

Testimony Opposing House Bill 1389

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Chairman Klemin and members of the House Judiciary Committee, this written testimony is in opposition to House Bill 1389 and Family Policy Alliance of North Dakota respectfully requests that you render a “DO NOT PASS” on this bill.

Online poker is not gambling. This bill says so itself, and more importantly, in August of 2012, a federal judge in New York ruled in *US v. Dicristina* that internet poker was not gambling.¹ So that is settled.

But is it really? While online poker does not appear to meet the legal definition of gambling at a federal level, consider these facts.

- *In the same ruling referenced above, Judge Weinstein acknowledged that state courts that have ruled on the issue are divided as to whether poker constitutes a game of skill, a game of chance, or a mixture of the two.*²
- *Online poker, which allows players to play multiple tables at once, resulting in almost constant action, is a fertile ground for developing addiction. Some sites allow a player to open as many as eight tables at a time, and the speed of play is three times as fast as live poker.*³
- *...online poker has a rather addictive nature that often affects younger generations. College age students are especially apt to developing online poker addictions.*⁴
- *Deposit options will vary depending on the state, but the most popular method is to play poker for money with credit card. Visa and MasterCard deposits are instant and come with no fees.*⁵ In other words, you can bet with money you don't have – a huge problem that only feeds those with gambling addictions.

- *As of July 2020, players in New Jersey, Nevada, Pennsylvania, and Delaware enjoy access to legal online poker sites. Michigan and West Virginia have passed legislation to make online poker legal, but the launch of products is pending in those states. On the other side, online gambling in Indiana is expressly outlawed⁶ and participating in online gaming in Washington state is a felony⁷. The dearth of states stepping up to legalize this form of gaming must be for some underlying reason outweighing the revenue gains, and having a very liberal state like Washington make it a felony is also a telling fact.*
- *Online venues may be more vulnerable to certain types of fraud, especially collusion between players.⁸*
- *There has been a deleterious online poker impact of COVID-19 to casino and other in-person gaming. The COVID-19 pandemic has resulted in a massive increase in online poker traffic. The pandemic is believed to have directed both professional and recreational players who normally prefer live poker to online platforms due to the indefinite closure of most casinos and other live gaming venues worldwide, with even many unlicensed venues shutting down.⁹*
- *One of the most dangerous features of online gambling is that wherever a user has Internet access, they have gambling access. Online betting, gambling games, and apps allow users 24/7 access, whereas users would have to travel to a betting shop or casino in normal circumstances.¹⁰*
- *In regular casinos, they may refuse entry or play to users that appear over-intoxicated; thereby, preventing players from making uninformed decisions or betting over their means. With online gambling though, there is no way of preventing an intoxicated player from joining a game and placing bets.¹¹*
- *In a casino or betting shop, players will often meet with friends or go together in groups, where lesser addicted friends making better-informed decisions may influence them. These circumstances are not available when betting online in solitude, allowing users to become carried away by themselves.¹²*

- *Casinos and betting shops run strict over-18-only policies, making it quite difficult for those underage to engage in such activity. Whereas online, no human contact is necessary, making it much easier for underage players to gamble. Younger players are at a much higher risk of developing an online poker addiction, even if they are only playing ‘demo’ or free-play games.¹³*
- *College age students are prone to thinking that they are smarter than the average player ... Online poker is truly a form of “psychological warfare,” and those who are in the prime of their mental enhancement feel they have the psychological edge (Kerkstra, 2006). Those who fail to win often fail to realize that their scholarly intelligence will not always translate into gambling success.¹⁴*
- *When playing traditional poker, people do not usually take their entire bankroll to the casino. Rather, they take only the portion that they are willing to lose. But with online poker, your entire bankroll is just a mouse-click away.¹⁵*

This list of negative effects from online poker could go on. Sure, online poker will bring in revenue to use toward property taxes, education, and the general fund, as written up in this bill. However, like all forms of gaming, it comes with a price.

It is up to you whether that price is worth another form of gaming for North Dakota. Is there an outcry for online poker from North Dakotans? Does it align with their values and beliefs? I can tell you that the thousands of families and individuals across our state that Family Policy Alliance of North Dakota represents certainly don't think so.

Online poker gaming is bad social policy, and governmental support of it is bad governmental policy. For these reasons, Family Policy Alliance of North Dakota respectfully asks that you please vote House Bill 1389 out of committee with a “DO NOT PASS” recommendation.

Thank you for the opportunity to submit this testimony and feel free to contact me if you have any questions.

¹ <https://www.nbcnewyork.com/news/local/poker-federal-court-ruling-skill-chance-gambling-new-york-judge/1955229/#:~:text=By%20Larry%20Neumeister%20%E2%80%A2%20Published,millions%20of%20dollars%20from%20gambling.>

² <https://casetext.com/case/united-states-v-dicristina>

³ <https://www.cardschat.com/poker-addiction.php>

⁴ <https://www.ocf.berkeley.edu/~brianz/theAddictionOfInternetPoker.html>

⁵ <https://www.pokerwebsites.com/faq/>

⁶ <https://upswingpoker.com/us-online-poker-sites-update/>

⁷ <https://www.legaluspokersites.com/state-laws/washington/#:~:text=Online%20poker%20is%20specifically%20prohibited,law%20and%20considered%20a%20felony.>

⁸ https://en.wikipedia.org/wiki/Online_poker

⁹ Ibid.

¹⁰ <https://www.charterhouseclinic.com/addictions/gambling/online/>

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.