Gambling Modes and State Gambling Laws: Changes from 1999 to 2011 and Beyond

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IN THE PAST FIFTY YEARS, gambling opportunities across the United States have steadily increased. The legalization and regulation of gambling can provide a state with a means to increase state revenues without increasing state taxes, and also may provide an economic boost to a region. The issue of gambling within a state is not, however, without controversy. Some forms of gambling are permitted in a given state while others are not. Many states are willing to expand gambling opportunities in order to increase the resulting state revenues, while others are resistant to these types of changes to their gambling laws.

We conducted two national representative surveys on gambling, over a decade apart, to explore changes in gambling.¹ To determine which modes of gambling are allowed and available across the United States, we also needed to examine and understand the gambling laws of each state individually. We undertook to determine which modes of gambling were allowed and operating in 1999, the year we began our first national gambling survey, and which modes were allowed and operating when we started our second national survey in 2011, twelve years later. With that as backdrop, our goal was to determine whether the various modes of gambling were permitted in more or fewer states during these two points in time.

We anticipated that overall, states would legalize and increase gambling opportunities within their borders between 1999 and 2011. We hypothesized an in-

crease in state lotteries and casino-style gaming, as well as forms of Internet gambling. We also expected that the pari-mutuel wagering, such as horse and dog racing, although often still legal in a state, would decrease, largely due to decreased attendance and an increase in active concern for cruelty to animals.

Where laws related to gambling can be found within a state's statutes and regulations vary. For instance, they may be found in the criminal/penal code, the title on amusement and sports, or in special sections on lotteries, pari-mutuel wagering, or horse racing. The latter form of gambling can even be found in the agricultural title of a state's code. In addition, many states address gambling in their constitutions. For instance, in New York, gambling is prohibited in its Constitution. In 1966, in order to permit a state lottery, an amendment to the New York State Constitution allowing a state lottery was necessary. In November of 2013, New York voters also approved another amendment to the state constitution allowing Las Vegas-style commercial casinos in the state. Because state statutes and regulations regarding gambling are sometimes obscure, in order to present an accurate account of allowed and available modes of gambling across the United States, case law and opinions of the state attorney general may need to be consulted.

METHOD

In order to determine the availability of gambling within a state, we first researched the different

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¹For information about these two studies, see John W. Welte, Grace M. Barnes, Marie-Cecile O. Tidwell, Joseph H. Hoffman, and William F. Wieczorek, *Gambling and Problem Gambling in the United States: Changes Between 1999 and 2013*, J. GAMBLING STUD. (2014), doi: 10.1007/s10899-014-9471-4.

modes of gambling addressed in the state statutes and regulations for the 50 states and District of Columbia. If a state prohibits all forms of gambling unless specifically allowed by an amendment to its constitution or legalized by its legislature, we usually could find whether the state allowed or prohibited the form of gambling under review. The legality and thus availability of a state lottery was easily ascertained, since there was usually a statute authorizing a Lottery Commission or Board to create a set of regulations to oversee the state's lottery. Also, some states created specific commissions to regulate the various forms of gambling within the state, including charitable gaming commissions or boards. Other states' statutes are more convoluted, making it difficult to determine whether certain modes of gambling were allowed.

The issue of whether or not a type of wagering was gambling differs by state. In most states (subject to some exceptions), in order to be classified as gambling, three criteria² must be present: (1) something of value wagered and at risk (consideration), (2) the opportunity to receive something of value in return (reward or prize), and (3) the element of chance. The degree to which the outcome of the game must be influenced by chance for a game to be considered gambling varies from state to state. In addition, in all but a few states, betting on sports (other than pari-mutuel wagering) is unlawful.

For these and other reasons, there are instances when it was difficult to discern whether or not a form of gaming is considered gambling in the state. In these instances, we needed to refer to case law or to search out opinions by the state's attorney general.

To supplement our information, we examined newspaper articles and certain gambling association websites, as well as federal and state websites, including those of state boards and commissions that regulate and oversee gambling. On occasion, we made phone calls to the state's legal department or gambling commission regarding gambling, in order to confirm or supplement our information.

The 24 modes of gambling addressed in this article are state-run lotteries and state-run keno-style games; four types of charitable gaming (bingo, raffles, pull-tabs, and other charitable gaming, such as Casino or Las Vegas Nights); various forms of pari-mutuel wagering (horse racing, dog racing, simulcast racing, off-track betting, jai alai, instant/historical horse racing, and advance deposit wagering); three types of non-Indian casino-style gambling (commer-

cial or state run casinos, riverboat or cruise ships, and racinos); two forms of Indian gaming (tribal bingo parlors and tribal casinos); cardrooms; social gambling; sports betting; Calcutta pool; video or electronic gaming machines; and online gambling. There are a few other modes found in the statutes which we are not including because we consider them subsets of another mode of gambling. For instance, electronic bingo, although specifically mentioned in some state statutes, would fall under a state's charitable bingo. The same goes for video pull-tabs which, when allowed in states, are usually authorized in locations where paper charitable pull-tabs would be allowed. Craps or dice, when found in state statutes, is usually found in conjunction with casino gambling or charitable gambling found at a charitable organization's casino night, and thus not included here as a separate genre of gambling.

For purposes of this article, we have *excluded* two categories of activity worth mentioning—fantasy sports and games of skill. Games of skill were included in our survey. However, games that meet a particular state's threshold for "skill" are not generally regarded as gambling by that state. Some states prohibit games of skill only where the participants are "betting" or "wagering" against each other, or where the operator of the game is interested in the outcome. "Prize" or "premium" contests are almost always permissible. Moreover, those contests are not regulated in the same manner as gambling, often falling under general consumer protection regimes rather than state gambling regulation.

Fantasy sports' legal status is not entirely clear. The Unlawful Internet Gambling Enforcement Act of 2006 exempts fantasy sports meeting certain criteria from its compass,³ and the few challenges under state law to date have ended without a declaration that the games are considered gambling.⁴

For those reasons, we have excluded all games of skill—again, defined to mean games that meet the requisite threshold for skill under the applicable state's laws—and fantasy sports from our assessment.

We will begin by describing the various modes of gambling and the standards we used to include them

²I. NELSON ROSE, *GAMBLING AND THE LAW* (1986).

³31 U.S.C. § 5362(1)(E)(ix).

