. GAMING ASS'N, STATE OF THE STATES 2020: THE AGA SURVEY OF THE COMMERCIAL CASINO INDUSTRY 7 (2020), [https://www.americangaming.org/wp-content/uploads/2020/06/AGA-2020-State\\_of\\_the\\_States.pdf](https://www.americangaming.org/wp-content/uploads/2020/06/AGA-2020-State_of_the_States.pdf) [hereinafter STATE OF THE STATES 2020]. The stark difference between the 2006 and 2020 reports includes the relevance of the online gambling market and shows the growth and increased acceptance of placing bets online. It is evident that public opinion on the matter has experienced a drastic shift.

<sup>34</sup> WILLIAMS & WOOD, *supra* note 18, at 13.

<sup>35</sup> See David Purdum, *Sports Betting's Growth in U.S. 'Extraordinary,'* ESPN (May 14, 2020), [https://www.espn.com/chalk/story/\\_/id/29174799/sports-betting-growth-us-extraordinary](https://www.espn.com/chalk/story/_/id/29174799/sports-betting-growth-us-extraordinary) (discussing the sportsbooks of Fox, Barstool, and Score and highlighting the partnerships between ESPN and Caesars Entertainment, and CBS and William Hill U.S). As these partnerships grow, the lobbying power could influence a drastic shift in the inconsistencies in American law to a more consistent and equitable solution.

gambling, the practice has continued and the industry has experienced massive growth since 1995.<sup>36</sup> As internet access expanded to places outside the home, such as on cellular devices, access to online sports betting grew.<sup>37</sup> With the advancement and accessibility of technology, bettors may gamble directly on bookmaker's websites as well as on cell phone applications.<sup>38</sup> Watching sports has always been a source of excitement, but the ability to place wagers on these games on a mobile device has increased the enjoyment for a growing number of people. It is anticipated that the United States sports betting market will be ninety percent online within the next decade.<sup>39</sup>

In considering the many positive aspects surrounding online gaming, the negative impacts must also be weighed. Problem, or pathological, gaming is a legitimate concern.<sup>40</sup> The ease of access to the internet permits those with a gambling addiction the ability to overplay. It is the responsibility of governments to protect individual parties against problem gaming. Fortunately, there are multiple solutions. For example, restrictions could be placed on accounts of those who have exhibited addictive traits in the process of placing online bets. Behavior like this could be seen in consistent losses and continuation of placing bets coupled with increased amounts spent on wagers with little to no return. Nevertheless, the increased availability of online betting has not increased the rate of problem gamblers in the United States.<sup>41</sup>

Aside from risks associated with addiction, online bettors face issues with verifying the websites or agencies with which they choose to place their

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<sup>36</sup> *A Look Inside the Numbers of Sports Betting in the U.S. and Overseas*, SPORTS BUS. J. (Apr. 16, 2018), <https://www.sportsbusinessdaily.com/Journal/Issues/2018/04/16/World-Congress-of-Sports/Research.aspx>.

<sup>37</sup> Aaron Gray, *The Size and Increase of the Global Sports Betting Market*, SBD (Apr. 13, 2018), <https://www.sportsbettingdime.com/guides/finance/global-sports-betting-market/>.

<sup>38</sup> See FANDUEL SPORTSBOOK, <https://sportsbook.fanduel.com/sports> (last visited Oct. 30, 2021); POINTSBET, <https://nj.pointsbet.com> (last visited Oct. 30, 2021); DRAFTKINGS, <https://sportsbook.draftkings.com/sportsbook> (last visited Oct. 30, 2021); *Sports Betting*, FOXBET, <https://mtairycasino.foxbet.com/how-to/> (last visited Oct. 30, 2021); BETRIVERS, <https://pa.betrivers.com/?l=RiversPhiladelphia> (last visited Oct. 30, 2021); BARSTOOL SPORTSBOOK (<https://www.barstoolsportsbook.com/>) (last visited Oct. 30, 2021).

<sup>39</sup> Todd Shriber, *US Sports Betting Market Will Be 90 Percent Online and Mobile Within A Decade, Industry Experts Assert*, CASINO.ORG (June 14, 2019), <https://www.casino.org/news/us-sports-betting-market-will-be-90-percent-online-or-mobile-within-a-decade/>.

<sup>40</sup> Rich Shapiro, *Sports Betting Skyrocketed in Pandemic. Experts Warn of a 'Ticking Time Bomb'*, NEWS (May 15, 2021, 6:00 AM), <https://www.nbcnews.com/news/us-news/sports-betting-skyrocketed-pandemic-experts-warn-ticking-time-bomb-n1266518>.

<sup>41</sup> See John W. Welte et al., *The Relationship Between the Number of Types of Legal Gambling and Rates of Gambling Behaviors and Problems Across U.S. States*, 32 J. GAMBLING STUD. 379 (2015).

wagers.<sup>42</sup> This poses a greater concern for those placing bets online. Without proper verification or certification of a website or application's legitimacy, individuals could share their confidential banking or credit card information with those intent on stealing information. The theft of confidential information is one of the most important justifications for government involvement. Consumer protection in the online sphere is paramount.

Another concern that arises from sports wagering is the possibility for scandal from athletes.<sup>43</sup> This has been a concern due to the prevalence of scandals in the past, but surprisingly, there has been a stark reduction in violations of the integrity of sports games. A suspected reason for this reduction includes the increase in player salaries, as those players have a reduced incentive to fix or otherwise manipulate games.<sup>44</sup>

The inconsistencies of the United States regulatory framework directly damage the consumer and the international markets. Because sports betting is regulated in some states<sup>45</sup> while being entirely restricted in others,<sup>46</sup> there exists a major disparity between remedies offered to citizens in regulated states as opposed to citizens in restrictive states.<sup>47</sup>

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<sup>42</sup> Sally M. Gainsbury et al., *Consumer Attitudes Towards Internet Gambling: Perceptions of Responsible Gambling Policies, Consumer Protection, and Regulation of Online Gambling Sites*, 29(1) COMPUTS. HUM. BEHAVS. 235-245 (2013), [https://researchportal.scu.edu.au/discovery/delivery/61SCU\\_INST:ResearchRepository/1267004840002368?l#1367464110002368](https://researchportal.scu.edu.au/discovery/delivery/61SCU_INST:ResearchRepository/1267004840002368?l#1367464110002368).

<sup>43</sup> Evan Andrews, *What Was the 1919 'Black Sox' Baseball Scandal?*, HIST. (Oct. 9, 2014), <https://www.history.com/news/black-sox-baseball-scandal-1919-world-series-chicago>; Chris Sheridan, *2002 Lakers-Kings Game 6 at Heart of Donaghy Allegations*, ESPN (June 10, 2008), <https://www.espn.com/nba/news/story?id=3436401>; and Jamie Brown, *Hall of Shame: The Pete Rose Story*, B/R (July 26, 2009), <https://bleacherreport.com/articles/224672-hall-of-shame-the-pete-rose-story>. Scandals including, but not limited to the 1919 World Series and the 2002 NBA Championship show an evolution of motivations for match fixing. A scandal that led to PASPA's inception includes the Pete Rose scandal. There were allegations that the professional baseball player was banned as a result of his wagers on baseballs games in which he was a participant. Increased player salaries certainly negate motivations for match fixing.

<sup>44</sup> Chil Woo, *All Bets Are Off: Revisiting the Professional and Amateur Sports Protection Act (PASPA)*, 31 CARDOZO ARTS & ENT. L.J. 569, 590 n.121 (2013).

