

LEGAL UPDATES

PUBLISHED: MAY 14, 2018

Service

Hospitality

Professional

CHARLES G. RENNER

KANSAS CITY:

816.329.4702

CHARLES.RENNER@

HUSCHBLACKWELL.COM

SCOTUS Strikes Down Federal Gambling Prohibition

Today, in a 6-3 opinion, the U.S. Supreme Court ruled in favor of New Jersey's challenge to the Professional and Amateur Sports Protection Act ("PASPA") which has prohibited sports wagering in all but four states since 1992. This ruling ends six years of litigation challenging a 2012 New Jersey law which allowed limited sports gambling in that state. Regulation of sports wagering will now be left to the individual states to legislate.

On May 14, 2018, the Supreme Court ruled that the PASPA violated the 10th Amendment's anti-commandeering doctrine, which prohibits the federal government from requiring states to regulate or enforce federal laws.

"Congress can regulate sports gambling directly, but if it elects not to do so, each State is free to act on its own," Justice Samuel Alito wrote for the majority.

Several states, in addition to New Jersey, are considering bills that would allow sports betting. The ruling also could affect a wide range of laws unrelated to gambling. The holding may affect other areas of law such as immigration in "sanctuary cities" and marijuana laws in states that have legalized the drug.

Contact Us

To learn more about how this ruling could affect your business, contact your Husch Blackwell attorney or Charles G. Renner or Jonathan E. Schmalfeld.