⁴*See* Langone v. Kaiser, No. 1:12-cv-02073, slip op., 2013 WL 5567587 (N.D. Ill. Oct. 9, 2013); Humphrey v. Viacom, Inc. et al., No. 06-2768, slip op., 2007 WL 1797648 (D.N.J. June 20, 2007).

in this study. Then, we will describe which of the 25 modes of gambling were allowed in each of the 50 states and the District of Columbia in 1999, and which were allowed in 2011.⁵ We will examine the modes of gambling that expanded into other states between these twelve years, and those that are no longer present. Tables 1 through 4 will present a summary of these findings. If we noted changes after 2011, we included them in the summaries below.

RESULTS OF MODES OF GAMBLING

State-operated

Lotteries

The first modern state lottery was authorized fifty years ago, in New Hampshire in 1964. Afterwards, many states pushed for amendments to their constitutions to allow state-operated lotteries which became a source of revenue for the state, often for the benefit of public education. Beside lottery games such as Lotto, where the bettor selects a set of numbers, instant lottery or scratch-off tickets are also permitted in most states. In 1985, Maine, New Hampshire, and Vermont combined to form the first multi-jurisdictional lottery in the United States, the Tri-state Lottery. The three states would pool their ticket sales in order to offer a higher payoff. Three years later, the Multi-State Lottery Association, which had seven state members, released its first multi-jurisdictional game, an early precursor of Powerball. Now about two-thirds of jurisdictions are part of the Association.

In 1999, a total of 38 states had allowed state lotteries. Twelve years after that, at the beginning of our second national gambling survey, six more states had approved state-operated lotteries: Arkansas, North Carolina, North Dakota, Oklahoma, South Carolina, and Tennessee. In 2013, the Wyoming Legislature approved a state lottery, which started in 2014; it does not include the sale of instant lottery tickets. Thus, there are still six states that have not approved state lotteries. They are Alabama, Alaska, Hawaii, Mississippi, Nevada, and Utah.

Keno

These are keno games operated by the state lottery, not those that are run in casinos. Usually, players select up to 20 numbers from a sheet of 80 numbers in “Live Keno” or on a video screen in “Video Keno.” Games usually run at regular inter-

vals, about every four or five minutes. If the keno game was run only once a day, such as in Washington State, it was not included in this category, since it was more a part of the state lottery. If the game is played only for charity, as in Illinois and Louisiana, it also was not included. Terminals for state-run keno are found in retail outlets such as restaurants, gas stations, and convenience stores. These are usually connected to a central terminal which selects the numbers that players are betting will match the ones they selected. The more winning numbers selected, the higher the payoff.

Only 12 states allowed keno in 1999: California, Georgia, Kansas, Maryland, Massachusetts, Michigan, Montana, Nebraska, New York, Oregon, Rhode Island, and West Virginia (see Table 1). An additional four jurisdictions, Missouri (2002), District of Columbia (2003), Ohio (2008), and Indiana (2009) added state-run keno at the time of our second survey in 2011. Recently, in 2013, keno was allowed in Delaware and Kentucky.

Charitable gambling

We have selected four types of charitable gaming allowed by states: charitable bingo, raffles, pull-tabs, and “other.” In most cases “other charitable gaming” refers to Monte Carlo or Las Vegas Nights, also called Poker Nights. These allow casino-style gaming for charity. We include gaming in the charitable gambling category without regard for the details of the relevant statute—for example, whether the law requires the charitable organization to operate or staff the games itself, or allows it to use a for-profit operator to provide that service, or whether the law requires the game to be conducted in a particular location.⁶

Charitable bingo

Virtually all jurisdictions allow charitable bingo except Hawaii, Utah, and Tennessee. Arkansas allowed charitable bingo in 2007. In this category, we are not including either tribal bingo or bingo run in tribal or commercial casinos.

⁵The dates reported here for these gambling modes are either the date the legislation passed, the date it became effective, or the date a particular mode of gambling became available in the state, whichever was most appropriate.

⁶For example, since 2006, New Hampshire has allowed Monte Carlo Nights at private operators’ locations seven days a week, with 35% of the gross profits after prizes going to a designated charity, and with a limit currently of \$4.00 per wager. N.H. REV. STAT. ANN. § 287-D.

TABLE 1. GAMBLING MODE ALLOWED BY STATE IN 1999 AND 2011: STATE LOTTERY GAMES AND CHARITABLE GAMING

State	State lottery		State keno		Bingo		Raffles		Pulltabs		Other charity	
	1999	2011	1999	2011	1999	2011	1999	2011	1999	2011	1999	2011
Alabama					YES	YES						
Alaska					YES	YES	YES	YES	YES	YES	YES	YES
Arizona	YES	YES			YES	YES	YES	YES		YES	YES	YES
Arkansas		YES				YES		YES				
California	YES	YES	YES	YES	YES	YES		YES	YES	YES		YES
Colorado	YES	YES			YES	YES	YES	YES	YES	YES		
Connecticut	YES	YES			YES	YES	YES	YES	YES	YES	YES	
Delaware	YES	YES			YES	YES	YES	YES	YES	YES		YES
DC	YES	YES		YES	YES	YES	YES	YES	YES	YES	YES	YES
Florida	YES	YES			YES	YES	YES	YES	YES	YES		
Georgia	YES	YES	YES	YES	YES	YES	YES	YES				
Hawaii												
Idaho	YES	YES			YES	YES	YES	YES			YES	YES
Illinois	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
Indiana	YES	YES		YES	YES	YES	YES	YES	YES	YES	YES	YES
Iowa	YES	YES			YES	YES	YES	YES			YES	YES
Kansas	YES	YES	YES	YES	YES	YES			YES	YES		
Kentucky	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
Louisiana	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
Maine	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
Maryland	YES	YES	YES	YES	YES	YES	YES	YES				
Massachusetts	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Michigan	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Minnesota	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
Mississippi					YES	YES	YES	YES	YES	YES		
Missouri	YES	YES		YES	YES	YES	YES	YES	YES	YES		
Montana	YES	YES	YES	YES	YES	YES	YES	YES			YES	YES
Nebraska	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES		
Nevada					YES	YES	YES	YES				
New Hampshire	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
New Jersey	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
New Mexico	YES	YES			YES	YES	YES	YES	YES	YES		
New York	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
North Carolina		YES			YES	YES	YES	YES				
North Dakota		YES			YES	YES	YES	YES	YES	YES	YES	YES
Ohio	YES	YES		YES	YES	YES	YES	YES	YES	YES	YES	YES
Oklahoma		YES			YES	YES		YES	YES	YES		
Oregon	YES	YES	YES	YES	YES	YES	YES	YES			YES	YES
Pennsylvania	YES	YES			YES	YES	YES	YES	YES	YES		
Rhode Island	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
South Carolina		YES			YES	YES				YES		
South Dakota	YES	YES			YES	YES	YES	YES	YES	YES		
Tennessee		YES										YES
Texas	YES	YES			YES	YES	YES	YES	YES	YES		
Utah												
Vermont	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
Virginia	YES	YES			YES	YES	YES	YES	YES	YES		
Washington	YES	YES			YES	YES	YES	YES	YES	YES	YES	YES
West Virginia	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES		
Wisconsin	YES	YES			YES	YES	YES	YES				
Wyoming					YES	YES	YES	YES	YES	YES		
TOTAL	38	44	12	16	47	48	42	45	35	37	24	26