<sup>45</sup> Ryan Butler, *Where Is Sports Betting Legal? Projections for All 50 States*, ACTION, <https://www.actionnetwork.com/news/legal-sports-betting-united-states-projections> (last updated Oct. 29, 2021). Sports betting is legal in 26 total states and Washington, D.C.

<sup>46</sup> *Id.* (listing Alaska, California, Hawaii, Idaho, Minnesota, Oklahoma, South Carolina, Texas, and Utah as states that restricts sports betting).

<sup>47</sup> Washington law provides that:

The transmission of gambling information over the internet for any sports wagering conducted and operated under this section and RCW is authorized, provide that the wager may be placed and accepted at a

There are means by which to place legal or illegal bets. In most states, a legal bet is placed through a licensed bookmaker.<sup>48</sup> Illegal bets may be placed through offshore bookmakers without licenses.<sup>49</sup> The framework of the United Kingdom allows not only for consumer protection, but for the protection of agencies. Accessibility to online betting has only increased with the availability of the internet,<sup>50</sup> and the regulation in the United States should evolve to meet the expanded access to online sports betting. The structure found in the United Kingdom should be adopted by the United States. The protections would benefit the industry and provide additional revenue for the federal government.

The Supreme Court's decision in *Murphy v. National Collegiate Athletic Association* eliminated the federal law prohibiting sports wagering in the United States.<sup>51</sup> Following the decision in *Murphy*, twenty-eight states and Washington, D.C. have legalized sports betting.<sup>52</sup> Four additional states have legalized sports betting, though it is not yet operational.<sup>53</sup> Two additional states are pending legislation.<sup>54</sup> Currently, a majority of states have legalized sports betting, although variations and discrepancies still exist. These variations and discrepancies pose a legitimate problem for consumer protection.

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tribe's gaming facility only while the customer placing the wager is physically present on the premises of that tribe's gaming facility.

WASH. REV. CODE § 9.46.0368 (2021). A Washington legislative bill also provided that:

It has long been the policy of this state to prohibit all forms and means of gambling except where carefully and specifically authorized and regulated. The legislature intends to further this policy by authorizing sports wagering on a very limited basis by restricting it to tribal casinos in the state of Washington.

H. Com. & Gaming 2638, 66th Leg., Reg. Sess. (Wash. 2020).

<sup>48</sup> OXFORD ECON., ECONOMIC IMPACT OF LEGALIZED SPORTS BETTING (2017), <https://www.americangaming.org/wp-content/uploads/2018/12/AGA-Oxford-Sports-Betting-Economic-Impact-Report1-1.pdf>.

<sup>49</sup> *Illegal Sports Betting: How Offshore Operators — and Those Who Support Them — Break U.S. Law*, AM. GAMING ASS'N (Aug. 17, 2020), <https://www.americangaming.org/illegal-sports-betting/>.

<sup>50</sup> See Max Roser et al., *Internet*, OUR WORLD IN DATA (2015), <https://ourworldindata.org/internet>.

<sup>51</sup> *Murphy*, 138 S. Ct. at 1485.

<sup>52</sup> *Interactive Map: Sports Betting in the U.S.*, AM. GAMING ASS'N, <https://www.americangaming.org/research/state-gaming-map/> (last updated Oct. 6, 2021).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

## II. BACKGROUND

### A. *The United States' Shifting and Inconsistent Policies Towards Online Sports Betting*

#### i. *Professional and Amateur Sports Protection Act*

Congress passed the Professional and Amateur Sports Protection Act (PASPA) in 1992 for the purpose of “prohibit[ing] sports gambling conducted by, or authorized under the law of, any State or other governmental entity.”<sup>55</sup> Congress touted the bill as a necessity to preserve the “integrity of” sports and disincentivize gambling for “young people.”<sup>56</sup> While contemplating the bill, the Committee addressed the increased accessibility of gambling through “new technologies.”<sup>57</sup> Additionally, the Committee faced concerns over the “seductive” nature of sports gambling.<sup>58</sup>

The legislation provided that states, with a few exclusions,<sup>59</sup> could not regulate sports betting.<sup>60</sup> In addition to the Professional and Amateur Sports Protection Act, Congress passed the Unlawful Internet Gambling Enforcement Act in 2006.<sup>61</sup> The Act “prohibits gambling businesses from knowingly accepting payments in connection with the participation of another person in a bet or wager that involves the use of the Internet and that is unlawful under any federal or state law. . .” which limited an operator’s ability

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<sup>55</sup> S. REP. NO. 102-248, at 3 (1992) *reprinted in* 1992 U.S.C.C.A.N. 3553.

<sup>56</sup> *Id.* at 5.

<sup>57</sup> *Id.* The Committee speculated that access to gambling would increase in convenience, with the possibility of its occurrence over the telephone—increasing accessibility not only to adults, but to children as well. At this time, Congress certainly did not anticipate the widespread use of cellular devices and their capabilities. Increased internet access resulted in increased accessibility to gambling platforms.

<sup>58</sup> *Id.* However “seductive” the Committee considered sports gambling to be does not necessarily equate with creating a restrictive environment. To contrast, investments in the stock market include risk, and are being made quite seductive by new trading applications such as Robinhood. Just because something is seductive does not equate to prohibition or unnecessary restrictive regulation. Rather, regulation that encourages proper and safe practices should be encouraged.

<sup>59</sup> Professional and Amateur Sports Protection Act, Pub. L. No. 102-559, § 3704, 106 Stat. 4227 (1992). PASPA did not apply to Oregon, Delaware, and Nevada. Although these states were not subject to the restrictions of the legislation, they were not permitted to expand their sports betting schemes. In addition to the aforementioned states, the legislation permitted states that had operated licensed casinos in the ten years prior one year to enact state legislation regulating sports wagering.

<sup>60</sup> *Id.* § 3702, 106 Stat. at 4227.

<sup>61</sup> 31 U.S.C. §§ 5361-5367.

to receive sports wagers via Internet gambling.<sup>62</sup> The Unlawful Internet Gambling Enforcement Act strengthened PASPA's intention of combatting a the "national problem" of sports gambling.<sup>63</sup>

As reflected in the hearings prior to PASPA's approval, sports gambling was viewed as a problem so dire that Section 3702 of the Act permits Congressional prohibition of intrastate sports regulation.<sup>64</sup> The legislation included exemptions for violations of any wagering schemes that were approved under state law on October 2, 1991, and carried out between September 1, 1989 and October 2, 1991.<sup>65</sup> The reason for this allotted time was meant to permit states that were debating hosting wagers within their jurisdiction the ability to do so without being subject to a PASPA violation. The Act also factored in an additional time period for states to regulate sports wagering through an additional exemption to sports wagering in casinos up to one year after the Act's effective date which would prove to be problematic in states such as New Jersey.<sup>66</sup>

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<sup>62</sup> FED. DEPOSIT INS. CORP. ET AL., UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006 OVERVIEW 1, <https://www.fdic.gov/news/financial-institution-letters/2010/fil10035a.pdf>.

<sup>63</sup> S. REP. NO. 102-248, at 5 (1991).

<sup>64</sup> The statute includes the following provisions:

It shall be unlawful for—

- (1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or
- (2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity, a lottery, sweepstakes, or other betting, gambling, or wager scheme based, directly or indirectly (through the use of geographic references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

28 U.S.C. § 3702.

<sup>65</sup> 28 U.S.C. § 3704(a)(2).

<sup>66</sup> The statute states:

- (a) Section 3702 shall not apply to—
- (3) A betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—
  - (A) Such scheme or a similar scheme was authorized, not later than one year after the effective date of this chapter, to be operated in that municipality; and
  - (B) Any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State

Public opinion did not match the views expressed in the Congressional hearings for PASPA as the Internet sportsbooks only grew in popularity and accessibility in the years following the legislation.<sup>67</sup> Although illegal, wagers were placed online in the United States for reasons stemming from accessibility and the lack of enforcement of PASPA.<sup>68</sup> The popularity of sports gambling has led to an acceptance of online wagers by the public. Instead of reducing access to wagers, PASPA had the opposite effect of pushing American bettors to look elsewhere. In a way, PASPA could be analogized to the Prohibition Era. Even though something is so heavily regulated against, does not ensure people will seek it and establish means of obtaining it. Due to the interconnectivity and accessibility of the internet, those wanting to place bets can do so through international sites which may not be “legitimate, compliant online sports gambling operators.”<sup>69</sup>

A minority view was included in the legislative history of PASPA. This opposing opinion noted that the legislation would be “a substantial intrusion into States’ rights” by “telling the States how they [could] or [could not] raise state revenue.”<sup>70</sup> In addition, Mr. Grassley’s minority view included the idea that PASPA would “blatantly discriminate between the States.”<sup>71</sup> Twenty-six years later, the Supreme Court would agree with him.

ii. *Murphy v. National Collegiate Athletic Association*

The Supreme Court reached its decision in *Murphy* on anti-commandeering grounds<sup>72</sup> following New Jersey’s obstinate and unyielding attempts to regulate sports betting within their state, attempting anything from

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regulation authorized by that State’s constitution and applicable solely to such municipality.

28 U.S.C. § 3704(a)(3).

<sup>67</sup> Woo, *supra* note 44, at 589.

<sup>68</sup> MICHAELA D. PLATZER, INTERNET GAMBLING: POLICY ISSUES FOR CONGRESS, CRS REP. NO. 44680, at 15 (2016) (noting that “Americans spent around \$150 billion on illegal sports betting in 2015.”).

<sup>69</sup> Woo *supra* note 44, at 590. Woo continues to state that “unlicensed, unregulated online gambling operators” are filling the void created by PASPA.

<sup>70</sup> S. REP. NO. 102-248, at 12 (1992) *reprinted in* 1992 U.S.C.C.A.N. 3553.

<sup>71</sup> *Id.* at 13.

<sup>72</sup> *Murphy*, 138 S. Ct. at 1461. The anticommandeering doctrine is fundamental and does not permit Congress to issue orders directly to the states without some form of discretion, effectuating the system of dual sovereignty.

a state constitutional referendum<sup>73</sup> to multiple Sports Wagering Acts.<sup>74</sup> The Court held that Section 3701(1) commandeered the power to regulate gambling industries from the states.<sup>75</sup>

The anti-authorization provision found in PASPA was not considered a preemption provision by the Court because “there is no way in which this provision can be understood as regulation of private actors.”<sup>76</sup> The Court did not find that the unconstitutional provisions of PASPA could be severed, and as a result, required that the legislation be struck down in its entirety.<sup>77</sup> PASPA aimed to prevent the state legalization of sports gambling, and the Court held that Congress does not have the authority to prohibit a state from creating legislation which legalizes sports gambling.<sup>78</sup> The Court noted that “legalizing sports gambling in privately owned casinos while prohibiting state-run sports lotteries would have seemed entirely backwards” and it is “unclear what might justify such disparate treatment.”<sup>79</sup>

The United States has not yet adopted legislation focused on protecting the consumer who chooses to participate in sports betting. Instead, Congress has passed legislation that protects the sanctity of the game itself or prevents individuals from participating in sports betting practices for their own good and to curb immoral acts.<sup>80</sup> Adoption of a centralized system for verification of bookmakers would provide a baseline consumer protection that could lessen or eliminate online scams in sports betting.

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<sup>73</sup> Trib. News Servs., *New Jersey Voters Endorse Making Sports Betting Legal*, CHI. TRIB. (Nov. 8, 2011), <https://www.chicagotribune.com/sports/ct-xpm-2011-11-08-chi-new-jersey-voters-endorse-making-sports-betting-legal-20111108-story.html>.

<sup>74</sup> S. Res. 3113, 214th Leg. (N.J. 2011), [https://www.njleg.state.nj.us/2010/Bills/S3500/3113\\_I1.PDF](https://www.njleg.state.nj.us/2010/Bills/S3500/3113_I1.PDF) (stating that the Sports Wagering Act (2012) intended to permit sports betting at casinos and racetracks); S. Res. 2460, 216th Leg. (N.J. 2014), [https://www.njleg.state.nj.us/2014/Bills/S2500/2460\\_I2.HTM](https://www.njleg.state.nj.us/2014/Bills/S2500/2460_I2.HTM) (providing that the Sports Wagering Act (2014) intended to allow casinos and racetracks to offer sports betting without involvement or regulation from the state’s government). The difference between the 2012 and 2014 Acts suggest that New Jersey was actively attempting to conjure the constitutional question of commandeering.

<sup>75</sup> *Murphy*, 138 S. Ct. at 1478. (“The PASPA provision at issue here—prohibiting state authorization of sports gambling—violates the anticcommandeering rule. That provision unequivocally dictates what a state legislature may and may not do . . . commandeering occurs ‘only when Congress goes beyond precluding state action and affirmatively commands it.’”). In summation, federal legislation cannot command state legislatures to not enact legislation.

<sup>76</sup> *Id.* at 1481.

<sup>77</sup> *Id.* at 1484.

<sup>78</sup> *Id.* at 1483.

<sup>79</sup> *Id.*

<sup>80</sup> S. REP. NO. 102-248, at 3 (1992) *reprinted in* 1992 U.S.C.C.A.N. 3553.

iii. *Differences in State Policies*

Following the decision in *Murphy*, the states are now free to determine their respective regulatory frameworks concerning sports betting.<sup>81</sup> Although the Court's decision is heavily intertwined with values set forth in the Constitution, which permits states to determine applicable laws within their jurisdiction,<sup>82</sup> the decision affords the country vast inconsistencies between states regarding access to online betting, consumer protection, and licensing of sportsbooks. This is a strong power, which states derive a legitimate benefit from the ability to regulate the gaming industry.<sup>83</sup> Benefits are found primarily in the new stream of revenue through licensing fees and taxation of sports betting on both winnings and bookmakers' commission fees.

iv. *New Jersey's Accessible and Tolerant Policies*

An exception was originally written in the Professional and Amateur Sports Protection Act specifically for New Jersey.<sup>84</sup> New Jersey failed to enact legislation within the timeframe provided by PASPA, which ultimately led to *Murphy's* arrival to the Supreme Court.<sup>85</sup> In 2011, New Jersey voters cast their ballots on Public Question 1, the New Jersey Sports Betting Amendment to the state Constitution.<sup>86</sup> When passed, the amendment would permit the legislature to regulate and allow betting on sporting events.<sup>87</sup> Following voter approval of Public Question 1, the Sports Wagering Act was introduced in 2012. Though approved by voters, this proposition violated PASPA. It took a

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<sup>81</sup> Marc Edelman, *Regulating Sports Gambling in the Aftermath of Murphy v. National Collegiate Athletic Association*, 26 GEO. MASON L. REV. 1 (2018).