Charitable raffles

Forty-two states allowed charitable raffles in 1999. By 2011, three more states allowed raffles (California in 2000, Oklahoma in 2002, and Arkansas in 2007) raising the number of jurisdictions

allowing raffles to 45. Hawaii, Utah, and Tennessee, which do not allow charitable bingo, also do not allow charitable raffles. Charitable raffles also are not allowed in Alabama, Kansas, and South Carolina.

Charitable pull-tabs

Pull-tabs are usually paper tickets that can be pulled opened to display numbers or symbols that the player hopes will match the winning ones. Some examples of other names for pull-tabs are “Instant Bingo,” “Break-opens,” “Sealed Tickets,” or “Pickle Cards.” Charitable pull-tabs are often only allowed during bingo sessions, but some states allow them in other venues where bingo might not be played; for example, at Veteran Posts. Thirty-five states allowed pull-tabs in 1999, with an additional two allowing them at the time of our second survey: South Carolina in 2004 and Arizona in 2011. Maryland followed in 2012.

Other charitable gaming

Only about half the states allow other charitable gaming. Although these are usually Monte Carlo, Poker, or Las Vegas Nights, an example of an exception would be Alaska, which includes various and unique games for charity⁷ which we are listing in this category. Thus, 24 states allowed other charitable gaming in 1999. In 2003, Connecticut repealed the 1972 law allowing Las Vegas Night events,⁸ but three additional states, Tennessee (2004), Delaware (2005), and California (2007), allowed them at the time of our second survey, increasing the number to 26 in 2011.

Pari-mutuel wagering

Several modes of gambling, including horse racing, use the pari-mutuel system of wagering. This means that instead of betting against the house, as one might in a game of blackjack at a casino, the bettors actually are wagering among themselves. The amount to be won is determined after bets are placed, unlike games where the winning amount is already fixed at the time the bet is placed. In pari-mutuel wagering, after the bets are made, the money is pooled and a payoff, less the cut for the operator and any taxes and other expenses, is calculated for all winning bets. The amount won is higher when there are fewer bets made on an animal or player.

We examined seven modes of pari-mutuel wagering: horse racing, dog racing, jai alai, simulcast racing, off-track betting, “instant” or historical horse racing, and advance deposit wagering. An eighth mode of pari-mutuel wagering, velodrome bicycle racing, was legalized in New

Mexico in 1991 but was never implemented; thus, it is not included in our list.⁹

Horse racing

Five jurisdictions specifically prohibit live horse racing; they are Alaska, North Carolina, South Carolina, Tennessee, and the District of Columbia. Another five states, Georgia, Hawaii, Mississippi, Utah, and Vermont, specifically prohibit gambling, and they include pari-mutuel horse racing as gambling.¹⁰

In 1999, 39 states permitted and had operational horse tracks (see Table 2). In two states, Alabama and Connecticut, horse racing was allowed but their racetracks closed prior to 1999. Four states—Kansas, New Hampshire, Wisconsin, and Wyoming—allowed live horse racing at the time of our first survey in 1999, but by 2011, although still allowed, their tracks had closed, leaving only 35 states with operational tracks in 2011.

⁷ALASKA STAT. § 05.15.690. These are often specific to a charity or area and include the canned salmon classic, animal classic, ice classic, and goose classic, to name a few.

⁸On January 7, 2003, the governor of Connecticut signed Bill No. 7501, An Act Repealing Las Vegas Night Games, which were fundraising events for charitable organizations. He did this in the hope of outlawing future Indian casinos in Connecticut. For a newspaper summary of the controversy, see Rick Green, *Las Vegas Nights Are Gone*, HARTFORD COURANT, Jan. 7, 2003, available at <http://articles.courant.com/2003-01-07/news/0301070031_1_casino-in-southeastern-connecticut-indian-casinos-casino-expansion> (last visited June 23, 2014).

⁹In 1991, New Mexico enacted the Bicycle Racing Act (N.M. STAT. ANN. § 60-2D-1 *et seq.*) to take effect in July of 1992. It allowed for pari-mutuel wagering on Keirin-style velodrome bicycle races, which originated in Japan in 1948 and became an Olympic sport in 2000. Congress passed the Professional and Amateur Sports Protection Act (PASPA; 28 U.S.C. §§ 3701 *et seq.*) and according to an opinion of the New Mexico Attorney General (dated Sept. 24, 2001), PASPA prohibits New Mexico from authorizing the commencement of pari-mutuel wagering on keirin-style bicycle racing because it did not commence prior to the enactment of PASPA. So, although the law allowing pari-mutuel wagering on keirin-style bike races is on the books in New Mexico, it appears a velodrome was never built, and the law may be in conflict with PASPA. New Mexico is the only state to have legalized pari-mutuel wagering on bicycle races.

¹⁰Other states prohibit forms of gambling but make an exception for pari-mutuel wagering. For example, although Kentucky's Constitution until 1988 prohibited all forms of gambling, the state's highest court deemed, in 1931, that horse racing was not included in this prohibition. LEGISLATIVE RESEARCH COMMISSION, COMPULSIVE GAMBLING IN KENTUCKY 10 (Research Report No. 316, Nov. 2003), available at <<http://www.lrc.ky.gov/lrcpubs/tr316.pdf>> (last visited June 25, 2014).