<sup>82</sup> U.S. CONST. amend. X.

<sup>83</sup> AM. GAMING ASS'N, STATE OF THE STATES 2019: THE AGA SURVEY OF THE COMMERCIAL CASINO INDUSTRY 6 (2019), [https://www.americangaming.org/wp-content/uploads/2019/06/AGA-2019-State-of-the-States\\_FINAL.pdf](https://www.americangaming.org/wp-content/uploads/2019/06/AGA-2019-State-of-the-States_FINAL.pdf).

<sup>84</sup> Professional and Amateur Sports Protection Act, Pub. L. No. 102-559, § 3704 (a)(3)(A), 106 Stat. 4227, 4228 (1992). PASPA included a year following the adoption of the legislation for states, specifically New Jersey, that had operated licensed casinos in a ten-year period prior to PASPA's passage. New Jersey did not enact legislation within the year window, and sports betting within the state were violative of PASPA's language.

<sup>85</sup> *Murphy*, 138 S. Ct. at 1461. Murphy being Governor Philip D. Murphy of New Jersey brought suit regarding a states' rights claim following New Jersey's failure to pass the respective legislation within the allotted time for the exception in PASPA.

<sup>86</sup> *New Jersey Sports Betting Amendment, Public Question 1 (2011)*, BALLOTPEdia, [https://ballotpedia.org/New\\_Jersey\\_Sports\\_Betting\\_Amendment,\\_Public\\_Question\\_1\\_\(2011\)](https://ballotpedia.org/New_Jersey_Sports_Betting_Amendment,_Public_Question_1_(2011)) (last visited Nov. 5, 2021).

<sup>87</sup> Assemb. Con. Res. 113, 215th Leg. (N.J. 2012) (The bill "proposes constitutional amendment providing that State revenues derived from sports betting will be used first to fund residential placements for persons with developmental disabilities").

few years for New Jersey to effectively offer remote sports betting to its constituents.

New Jersey found itself entangled with potential violations of PASPA, resulting in years-long litigation, such as *National Collegiate Athletic Association v. Governor of New Jersey*<sup>88</sup>, which initially did not determine that the federal government could not require the individual states to prohibit sports betting.<sup>89</sup>

Since the decision in *Murphy*, New Jersey has fully regulated online sports betting.<sup>90</sup> Since regulation, online sports betting has effectively experienced explosive growth in the state.<sup>91</sup> The accessibility provided to bettors through online mediums, available from any location within the state, accounts for this increased involvement in gaming. Bettors are not required to be on property to place sports bets, nor are they required to participate in in-person registration for online wagering accounts. The regulatory authority for New Jersey is the New Jersey Division of Gaming Enforcement and the New Jersey Casino Control Commission.<sup>92</sup> In 2019 alone, seventeen online sportsbooks were operational in New Jersey.<sup>93</sup> Online sports betting is taxed at 14.25 percent, subject to an additional federal excise tax.<sup>94</sup>

The Division of Gaming Enforcement has the ability to set regulations surrounding sports betting.<sup>95</sup> With various divisions operating across the country, several inconsistencies will be found, from limits set on sportsbooks to types of bets placed.

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<sup>88</sup> Nat'l Collegiate Athletic Ass'n v. Governor of New Jersey, 799 F.3d 259 (3d Cir. 2015). The court held that the New Jersey law regulating sports betting was in violation of the Professional and Amateur Sports Protection Act and issued a permanent injunction. The decision of this case was overturned by the court in *Murphy*.

<sup>89</sup> *Id.* at 259-60.

<sup>90</sup> *Division of Gaming Enforcement: Sports Wagering*, THE STATE OF N.J.: DEP'T OF L. & PUB. SAFETY, <https://www.nj.gov/oag/ge/sportsbetting.html> (last visited Nov. 5, 2021) (listing licensed and operating online sports pools in New Jersey to include Bally's Atlantic City, Borgata Hotel Casino & Spa, Golden Nugget Hotel Casino & Marina, Hard Rock Hotel Casino, Ocean Resort Casino, Tropicana, and Resorts Casino Hotel Atlantic City).

<sup>91</sup> STATE OF THE STATES 2020, *supra* note 33 ("Online sports betting accounted for more than 81 percent of annual sports wagering revenue in New Jersey.").

<sup>92</sup> *Overview*, STATE OF N.J.: CASINO CONTROL COMM'N, <https://www.state.nj.us/casinos/about/overview/> (last visited Nov. 5, 2021).

<sup>93</sup> STATE OF THE STATES 2020, *supra* note 33, at 82.

<sup>94</sup> *Id.* at 83.

<sup>95</sup> S. & Gen. Assemb. P.L.2018, c. 33 (N.J. 2018). It is necessary to identify that New Jersey's legalization of online sports betting does not run contrary to 31 U.S.C. § 5361 (Unlawful Internet Gambling Enforcement Act of 2006) because "the intermediate routing of electronic data relating to a lawful intrastate wager authorized under this provision shall not determine the location or locations in which such wager is initiated, received or otherwise made." P.L. 2018, c. 33 made online sports betting lawful, effectively making 31 U.S.C. § 5361 irrelevant because unlawful bets are not being placed.

v. *Mississippi's Intermediate Approach*

Mississippi has a history with brick-and-mortar casinos, therefore adjusting the legislation for the internet took some time. Mississippi does not offer the same level of openness as New Jersey for their internet gambling options. Mobile sports betting is only available at licensed casino properties, not elsewhere in the state.<sup>96</sup> Instead of an increased tax rate for sports betting, the wagers are taxed at the same rate as other casino games.<sup>97</sup> This most likely has to do with the fact that the games are all conducted on-site. An additional difference is that a licensure fee does not apply to sports betting specifically.<sup>98</sup>

The Mississippi Gaming Commission, the state's regulatory authority, has the primary purpose of "ensur[ing] the integrity of the State of Mississippi and maintain[ing] the public confidence in the gaming industry."<sup>99</sup> Thus, subject to power found under the Gaming Control Act,<sup>100</sup> the Commission has set regulations surrounding the use of mobile devices for sports betting purposes.<sup>101</sup> Electronic sports betting is permitted, but only if it

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<sup>96</sup> MISS. CODE ANN. §75-76-89 (2019).

<sup>97</sup> AM. GAMING ASS'N, GAMING REGULATIONS AND STATUTORY REQUIREMENTS: MISSISSIPPI (2019), [https://www.americangaming.org/wp-content/uploads/2019/07/AGAGamingRegulatoryFactSheet\\_Mississippi-2020-2.pdf](https://www.americangaming.org/wp-content/uploads/2019/07/AGAGamingRegulatoryFactSheet_Mississippi-2020-2.pdf). This document identifies that sports betting is taxed at eleven to twelve percent, with eight percent going to the state and between three and four percent going to respective local taxes.

<sup>98</sup> *Id.* Although common in other states, the licensure fee is most likely not found in Mississippi because sports bets may only be placed at casinos within the state with existing licensures, and any pre-authorized operators may offer sports betting.

<sup>99</sup> *Welcome to the Mississippi Gaming Commission*, MISS. GAMING COMM'N, <http://msgamingcommission.com> (last visited Nov. 5, 2021).

<sup>100</sup> MISS. CODE ANN. § 75-76-33(1) authorizes the commission "to adopt, amend or repeal such regulations."