TABLE 2. GAMBLING MODE ALLOWED BY STATE IN 1999 AND 2011: HORSE RACING AND OTHER PARI-MUTUEL WAGERING

State	<i>Horse racing</i>		<i>Dog racing</i>		<i>Simulcasting</i>		<i>Off-track</i>		<i>Jai alai</i>		<i>Instant racing</i>	
	1999	2011	1999	2011	1999	2011	1999	2011	1999	2011	1999	2011
Alabama			YES	YES	YES	YES						
Alaska												
Arizona	YES	YES	YES	YES	YES	YES	YES	YES				
Arkansas	YES	YES	YES	YES	YES	YES						YES
California	YES	YES			YES	YES		YES				
Colorado	YES	YES	YES		YES	YES	YES	YES				
Connecticut			YES				YES	YES	YES			
Delaware	YES	YES			YES	YES						
DC												
Florida	YES	YES	YES	YES	YES	YES			YES	YES		
Georgia												
Hawaii												
Idaho	YES	YES			YES	YES						
Illinois	YES	YES			YES	YES	YES	YES				
Indiana	YES	YES				YES		YES				
Iowa	YES	YES	YES	YES	YES	YES						
Kansas	YES		YES		YES							
Kentucky	YES	YES			YES	YES	YES	YES				YES
Louisiana	YES	YES			YES	YES	YES	YES				
Maine	YES	YES				YES		YES				
Maryland	YES	YES			YES	YES	YES	YES				
Massachusetts	YES	YES	YES		YES	YES						
Michigan	YES	YES			YES	YES						
Minnesota	YES	YES			YES	YES						
Mississippi												
Missouri	YES	YES										
Montana	YES	YES			YES	YES	YES	YES				
Nebraska	YES	YES			YES	YES						
Nevada	YES	YES					YES	YES				
New Hampshire	YES		YES		YES	YES						
New Jersey	YES	YES			YES	YES		YES				
New Mexico	YES	YES			YES	YES						
New York	YES	YES			YES	YES	YES	YES				
North Carolina												
North Dakota	YES	YES			YES	YES						
Ohio	YES	YES			YES	YES	YES	YES				
Oklahoma	YES	YES			YES	YES	YES	YES				
Oregon	YES	YES	YES		YES	YES	YES	YES				
Pennsylvania	YES	YES			YES	YES						
Rhode Island	YES	YES	YES		YES	YES			YES			
South Carolina												
South Dakota	YES	YES			YES	YES	YES	YES				
Tennessee												
Texas	YES	YES	YES	YES	YES	YES						
Utah												
Vermont												
Virginia	YES	YES			YES	YES	YES	YES				
Washington	YES	YES			YES	YES		YES				
West Virginia	YES	YES	YES	YES	YES	YES						
Wisconsin	YES		YES		YES							
Wyoming	YES				YES	YES	YES	YES				
TOTAL	39	35	15	7	36	36	16	21	3	1	0	2

Attendance at racetracks diminished, and without other sources of revenue, such as slot machines or other forms of casino gambling, purses decreased as did the number of races. This led many tracks into bankruptcy.

Dog racing

Over 20 states had authorized pari-mutuel dog racing prior to 1999, but at the time of the first survey, in 1999, only 15 states still had operational greyhound tracks. With many more rapid modes

of gambling available, pari-mutuel forms of gambling are on the decline. In addition, dog racing has been greatly criticized by organizations concerned with cruelty to animals. Some, especially GREY2K USA Worldwide,¹¹ have successfully forced the closing of some tracks by advocating and supporting legislation to ban greyhound racing. Between 2004 and 2010, eight states—Colorado, Connecticut, Kansas, Massachusetts, New Hampshire, Oregon, Rhode Island, and Wisconsin—closed their tracks, either as a result of legislative change or simply because the tracks no longer were operational. In 2011, greyhound racing was still legal and operational in only seven states: Alabama, Arizona, Arkansas, Florida, Iowa, Texas, and West Virginia. Table 2 reflects only those states.

Simulcast racing

In 1978, with the enactment of the Interstate Horseracing Act (IHA),¹² regulated interstate wagering on horse racing was authorized. By using satellite communication to instantaneously broadcast races, wagers from more than just the original track could be combined. We indicate that a state has simulcast racing if the simulcast facility where the wagering takes place is at a track in the state. In 1999, simulcast racing operated in 36 states. Kansas and Wisconsin closed their simulcast wagering in 2009, but Indiana and Maine opened theirs, thus, keeping the number of states with simulcast racing at 36 in 2011. Since Connecticut's simulcasting racing is not at a state racetrack, we are counting it under Off-Track Betting. Thirteen states, including the District of Columbia, do not offer simulcast racing.

Off-track betting (OTB)

The first OTB operation was allowed by the New York State Legislature, in a bill passed in 1970.¹³ OTBs are facilities that are not at a racetrack, but permit betting on simulcast races. In some, jai alai matches are simulcast, as well. Sixteen jurisdictions allowed off-track betting in 1999. Five additional states—California, Indiana, Maine, New Jersey, and Washington—added OTBs between 2002 and 2011. Thirty states have not authorized off-track betting.

Jai alai

Jai alai, which originated in the Basque region of the Pyrenees, between France and Spain, is a small segment of the pari-mutuel wagering industry. Jai alai involves players hurling a hard ball called a

pelota with great speed against a wall; it is then caught with oblong curved baskets. It is played in a venue called a *fronton*. Jai alai's popularity waned in the 1990s when more gambling options became available. At the time of the first survey, in 1999, three states—Connecticut, Florida, and Rhode Island—had operating frontons, but Connecticut closed its fronton in 2001 and Rhode Island in 2003, leaving only Florida in 2011. Currently, only Florida still has frontons for live jai alai.

Instant racing/historical horse racing

Using a video machine-style pari-mutuel terminal, a person can place a wager on a randomly selected video replay from a library of previously run horse (or dog) races. Instant racing terminals perform more like a slot machine game than a race. Some states that do not allow other forms of gambling allow instant racing as a permissible variant of pari-mutuel race wagering. However, Maryland prohibits instant racing because it does not consider it pari-mutuel wagering as authorized by its Maryland Horse Racing Act.¹⁴ Although no states allowed instant racing in 1999, there were two in 2011: Arkansas in 2000 and Kentucky in 2011. Oregon, which allowed instant racing in 2003 for five months, and then again in 2006 for a year, legalized it once more in 2013, as did the state of Idaho. Wyoming, which allowed it from 2003 to 2005, declared it illegal in 2006, only to approve it again in 2013. Thus, since 2011, instant racing is available in more states than offered it in 2011.