<sup>101</sup> The regulation provides:

- (b) Approved mobile gaming requires, at a minimum, the following:
1. The player shall establish a wagering account through the property where mobile gaming will be conducted, and an initial verification of the account must be done in-person by a patron at the licensee's premises before the acceptance of any wager that will utilize mobile wagering;
  2. Wagers shall only be placed within a facility approved by the Executive Director for mobile gaming; and
  3. The Executive Director authorizes the device application for mobile gaming; provided that the Executive Director may establish any additional or more stringent licensing and other regulatory requirements necessary for the proper implementation and conduct of mobile gaming as authorized herein.

is conducted at a regulated casino following proper registration protocols. The state has considered the legalization of mobile wagering, but the legislation did not make its way through the legislature.<sup>102</sup> This may be due to the potential threat posed by mobile betting to casinos.<sup>103</sup>

vi. *Texas' Uncompromising Restrictions*

Currently, Texas does not have any active legislation regarding the regulation of online gambling.<sup>104</sup> Texas is one of the strictest states and includes provisions for the criminalization of gambling.<sup>105</sup> The state of the law in Texas is likely a direct result of religious influence.<sup>106</sup> Realistically, it does not appear that Texas' position will change soon. In a letter to a Texas Representative, Texas' Attorney General determined that online sports betting violated Texas law.<sup>107</sup> This determination was made in accordance with Texas Penal Code Section 47.02, which criminalizes online sports betting.<sup>108</sup>

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(c) For the purposes of this provision, the approved facility shall include any area located within the property boundaries of the casino hotel facility that the Executive Director determines is legal for gaming. This shall not include parking garages or parking areas of a casino hotel facility.

(d) The Executive Director shall ascertain and ensure, pursuant to rules and regulations issued by the commission to implement mobile gaming pursuant to this provision, that mobile gaming shall not extend outside of the property boundaries of the casino hotel facility authorized for gaming.

13-3.15 Miss. Code R. § (b), (c) & (d) (West 2021).

<sup>102</sup> See Bobby Harrison, *Sports Betting Could Come to Cellphones in Mississippi*, THE MERIDIAN STAR (Feb. 24, 2020), [https://www.meridianstar.com/news/local\\_news/sports-betting-could-come-to-cellphones-in-mississippi/article\\_fb1dc06b-e3ad-5927-959c-ce78c3bb7eb6.html](https://www.meridianstar.com/news/local_news/sports-betting-could-come-to-cellphones-in-mississippi/article_fb1dc06b-e3ad-5927-959c-ce78c3bb7eb6.html); see also Pat Evans, *Mississippi Again Punts on Mobile Sports Betting Expansion*, LEGAL SPORTS REP. (Feb. 5, 2021), <https://www.legalsportsreport.com/47926/ms-sports-betting-mobile-2021/>.

<sup>103</sup> Nat'l Collegiate Athletic Ass'n v. Governor of New Jersey, 799 F.3d 259 (3d Cir. 2015). Two casinos permanently closed in Mississippi in 2019.

<sup>104</sup> *Interactive Map: Sports Betting in the U.S.*, *supra* note 52.

<sup>105</sup> TEX. PENAL CODE ANN. §47.02 (West 2021).

<sup>106</sup> See generally Christian Life Comm'n of the Baptist Gen. Convention of Tex., *The Harms of Legalized Gambling*, 12(1) THEREFORE 2, <http://s3.amazonaws.com/texasbaptists/clc/Therefore-Harms-Of-Legalized-Gambling.pdf>.

<sup>107</sup> Letter from Ken Paxton, Att'y Gen. of Texas, to Rep. Myra Crownover, Chair of the Texas House of Reps. Comm. on Pub. Health (Jan. 19, 2016), <https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/op/2016/kp0057.pdf>.

<sup>108</sup> The Texas Penal Code provides that:

(a) A person commits an offense if he:

Texas is one of a few states that criminalizes sports betting, in addition to political betting. If found in violation, an individual could be guilty of a Class C misdemeanor.<sup>109</sup> This shows the state's strong concern for morals and potential negative social effects.<sup>110</sup> The accessibility to online sportsbooks is not limited or restricted for Texans, so scammers or those hoping to take advantage of residents with no means of legal recourse could prey on potential bettors in Texas.

*B. The United Kingdom's Consumer Protective Policies*

The United Kingdom has kept the consumer in mind in creating its regulatory schemes for online betting.<sup>111</sup> Additionally, the government has attempted to maintain pace with technological advancements in the internet gaming sphere<sup>112</sup> in order to best protect the user and maintain the credibility

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- (1) makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest;
  - (2) makes a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or
  - (3) plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.
- (b) It is a defense to prosecution under this section that:
- (1) the actor engaged in gambling in a private place;
  - (2) no person received any economic benefit other than personal winnings; and
  - (3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

TEX. PEN. CODE ANN. §47.02(a)-(b).

<sup>109</sup> TEX. PEN. CODE ANN. §47.02(d).

<sup>110</sup> Sierra Juarez, *Texas' Gambling Rules Explained: You Can Play Bingo or the Lottery, but No Sports Betting*, THE TEX. TRIB. (Mar. 20, 2018, 12:00 AM), <https://www.texastribune.org/2018/03/20/why-do-i-have-go-other-states-gamble-short-answer-you-dont/>.

<sup>111</sup> See *Public Registers and Datasets*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/public-and-players/public-register> (last visited Nov. 6, 2021) (permitting individuals to search the license registry and gambling business information to determine if the online sources with which they are placing bets are reputable and hold a valid license.).

<sup>112</sup> Out-Law News, *Gambling Law Updated in the UK for the Internet*, PINSENT MASONS: OUT-LAW (Nov. 20, 2003, 12:00 AM), <https://www.pinsentmasons.com/out-law/news/gambling-law-updated-in-the-uk-for-the-internet>.

of the Gambling Commission.<sup>113</sup> The United Kingdom saw a decline in match fixing following the legalization of sports betting—a function of increased monitoring and an improvement in player compensation.<sup>114</sup>

Remote sports betting is not a rarity in the United Kingdom. Statistics provided by the Gambling Commission report that around 10.5 million people gambled online, and three million individuals had gambled on a football match in Great Britain in 2019 alone.<sup>115</sup> The United Kingdom has not shied from protecting consumers and has a decent history of doing exactly that.<sup>116</sup>

*i. The Betting and Gaming Act of 1960*

In comparison to the United States' inconsistent history of protecting bettors, the United Kingdom strove to ensure regularity and consistency within betting markets. The protections provided by the Betting and Gaming Act of 1960 permitted bettors to seek legal recourse for monetary prizes not paid out and held the betting agencies to a regulated standard. As a result of sports regulation, the United Kingdom saw an increase in the integrity of games due to the oversight woven into the play.

Regulating the industry also reduced crime rates and held bookmakers accountable. Though in its infancy, the licensure system verified that the British government was concerned with consumer well-being. The Betting and Gaming Act of 1960 has been repealed and replaced, but legislation dating well before the rise in regulated gaming may assist in understanding Britain's proactiveness towards the market.

*ii. The Gambling Act of 2005*

The Act transferred authority from magistrates' courts to local authorities.<sup>117</sup> A primary update provided by the Gambling Act was that there

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<sup>113</sup> Alice Hancock, *UK Gambling Market Comes Under Siege*, FIN. TIMES (Feb. 9, 2020), <https://www.ft.com/content/7eed86fc-4354-11ea-a43a-c4b328d9061c>.