Advance deposit wagering (ADW)

Advance deposit wagering is a means of pari-mutuel wagering by which an individual deposits funds into an account held by a licensed U.S. based entity, and then from the account places bets on horse or dog races; winnings are deposited back into the account. ADW is sometimes called "telephone wagering," but most wagers are placed over the Internet. ADW had greatly expanded in the 12 years between our two national gambling surveys. In 1999, seven states expressly allowed advance

¹¹ <<http://www.grey2kusa.org>>.

¹² 15 U.S.C. §§ 3001–3007.

¹³ N.Y. RAC. PARI-MUT. WAG. & BREED. LAW §§ 601–624.

¹⁴ Whether "Instant Racing" Is Pari-Mutuel Betting Authorized by the Maryland Horse Racing Act. 94 Op. Att'y Gen. Md. 32 (Mar. 17, 2009).

TABLE 3. GAMBLING MODE ALLOWED BY STATE IN 1999 AND 2011: ADVANCE DEPOSIT WAGERING AND CASINO-STYLE AND TRIBAL GAMING

<i>State</i>	<i>ADW*</i>		<i>Casinos</i>		<i>Riverboats</i>		<i>Racinos</i>		<i>Tribal bingo</i>		<i>Tribal casinos</i>	
	<i>1999</i>	<i>2011</i>	<i>1999</i>	<i>2011</i>	<i>1999</i>	<i>2011</i>	<i>1999</i>	<i>2011</i>	<i>1999</i>	<i>2011</i>	<i>1999</i>	<i>2011</i>
Alabama									YES	YES		
Alaska									YES	YES		
Arizona									YES	YES	YES	YES
Arkansas							YES					
California		YES							YES	YES		YES
Colorado		YES	YES	YES					YES	YES	YES	YES
Connecticut	YES	YES							YES	YES	YES	YES
Delaware							YES	YES				
DC												
Florida					YES	YES		YES	YES	YES		YES
Georgia					YES	YES						
Hawaii												
Idaho		YES								YES		YES
Illinois	YES	YES			YES	YES						
Indiana					YES	YES		YES				
Iowa		YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Kansas				YES					YES	YES		YES
Kentucky		YES										
Louisiana		YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Maine				YES				YES	YES	YES		
Maryland	YES	YES		YES				YES				
Massachusetts		YES			YES	YES						
Michigan			YES	YES					YES	YES	YES	YES
Minnesota									YES	YES	YES	YES
Mississippi			YES	YES	YES	YES					YES	YES
Missouri					YES	YES			YES	YES		
Montana		YES							YES	YES	YES	YES
Nebraska									YES	YES	YES	YES
Nevada		YES	YES	YES					YES	YES	YES	YES
New Hampshire		YES										
New Jersey		YES	YES	YES								
New Mexico		YES						YES	YES	YES	YES	YES
New York	YES	YES						YES	YES	YES	YES	YES
North Carolina									YES	YES	YES	YES
North Dakota		YES							YES	YES	YES	YES
Ohio	YES	YES										
Oklahoma	YES	YES						YES	YES	YES		YES
Oregon		YES							YES	YES	YES	YES
Pennsylvania	YES	YES		YES				YES				
Rhode Island				YES			YES	YES				
South Carolina					YES	YES			YES			
South Dakota		YES	YES	YES					YES	YES	YES	YES
Tennessee												
Texas					YES	YES			YES	YES		YES
Utah												
Vermont												
Virginia		YES										
Washington		YES							YES	YES	YES	YES
West Virginia				YES			YES	YES				
Wisconsin									YES	YES	YES	YES
Wyoming		YES							YES	YES		YES
TOTAL	7	25	8	14	11	11	5	14	29	29	19	26

Note: *ADW=advance deposit wagering.

deposit wagering: Connecticut, Illinois, Maryland, New York, Ohio, Oklahoma, and Pennsylvania (see Table 3). By 2011, eighteen more states approved ADW wagering, with at least three additional since then. Thus, at the time of this review, the current number of states that allow ADW is 28, a 300 percent increase since 1999. (Note that we include in this count only those states that expressly permit ADW wagering. Several major ADW Internet sites accept wagers from persons located in up to 13 additional states, presumably based on the premise that those states do not affirmatively prohibit such activity.)

Casinos, riverboats, and racinos

Las Vegas-style gambling is what we generally think of as casino gambling. In a land-based casino, or its cousin, the riverboat casino, or a racino (which is a casino at a racetrack), the primary activity is gambling. They may have just slots or other electronic gaming machines, or have various card and table games such as blackjack and roulette. Larger casinos may include a combination of card and table games, slots, video gaming machines, keno, bingo, sports betting, craps, or other forms in an elaborate entertainment complex.

Casinos

The first land-based casinos opened in Nevada in 1931 as a way for the state to overcome the Great Depression. Almost a half a century passed before casino gambling was authorized in another state, New Jersey, in 1977. Twelve years later, in 1989, South Dakota authorized casinos, then Colorado in 1991, Mississippi in 1992, Louisiana in 1993, Iowa in 1994, and Michigan in 1999, increasing the total number of states with casino gambling in 1999 to eight. By 2011, six more states allowed casinos in the hope that it would improve their economies and treasuries. These states are Pennsylvania (2004), Kansas (2007), Rhode Island (2007), Maine (2008), West Virginia (2008), and Maryland (2010), making a total of 14 states with casinos in 2011. Since then, Ohio has authorized casino gaming, and New York voters recently approved casinos in the state. Although most of these are commercial casinos, some are state-owned, such as in Kansas and Maine.

Riverboat and casino cruise gambling

Riverboat gambling, which is predominantly on actual moving boats or on dry-docked boats or barges along the Mississippi and Missouri Rivers,

operates in six states: Illinois, Indiana, Iowa, Louisiana, Mississippi, and Missouri. Five states—Florida, Georgia, Massachusetts, South Carolina, and Texas—have casino cruises or gambling boats that travel out to international waters where gambling is no longer illegal, since they are beyond the state's jurisdiction and regulations. These are sometimes called "cruises to nowhere" and often only go out for a few hours. The eleven states that have gambling on riverboats and casino cruise vessels authorized them prior to 1999 and still allowed them in 2011. But in some states (e.g., Florida), because of the increase of Indian casinos providing an alternative gambling venue, casino cruises greatly decreased in number. Also, because gambling occurs in international waters, the state receives no revenues from the gambling, and thus has little incentive to have them in operation.

Other states permit cruises to nowhere with overnights that leave from their ports (for example, New York). These are *not* included in the states that have day/evening trip cruises listed above. Another example of a state that is not included is Maryland. In Maryland, passenger cruise vessel gambling is allowed if overnight accommodations are for at least 300 passengers, with an itinerary that is from or to a foreign port outside the United States, and not solely for gambling purposes.¹⁵ The reason we did not include these cruises (even if "to nowhere") is that they include overnight accommodations, and thus have a vacation cost component that goes beyond the state's typical gambling opportunities.

Racinos

Racinos are facilities at racetracks that have added slots and (sometimes) table games to their pari-mutuel betting on horses or dogs. In order for a state to have a racino, it must allow pari-mutuel betting. With track attendance down, racetracks—in the hope of increasing the purses and attracting better horses—needed another way besides simulcasting to bring in bettors, increase the number of wagers, and thus keep the tracks open.¹⁶

Five states had racinos in 1999—Rhode Island (1993), Delaware (1995), Iowa (1995), West Virginia (1995), and Louisiana (1997). By 2011, another nine

¹⁵MD. CODE ANN., TRANSP. § 6-209.

¹⁶More information on the rise of racinos can be found in: Richard Thalheimer, R., *Rise of the Racino*, BLOOD-HORSE (June 22, 2010), <<http://cs.bloodhorse.com/blogs/finalturn/archive/2010/06/22/rise-of-the-racino-by-richard-thalheimer.aspx>>.

states had them—Arkansas, Florida, Indiana, Maine, Maryland, New Mexico, New York, Oklahoma, and Pennsylvania. Although Kansas opened its racino in 2007, its racetracks closed in 2009. Ohio racinos started opening in 2012. Other states in 2013–2014 are considering allowing racinos. Thus, five states had racinos at the time of the first survey, 10 were opened between the two surveys (although Kansas closed prior to 2011), and one (Ohio) opened in 2012, after the start of the second survey.

Tribal bingo and casinos

In 1979, a Seminole Tribe in Florida opened a high-stakes bingo hall on reservation land, which operated six days each week. The Sheriff of Broward County, basing his actions on Florida law which allowed organizations to operate bingo only two days each week, attempted to shut it down. The tribe filed suit. In *Seminole Tribe of Florida v. Butterworth*, a federal court of appeals affirmed a district court ruling that Sheriff Butterworth was enjoined from enforcing *Florida Statutes* § 849.093 on Seminole Indian land.¹⁷ Then in 1988, in the wake of a Supreme Court ruling broadly upholding tribal authority with respect to gaming,¹⁸ Congress passed the Indian Gaming Regulatory Act (IGRA).¹⁹ IGRA permits tribes to offer various forms of gambling on tribal lands, subject to certain conditions and limitations. Indian Gaming is divided by the IGRA into three classes:

Class I—traditional tribal gambling and social gambling, with minimal prizes. Class I gaming is exclusively controlled by the tribal government.

Class II—gambling played exclusively against the other players, not the house, such as bingo, pulltabs, and non-banked card games. Class II gaming may be operated if it is permitted in the State in which the tribe is located for any purpose and under any framework. Class II gaming must satisfy certain criteria set out in the statute.

Class III—all other forms of gambling, notably banked games, such as blackjack, slots, and the like. A tribe must negotiate a compact with the state in which it is located in order to offer these games.

Currently, based on information from the National Indian Gaming Commission,²⁰ fewer than half (43%) of the 565 federally-recognized tribes in the United States operate Indian gaming establishments. Those tribes are located in more than half of the states.

Tribal bingo

Tribal Bingo is Class II gaming. Twenty-nine states had tribal bingo in 1999. That number remained at 29 in 2011; although South Carolina closed its tribal bingo in 2006, Idaho authorized it in 2002. Included in this category are networked electronic devices that the courts have held are classified under IGRA as bingo.²¹

Tribal casinos

There were 19 states with tribal casinos at the time of our first survey in 1999. These are usually Class III gaming facilities. By 2011, an additional seven states signed compacts for Indian casinos—California in 2000, Idaho in 2002, Oklahoma and Wyoming in 2005, Kansas in 2007, Texas in 2008, and Florida in 2010—bringing the total to 26. In 2012, after the beginning of our second survey, Missouri also authorized tribal casinos in the state.

Cardrooms

A cardroom is a gaming establishment that allows the playing of various card games, such as seven-card stud and Texas Hold 'Em. Unlike the poker rooms attached to casinos or racinos, these are stand-alone facilities in which the players usually play against themselves, not the House. The establishment makes its money by charging each player a commission or fee. We are only counting states that have stand-alone facilities for this mode of gambling. In 1999, five states—California, Florida, Minnesota, Montana, and Washington—had cardrooms (see Table 4). This number has remained constant past 2011. The American Gaming Association does not consider states that allow poker tournaments or have special poker rooms attached to casinos or racinos to have cardrooms.²² Since these are not stand-alone facilities, neither do we.

¹⁷*Seminole Tribe of Florida v. Butterworth*, 491 F. Supp. 1015 (S.D. Fla. 1980), *aff'd*, 658 F.2d 310 (5th Cir. 1981), *cert. denied*, 455 U.S. 1020 (1982).

¹⁸*California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987).

¹⁹25 U.S.C. §§ 2701 *et seq.*

²⁰These statistics are reported at <http://500nations.com/Indian_Casinos.asp> (last visited June 20, 2014).

²¹*See, e.g., United States v. 103 Electronic Gambling Devices*, 223 F.3d 1091 (9th Cir. 2000).

²²American Gaming Association's *State of the States 2013* (4), retrieved on June 20, 2014 at <http://www.americangaming.org/sites/default/files/uploads/docs/aga_sos2013_fnl.pdf>.