<sup>114</sup> See Martin Rogers & Kim Hjelmggaard, *What the U.S. Can Learn About Legalized Sports Betting from the U.K.*, USA TODAY (June 6, 2018, 7:45 AM), <https://www.usatoday.com/story/sports/2018/06/06/sports-betting-what-u-s-can-learn-legalization-u-k/664382002/>.

<sup>115</sup> GAMBLING COMM'N, ANNUAL REPORT AND ACCOUNTS 2018-2019, at 16 (2019), <https://assets.ctfassets.net/j16ev64qyf6l/7diRcyP5EVEjLtwvOmNNE0/f4080524e3953982344141d7375a1b56/Annual-Report1819.pdf>.

<sup>116</sup> See Jane McManus, *Great Bettin': In the U.K., Sports Gambling Has Been Legal Since 1961, So We Went Across the Pond to See How It Works*, DAILY NEWS (May 26, 2018, 2:30 PM), <https://www.nydailynews.com/sports/u-s-learn-sports-betting-u-article-1.4011058>.

<sup>117</sup> See Gambling Act 2005, c. 19 (UK), <https://www.legislation.gov.uk/ukpga/2005/19/contents/enacted>. A main goal of the act was to reduce crime in Great Britain surrounding sports betting. With monitoring abilities,

were protections for vulnerable populations and children which directly addresses some of the potential concerns of gaming.<sup>118</sup> The Act influenced the expansion of the online sports betting industry by providing additional protections for bettors and including licensing requirements for bookmakers, ensuring fairness was a cornerstone of the Act.<sup>119</sup> With the expansion of gambling to online platforms, new legislation needed to be created to maintain pace within the market. Tight regulation through the Gambling Act affords increased protection for consumers through licensures for operators and penalties for violations by licensees.<sup>120</sup> Additionally, the Act protected consumers by permitting an opt-out program for individuals struggling with gambling addiction.<sup>121</sup> This further ensures both the fairness of bets placed and that the operators are not taking advantage of those in vulnerable circumstances.

There was an update to the Gambling Act in 2014 in response to the surge in online gambling.<sup>122</sup> Individuals were not going directly into bookmaker's shops as often to place bets. Instead, betting services were available online and thus necessary to be regulated in Britain. The Gambling Act of 2014 provided that operators based outside of Great Britain were prohibited from advertising services to United Kingdom residents unless the operator received a valid licensure through the United Kingdom's Gambling Commission.<sup>123</sup>

Sports bets are taxed heavily in the United Kingdom, which can be justified through the careful monitoring of an oversight commission necessary to ensure continued fair play and betting practices in the country.

### *iii. The United Kingdom's Gambling Commission*

Gambling in the United Kingdom is centrally regulated by the Gambling Commission which was created by the Gambling Act of 2005.<sup>124</sup> In addition to its authority over casinos and lotteries, the Commission has

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the hope was that bets would not be placed with bookmakers that would take advantage of clients or have any influence over the status of games.

<sup>118</sup> *Id.*

<sup>119</sup> George Miller, *History and Evolution of the UK Gambling Commission*, EUR. GAMING (Sept. 20, 2019), <https://europeangaming.eu/portal/latest-news/2019/09/20/54691/history-and-evolution-of-the-uk-gambling-commission/>.

<sup>120</sup> See Gambling Act 2005, c. 19 (UK), <https://www.legislation.gov.uk/ukpga/2005/19/contents/enacted>.

<sup>121</sup> *Id.*

<sup>122</sup> Gambling (Licensing and Advertising) Act 2014, c. 17 (UK), <https://www.legislation.gov.uk/ukpga/2014/17/contents>.

<sup>123</sup> *Id.* § 4.

<sup>124</sup> See Gambling Act 2005, c. 19 (UK), <https://www.legislation.gov.uk/ukpga/2005/19/contents/enacted>.

regulatory power over the remote betting sector, including online sports betting.<sup>125</sup> The Commission sets the requirements for the issuance of licenses and provides such licenses to operators.<sup>126</sup> Regulatory and enforcement powers are given to the Commission in order to provide proper monitoring and oversight of operators and individuals involved with remote gambling.<sup>127</sup>

A primary function of the Commission is to make gambling safer for consumers in the United Kingdom through compliance and enforcement efforts to keep operators accountable.<sup>128</sup> As the Commission sets many of the rules surrounding gaming in the United Kingdom, they have the ability to determine how bets are placed and through what means.<sup>129</sup> The Commission does not resolve consumer complaints against gambling operators. Instead, through the issued licenses, an operator must agree to a third-party dispute resolution through agencies trusted by the Commission to uphold the Commission's standards.<sup>130</sup>

The Commission does not regulate online betting websites that do not trade or advertise to consumers in the United Kingdom.<sup>131</sup> In order to trade with or advertise to consumers in the United Kingdom, operators must have a valid licensure through the Commission which is readily available online.<sup>132</sup> The main purposes of the licensures is to prevent "gambling from being a source of crime or disorder . . . or being used to support crime[,]" ensure fairness, and protect both children and other vulnerable individuals from

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<sup>125</sup> See generally *Who We Are and What We Do*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/about/Who-we-are-and-what-we-do/Who-we-are-and-what-we-do.aspx> (last visited Nov. 6, 2021).

<sup>126</sup> *Licensing Objectives*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/about-us/guide/licensing-objectives> (last visited Nov. 6, 2021).

<sup>127</sup> See Gambling (Licensing and Advertising) Act 2014, c. 17 (UK), <https://www.legislation.gov.uk/ukpga/2014/17/contents>.

<sup>128</sup> *How We Make Gambling Safer*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/about-us/guide/how-we-make-gambling-safer> (last visited Nov. 6, 2021).

<sup>129</sup> *Id.* The Commission's website delineates several examples of how online betting is made safer, such as banning gambling with credit cards and protecting Britain's youth through more stringent identity verification methods. Additional attention has been given to online gambling as a result of the coronavirus pandemic. Protections offered include the prevention of reverse withdrawals, the requirement of gambling businesses to sign up to the online self-exclusion scheme to help those struggling with gambling addiction.

<sup>130</sup> *Id.*

<sup>131</sup> *What We Don't Do*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/about-us/guide/page/what-we-do-not-regulate> (last visited Nov. 6, 2021).

<sup>132</sup> *How We Regulate*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/about-us/guide/how-we-regulate> (last visited Nov. 7, 2021).

gambling exploitation.<sup>133</sup> If operators act in violation of their licenses, the Commission has the power to revoke the license and/or levy fines or fees. Licenses are required for remote operators and remote operators are subject to oversight by the Commission.<sup>134</sup> Licenses are issued when operators have “a clear business plan which explains the operator’s plans for transacting with consumers in Great Britain.”<sup>135</sup> Remote licensures also require that the operator “ensure that there are adequate age verification measures in place to prevent children and young persons gambling on their sites.”<sup>136</sup>

With the popularity of sports betting and the concerns over the integrity of the game, the Commission includes an intelligence team and Sports Betting Intelligence Unit (SBIU) to monitor “betting integrity, social media lotteries, unlicensed remote operators and money laundering.”<sup>137</sup> The reports are investigated and referred to the Commission’s enforcement teams.<sup>138</sup> This process maintains the integrity of games and allows for bets which are fair and legitimate.<sup>139</sup>

The Commission is funded through application and license fees paid by the gambling industry which fund all gambling regulation.<sup>140</sup> Companies that choose to enter the market in the United Kingdom are subject to hefty entry fees and additional taxes on their profits.<sup>141</sup>

At its incipiency, the Gambling Commission has derived several ways to keep bettors protected. An example includes the use of “Whitelists” that designate bookmakers who are safe to place bets with that are not located in the United Kingdom.<sup>142</sup> The Commission’s website includes an accessible database which allows individuals to search remote gambling organizations and their license status.<sup>143</sup>

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<sup>133</sup> *Licensing Objectives*, *supra* note 126.