TABLE 4. GAMBLING MODE ALLOWED BY STATE IN 1999 AND 2011: CARDROOMS, SOCIAL GAMBLING, AND OTHER MODES OF GAMBLING

State	Cardrooms		Social gambling		Sports betting		Calcutta pool		Video		Online	
	1999	2011	1999	2011	1999	2011	1999	2011	1999	2011	1999	2011
Alabama			YES	YES								
Alaska			YES	YES			YES	YES				
Arizona			YES	YES								
Arkansas												
California	YES	YES	YES	YES								
Colorado			YES	YES								
Connecticut			YES	YES								
Delaware			YES	YES		YES						
DC			YES	YES								
Florida	YES	YES	YES	YES								
Georgia												
Hawaii			YES	YES								
Idaho												
Illinois												
Indiana												
Iowa			YES	YES								
Kansas												
Kentucky			YES	YES								
Louisiana			YES	YES					YES	YES		
Maine			YES	YES								
Maryland												
Massachusetts												
Michigan												
Minnesota	YES	YES	YES	YES								
Mississippi												
Missouri												
Montana	YES	YES	YES	YES			YES	YES	YES	YES		
Nebraska												
Nevada			YES	YES	YES	YES			YES	YES		
New Hampshire												
New Jersey			YES	YES								
New Mexico			YES	YES								
New York			YES	YES								
North Carolina												
North Dakota			YES	YES			YES	YES	YES	YES		
Ohio			YES	YES								
Oklahoma												
Oregon			YES	YES					YES	YES		
Pennsylvania			YES	YES								
Rhode Island												
South Carolina				YES								
South Dakota									YES	YES		
Tennessee												
Texas			YES	YES								
Utah												
Vermont												
Virginia			YES	YES								
Washington	YES	YES	YES	YES								
West Virginia										YES		
Wisconsin												
Wyoming			YES	YES			YES	YES				
TOTAL	5	5	28	29	1	2	4	4	6	7	0	0

Social gambling

Social gambling is gambling that is lawful only because it is held in a private residence, or in some states, in clubs whose members share a *bona*

fide social relationship (beyond one involving gambling), and where there is no profit motive other than the individual players' interest in winnings. In other words, the same games, if offered in a commercial, professional, public, or similar setting,

would be prohibited.²³ Twenty-eight states had legalized social gambling at the start of our first survey in 1999. In 2010, South Carolina was added to the list, making the number of states approving social gambling to 29 at the start of our second survey in 2011. Some states, such as Hawaii, which prohibit most forms of gambling, will allow social gambling that meets certain prescribed criteria,²⁴ but that is not always the case. The states of Utah and Tennessee do not make an exception for social gambling in their statutes. States will often place restrictions on the amount of money that can be won in a game—for example, in Florida, the “Penny-ante” games are subject to a limit of \$10 per round, hand, or game.²⁵ In North Dakota, no one bet can exceed \$25.²⁶

Sports betting

Sports betting is wagering on sporting events and leagues. For our purposes, it does not include parimutuel wagering or bets wagered between persons in the playing of a sport between them (e.g., pool or golf). Most states do not allow sports betting. Nevada legalized sports betting in 1949. The federal Professional and Amateur Sports Act of 1992 (PASPA) banned betting on sporting events except in states where it was legal at the time the law was enacted (1992), or which legalized sports betting within a year of that date.²⁷ Four states qualified for this exemption—Nevada, Oregon, Delaware, and Montana.²⁸ Oregon, which had allowed betting on National Football League (NFL) games in 1989, outlawed it after the 2006–2007 NFL season. Thus in 1999, at the beginning of our first survey, only Nevada had authorized true sports betting. At the time of our second survey in 2011, the number increased to two, with the addition of Delaware, which authorized limited forms of sports betting in 2009.

Calcutta pool

Calcutta pool is a form of betting in which participants usually bid, auction-style, on players or contestants in tournaments or competitions, such as billiards, golf, or rodeos. The auction proceeds are pooled, and the bidders who selected winners share in the proceeds according to a pre-arranged scale. In some forms, Calcutta pool is considered pari-mutuel wagering. Four states specifically allow it, some specifically prohibit it, and the others are silent, which we construe for these purposes as prohi-

bition. The four states whose statutes list Calcutta pool wagering are Alaska (1960), Wyoming (1982), Montana (1987), and North Dakota (1989). Thus, the number of states in 1999 and 2011 that allowed it has held constant. No other states have legalized Calcutta pools since the 1990s.

Video lottery terminals and video/electronic gaming machines, outside of casinos

Often considered slot machines, early mechanical machines gave way to electro-mechanical machines in the mid-twentieth century, and to the video gaming machine in 1976. These are usually found at casinos, but for our purposes, we only include those found outside of the traditional casino-type or tribal venues. At the start of our first survey in 1999, six states had these types of video gaming/poker machines in non-casino/racino venues. Nevada was the first state to have early mechanical slots placed in bars in 1915, and then the electro-mechanical machines in the late 1950s, followed by video poker slot machines in the 1980s. Then Montana in 1985, South Dakota in 1989, Louisiana and Oregon in 1992, and North Carolina in 1993 followed with video terminals. North Carolina repealed the legalization of video poker machines in 2007, but because of legal challenges, the ban did not take effect until 2013. In 2012, video lottery terminals were operational in Illinois.²⁹ In 2001, West Virginia’s “Limited Video Lottery Act”³⁰ allowed video lottery terminals at licensed private clubs, increasing the number of states in 2011 with these video lottery terminals to seven.

²³“Social gambling” is distinct from what is often referred to as “social gaming” or “social casino gaming,” in which games that resemble gambling games are offered, but either without any tangible prize or without any requirement of payment to participate (or both). Those games are not considered “gambling” under current law and, thus, fall outside the scope of this article.

²⁴HAW. REV. STAT. § 712-1231.

²⁵FLA. STAT. § 849.085.

²⁶N.D. CENT. CODE ANN. § 12.1-28-02.

²⁷28 U.S.C. §§ 3701 *et seq.*

²⁸American Gaming Association, *Sports Betting*, AMERICAN GAMING ASSOCIATION, <<http://www.americangaming.org/government-affairs/key-issues/past-issues/sports-betting>> (last visited June 25, 2014).

²⁹Illinois’ “Video Gaming Act” of 2009 (230 ILL. COMP. STAT. 40/1 *et seq.*) allowed video gaming terminal but licenses weren’t approved until 2012, when they became operational in Illinois.

³⁰W. VA. CODE § 29-22B-101.

Online gambling

The last mode of gambling we are examining is online gambling. Online gambling is distinct from ADW in that the latter is authorized only for pari-mutuel wagering on horse races, pursuant to the IHA.

At the time of our two surveys, in 1999 and 2011, no state had legal online gambling. The District of Columbia legalized online gambling in 2010 but repealed it in 2012, without ever launching it.

In 2013, three states—Nevada, Delaware, and New Jersey—legalized online gambling. Nevada permits only poker. Delaware and New Jersey permit poker and various other forms of casino games. New Jersey requires that the player be physically located within the state at the time of play. Nevada and Delaware apply the same requirement, but in February 2014, the governors of Nevada and Delaware signed an agreement to permit interstate gambling between them, with the ability to have other states join their multi-state association.³¹ No operator yet has launched interstate gambling pursuant to that agreement.

Unlawful online gambling is believed to be widespread, but online gambling is not lawful in any other state at present.³²

Summary

In 2011, 15 gambling modes had an increase in the number of states allowing them since 1999. These were state lotteries and keno; all four forms of charitable gaming; off-track betting, advance deposit wagering, instant racing and racinos; commercial and tribal casinos; social gambling; sports betting and video lottery terminals. Three pari-mutuel forms of wagering—horse racing, dog racing, and jai alai—reduced the number of states in which they operated. The number of states in which the remaining five modes of gambling operated—riverboats, tribal bingo, cardrooms, Calcutta pool, and simulcasting—stayed the same in 1999 and 2011. Online gambling was not authorized by any state in 1999 or 2011, but three states allowed it in 2013.

DISCUSSION

In this study, we carefully examined United States gambling laws in the 50 states and the District of Columbia. Using state statutes and regulations, we ar-

rived at 24 different modes of gambling allowed or prohibited in these jurisdictions. Using case law and states' attorney general opinions, as well as secondary materials such as newspaper articles, websites, and personal communications, we supplemented the information we were searching for concerning legal gambling opportunities within the states. The purpose of this search was to determine which modes of gambling were allowed and operating in 1999, the year when we started our first national gambling survey, and then which modes were allowed and operating when we started our second national survey in 2011, twelve years later. In addition, we sought to determine if there was any change in the number of states allowing the various modes of gambling during these two points in time, and whether the gambling mode change was an increase or decrease.

Overall, the availability of gambling in the United States has increased. Since the first state lottery in 1964 in New Hampshire, fifty years ago, almost all states now have a state lottery. However, although still legal in a state, certain modes of gambling are no longer operational or have reduced venues.

Regardless of whether gambling itself is on the rise or not, it is the *type* of gambling in which players are participating that is changing.

State-run lotteries and keno have both increased since 1999. Charitable gambling, which was allowed in many states prior to 1999, has been made lawful in a few more states since that time. Bingo is the most common form of charitable gaming allowed, and it is permitted in all jurisdictions except Utah and Hawaii. Charitable raffles are allowed in all but six states. Over two-thirds of the states allow pull-tabs, and half allow other charitable gaming such as Casino or Poker Nights. Casino gaming, both commercial and tribal, has greatly increased; there is some form of casino-type venue, be it riverboat, racino, or land-based casino, in all but eight states.

³¹Retrieved on June 27, 2014 from: <<http://www.foxnews.com/politics/2014/02/25/raising-stakes-nevada-and-delaware-sign-agreement-to-allow-interstate-online/>>.

³²Eight states—Illinois, Indiana, Louisiana, Montana, Oregon, South Dakota, Utah, and Washington—have enacted laws that expressly prohibit online gambling, but the offering of online gambling everywhere in the United States is unlawful unless expressly permitted.

Pari-mutuel wagering, on the other hand, is not on the same trajectory. For example, horse racing—"the Sport of Kings"—which was so popular in the mid part of the last century has declined. With the exception of famous, classic horse races, like the Kentucky Derby, regular horse racing is less popular and no longer has the attendance it once enjoyed. In order to increase the purses and bring more people to the track, racetracks have needed to look at other ways to increase track attendance. To add to their bottom line, racetracks added simulcasting facilities at the track. With simulcasting, there were more races on which to bet, bigger payoffs, and thus more revenues for the track (and thus also for the state). Introducing simulcasting at the track, and also adding off-track betting sites within the state, was an attempt to revive a racing industry that was having trouble surviving against all the newer, faster, and easier ways to gamble. Therefore, some states found that the best way for a track to compete with the expansion of these other forms of gambling was by adding gaming machines, instant racing, and sometimes even table games to their venues. These states followed the old adage: "If you can't beat them, join them." The states that failed to do so and did not make these changes in their pari-mutuel wagering laws witnessed the closing down of tracks.

Advance deposit wagering provides a means for a player to bet on a race from his own home or mobile device. It is the lone bright spot for pari-mutuel wagering and is likely to expand into more states in the future. It is now available in half of the states.

Animal rights activists have successfully reduced the number of dog tracks operating in the country. It has had less effect on horse tracks, although the number of racing days at most horse tracks have reduced in number. Tracks that have added alternatives in conjunction with live racing are better able to remain open.

Almost 60 percent of states allow social gambling. The remaining modes of gambling are not widespread across the country. Authorized stand-

alone cardrooms, popular in Montana, California, and the state of Washington, can be found in only 10 percent of the states. Similarly, only a small number of states allow the remaining forms of gambling—sports betting, Calcutta pool, and video gaming machines—outside casino-style venues.

In spite of concerns over the social and economic costs of gambling,³³ many states look to expand gambling in order to expand their sources of revenue. Regulating gambling allows the states to increase revenue and to stop residents' tax dollars from funding other, neighboring states that may offer more opportunities for its citizens to gamble than are available at home. Some states, in spite of this concern, based on moral or cultural reasons, have resisted gambling expansion. Utah and Hawaii—and, to a lesser extent, Tennessee—offer the fewest choices in opportunities to gamble.

Gambling laws vary greatly from state to state, but most states are more permissive in their view of gambling than previously. New modes of gambling are developing, and some older ones are on the decline. State gambling laws have seen rapid changes over the past fifty years, and even more rapid changes in the last fifteen. This is reflected in the changes we noted from 1999 to 2011.

Watching the expansion of gambling across the United States, including the rise and fall of the various modes, can yield valuable information for the future. What effect will these changes in gambling opportunities have on gambling frequency and problem gambling? Will states become saturated with ways to increase their coffers through gambling to the point that increased modes and venues within a state will limit the expected effects? Will this expansion of gambling not yield as much revenue for the states as they hope?³⁴ Will new casinos or online gambling create competition and decrease the viability of existing venues, as the newer modes of gambling have done to the racing industry? These social and economic issues will continue to be examined in the future.

³³See EARL L. GRINOLS, *GAMBLING IN AMERICA: COSTS AND BENEFITS* (2004).

³⁴See Scott Calvert and John Kamp, *Casino Glut Pinches States*, WALL ST. J., June 20, 2014, at A1.