<sup>134</sup> GAMBLING COMM’N, STATEMENT OF PRINCIPLES FOR LICENSING AND REGULATION § 3 (2017).

<sup>135</sup> *Id.* § 3.8.

<sup>136</sup> *Id.* § 5.23.

<sup>137</sup> GAMBLING COMM’N, *supra* 115, at 20.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.* at 6.

<sup>140</sup> *Id.* at 31.

<sup>141</sup> *Id.* at 40 (indicating the application and license fees in the Directors’ report which “range from £195 to £494,856 dependent on operator size and license type.”; Rogers & Hjelmggaard, *supra* note 114 (reporting that betting companies in Britain are subject to 15% tax on their profits in addition to their regular business taxes).

<sup>142</sup> 5 Feb. 2009, HC Deb. (2009) cols. 15-17 (UK).

<sup>143</sup> *Register of Gambling Businesses*, GAMBLING COMM’N, <https://www.gamblingcommission.gov.uk/public-register/businesses> (last visited Nov. 6, 2021). The licensees can be searched for their license status, from active, expired, forfeited, lapsed, revoked, surrendered, and suspended. This search feature provides protections for those wanting to place bets on the internet marketplace. Additionally, the Commission

The Commission has evolved to continue to protect interests of consumers and the market holistically. As concerns arise from potential criminal activity, the Commission can combat the risk and inform consumers.<sup>144</sup> Through the corporate strategy of the Gambling Commission, corruption, illegal activity, and risks to integrity may be combatted and resolved.<sup>145</sup> Due to the increased accessibility of the internet, the Commission has also decided to invoke more stringent license conditions for online operators, especially when those operators are found in violation of license requirements.<sup>146</sup>

In summary, the Commission strives to provide a marketplace in which consumers can be confident they are placing bets in “markets that are fair, free from betting related corruption and with British licensed operators that are effective in managing risk.”<sup>147</sup>

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identifies licensees that have been “subject to a regulatory sanction [that] are also listed on the regulatory sanction page.”

<sup>144</sup> GAMBLING COMM’N, PROTECTING BETTING INTEGRITY 6-7 (2019), <https://assets.ctfassets.net/j16ev64qyf6l/urRyuXPJ8RunL3T5EF9Zo/4bcdfeb1729a9eb7c830293655e4e0be/Protecting-betting-integrity.pdf> [hereinafter PROTECTING BETTING INTEGRITY].

<sup>145</sup> The commission notes that international collaboration is necessary to combat certain risks:

Gambling and sport are global, multi-million pound industries increasingly commercially linked, for example via ownership and sponsorship arrangements. They are promoted by modern technologies and advertising linking the excitement of sport with that of betting. Proliferation of the interest in and betting on sport has been assisted in the grown of internet use, ever increasing means for communications and 24/7 global access to both betting and broadcasting of coverage of sporting events.

*Id.* at 6.

<sup>146</sup> *Tougher License Conditions for Online Operator*, GAMBLING COMM’N (Nov. 11, 2020), <https://www.gamblingcommission.gov.uk/news/article/tougher-licence-conditions-for-online-operator>. The commission identified a situation where an operator did not comply with elements of the Money Laundering Regulations. In order to maintain their license, the operator must maintain a Money Laundering Reporting Officer, anti-money laundering training for relevant staff, and review of their procedures and controls to avoid money laundering.

<sup>147</sup> PROTECTING BETTING INTEGRITY, *supra* note 144, at 2.

### III. ANALYSIS

#### A. *The United States Should Adopt a Commission Similar to the United Kingdom for Consistency and Consumer Safety*

The United States should adopt a uniform regulatory scheme for online gambling to minimize the impacts of illegal bookmakers and the potential for scandals in sports. Unlike the United States' federal system, the United Kingdom has a centralized government.<sup>148</sup> In some respects, their system may make it easier for the United Kingdom to regulate practices such as online gaming through their Gambling Commission.<sup>149</sup>

In addition to maintaining the integrity of professional sports, regulation of online sports betting would provide protections to those interested in placing bets. The National Gambling Impact Study Commission has identified multiple arguments, one being that legalized and regulated gambling would effectively “undermin[e] illegal gambling and the organized crime it supports.”<sup>150</sup> Following the Court's removal of the federal sports betting ban that existed under PASPA, the United States should encourage the establishment of legitimate, compliant online sports gambling operators. Just as PASPA provided a blanket federal ban with various exceptions, the Court's decision in *Murphy* provided a blanket removal which left the decision for regulatory schemes with individual states.

As noted in the Background above, the regulations surrounding online sports betting vary drastically among the states. With a blanket removal, avenues for fraud or deception are paved. Those placing online bets should be afforded protections. Without any protective regulation in place, individuals placing bets online may send sensitive or confidential information to sportsbooks that facially appear compliant with state regulation, but unfortunately, are not acting within those parameters.

The United States should adopt a centralized system similar to the United Kingdom for online gambling. In addition to providing licenses, the system should also provide a list of approved and licensed online sportsbook organizations. Providing this list to bettors would allow for those who ultimately decide to participate in the act of placing online bets a security not presently afforded to them.

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<sup>148</sup> Winnie Agbonlahor, *UK 'Almost Most Centralised Developed Country', Says Treasury Chief*, GLOB. GOV'T F. (Jan. 27, 2015), <https://www.globalgovernmentforum.com/uk-most-centralised-developed-country-says-treasury-chief/>.

<sup>149</sup> *Helping You Get Information About Gambling in Great Britain and Find Support When You Need It*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/home.aspx> (last visited Nov. 6, 2021).

<sup>150</sup> NAT'L GAMBLING IMPACT STUDY COMM'N, NATIONAL GAMBLING IMPACT STUDY COMMISSION FINAL REPORT 1-5 (1999).

While consumers are entitled to their own research, fraudulent sites on the internet are not uncommon and having an updated list of approved and licensed sportsbooks would reduce the chance of individuals being impacted by fraudulent schemes. The typical online sportsbook found in the United Kingdom is not one run by criminals looking to wholly take advantage of bettors. Instead, these sportsbooks are run by large corporations that are subject to strict regulation in the United Kingdom.<sup>151</sup> With the prevalence of these organizations in the market not just regionally, but internationally, the incentive to participate in betting scandals or noncompliance with regulation is little to none. With the consequence of license removal by the United Kingdom's Gambling Commission, there is no justified reason for noncompliance. Without consistent regulation, the incentive to treat consumers fairly is not present. Additionally, consumers in states that either criminalize the act of betting or have no regulation in place whatsoever create a targeted population for scammers. Especially when regulated sites are not permitted within a state, unregulated sites will have no issue attempting to take advantage of those residents.

The United States does not have an impermeable history of enforcing online gambling regulations, but this could be due to the fact that the blanket prohibition of online gambling did not allow for proactivity in the realm of online sports betting. With the adoption of a commission similar to that of the United Kingdom, the United States would have a means of issuing licenses and enforcing regulation surrounding online gambling.

A blanket prohibition for online gambling was unraveled by the Court in 2018, but a blanket protection should not be dismissed or ignored. Congress should consider providing baseline protections across all states, including but not limited to the production of a licensure system. The licenses would provide for a verification process that would maintain both integrity and consistency in the online gambling realm. The licensure process would hold organizations accountable through compliance with both state and federal regulation. In addition to the federal protections provided, states would have the ability to enact statutes surrounding their particularized approaches to online gambling.

Absent the prohibition of online sports gambling, states that have enacted statutes permitting online gambling have an additional revenue stream

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<sup>151</sup> *The Impact of Gambling Companies on the London Stock Exchange*, ADVFN FIN. NEWS (Nov. 20, 2018), <https://uk.advfn.com/newspaper/advfnnews/49209/the-impact-of-gambling-companies-on-the-london-stock-exchange> (identifying the prevalence and impact of sports betting companies on the market). Additionally, there are sportsbook giants that are looking to expansion in the United States and plan to supply certain technologies to states that approve the practice.

and a newfound source for job creation.<sup>152</sup> Although the Court's decision in *Murphy* eliminated the conflict between federal legislation and states, stark inconsistencies are still found between the states which results in a system that is weak both nationally and internationally.<sup>153</sup>

At the time of writing, the coronavirus pandemic is impacting states through unprecedented means. Permitting online sports betting would create a revenue stream that would benefit the citizens, especially those requiring specialized services during this time.<sup>154</sup> Including a tax on the revenue of organizations that offer online sports wagering could start to fill gaps in state's individualized budgets, especially as those gaps begin to widen as a result of coronavirus responses.

The reality is that online sports betting is going to occur within states regardless of whether that state has determined to criminalize the act.<sup>155</sup> Stay-at-home orders have further incentivized online means of entertainment. Additionally, with many organizations unable to open physical doors to their establishments due to the pandemic, offering these bets provides for a continuation of their businesses. Because of the online nature and accessibility of sports betting, criminalization of placing bets thus siphons revenues to other states or countries. Given the current circumstances, states such as Texas should look more closely at providing regulation that permits online sports betting for the sole reason of increased revenue streams.

Huge potential exists for states that have yet to regulate sports betting. With the vast number of incentives to do so, it does not appear that states such as Texas will shift their position and regulate the industry. Texas' refusal to regulate could place Texans in a precarious position, and potentially subject Texas residents to fraudulent online gaming schemes.

A centrally regulated system will directly benefit the consumer and the state. Providing standards for compliance will enhance consistency and shift demand away from illegal betting activity. Regulation of this industry would also limit the bettor's exposure to fraudulent betting schemes, and with the interconnectedness of the internet it is quite possible that bettors could be connected to organizations that are not based in the United States and do not

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<sup>152</sup> Ryan Butler, *Tax Revenue from Legal Sports Betting Is Benefitting States*, GAMBLING.COM (Feb. 26, 2020), <https://www.gambling.com/us/news/tax-revenue-from-legal-sports-betting-is-benefitting-states-2205100> (including examples of how tax revenue from legal sports betting is being used in "fund[ing] programs for schools, the elderly and disabled, transportation initiatives, environmental causes and others" such as "support[ing] state water projects, replenish pension funds, and rebuild damaged roads.").

<sup>153</sup> *Murphy*, 138 S. Ct. at 1461.

<sup>154</sup> Chris Imperiale, *West Virginia Gambling Helps State Earn Needed Tax Revenue During Difficult Year*, PLAYWV.COM (Nov. 10, 2020), <https://www.playwv.com/wv-gambling-provides-revenue-boost/>.

<sup>155</sup> See Butler, *supra* note 152 (noting that "in-state dollars from residents crossing state lines to place bets" may be lost, further incentivizing each state to regulate the industry).

have credible reputations or histories. Providing regulation at the federal level would substantially limit the money that is funneled into illegal betting schemes. In summation, this regulation would benefit the bettor, the industry, and the revenue streams of states.

The United States does not have a strong reputation of enforcing online gambling legislation. Creating a centralized system would increase the enforcement abilities and create consistent regulations for which organizations must comply. Due to the prior lack of monitoring capabilities, enforcement was limited. With a system that includes increased monitoring protocols, protections will be afforded for the consumer. The United Kingdom has identified potential threats to consumers through “illegal betting” and “criminal groups [that] view match fixing and betting corruption as a less risky criminal activity compared to other offences such as drug smuggling or people trafficking.”<sup>156</sup>

Avoiding interactions with fraudulent schemes is paramount. In adopting a licensing scheme similar to that of the United Kingdom, the United States would be afforded the ability to monitor regulated sportsbooks and “enforce[] controls [of] suspicious and illegal betting activity, thus helping to preserve the integrity of sports by early detection and investigation of potential fraud.”<sup>157</sup>

A legal yet efficiently regulated system is necessary for the continuation of safe and fair online sports betting in the United States. Allowing for a monitoring system in addition to a licensing commission would incentivize compliance because bettors would be more likely to place bets with trusted agencies, especially since it is online commerce. With the elimination of the blanket restriction of online sports betting, the United States should seriously consider implementing a commission that provides licensures and a regulatory framework to ensure compliance with basic regulations and leave finer details—such as tax rates and services for gambling addiction—to the states. The drastic differences between the states does not provide protection to all United States consumers of betting services.

Theoretically, each state could enact legislation regulating online sports betting. Not only is this time-consuming but it is dependent on every state enacting such legislation. With distinct disparities between the states, it is unlikely that a uniform regulatory system would exist within the United States. These disparities may also create a condition whereby not all citizens are afforded the same protections in participating in internet sports betting. Under current regulation, a Texas resident may be found guilty of a Class C

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<sup>156</sup> PROTECTING BETTING INTEGRITY, *supra* note 144.

<sup>157</sup> Woo, *supra* note 44 at 593. Woo further articulates that “[i]mprovements in monitoring technology can allow state regulated sportsbooks working in conjunction with state and federal investigators to effectively detect illegal betting activity, and investigate and prosecute wrongdoers.”

misdemeanor for their participation in online sports betting, while a New Jersey resident would be afforded proper legal recourse if there were issues of operators not carrying through with their payouts. This is exactly where a centralized commission similar to the United Kingdom's would be beneficial. Residents in states in which internet sports betting is unregulated or even criminalized, may be subject to fraudulent schemes or scams at rates inconsistent with residents in states with regulated internet sports betting.

#### IV. CONCLUSION

Online sports betting evolves by the minute. New legislation may often find itself dated after a few short months as technological advances are continually released. In order to match the evolutionary rate of online gambling, it would be beneficial for the United States to implement a commission with regulatory powers that could effectively and efficiently monitor the online sports betting market. The United Kingdom has successfully provided a safe online sports betting market with minimal interruptions from scandal or fraud, and a similar scheme would be advantageous for the United States.<sup>158</sup>

Congress should assist the states by establishing a Commission which provides regulatory frameworks and monitoring capabilities to ensure the integrity of games and maintain protections for consumers in a market that could be easily manipulated.

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<sup>158</sup> *Scams and Fraud*, GAMBLING COMM'N, <https://www.gamblingcommission.gov.uk/public-and-players/guide/page/scams-and-fraud> (last visited Nov. 6, 2021).