

[\(/\)](#)[Home \(/\)](#) / [Online Poker in the USA Explained](#)

Online Poker in the USA Explained

by [Randy Ray \(/about/\)](#) & [James Carter \(/about/\)](#) on February 19th, 2015.

The legality of online poker in the United States varies according to your jurisdiction. Contrary to what some sources might have you believe, no federal law specifically forbids online poker. State laws, on the other hand, might or might not, depending on the state. Only one state (Washington) has a specific law explicitly forbidding online poker, while only Delaware, Nevada and New Jersey have legalized and regulated it.

Our goal is to provide the facts about where you can play poker online legally in the United States. You should know up front that our site isn't run by lawyers or anyone with any kind of governmental authority. **If you need actual legal advice, you should contact an attorney.** The information provided here is for educational and entertainment purposes only. We're not responsible for anything that happens based on your use of the information here.

That being said, the information here is accurate and reliable to the best of our knowledge.

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Washington State

We thought it would be a good idea to get this out of the way right away. It is illegal to play poker online for money in the state of Washington.

The state of Washington passed a law (<http://www.seattlepi.com/local/article/Time-for-gamblers-to-fold-1204631.php>) in 2006 making online poker a felony. Full Tilt Poker (</us-online-poker/sites/full-tilt-poker/>) and PokerStars (</us-online-poker/sites/pokerstars/>) responded by no longer offering services to residents of that state, but they continued to operate in the rest of the country. If you live in the state of Washington, it's a crime to play poker online for money. In fact, it's a serious crime. Our advice to poker players in Washington state is to not play poker on the Internet.

We don't know why the state of Washington has taken such a draconian stance against Internet poker, but if you live there, it's probably best not to play, even if you can find a site which would accept you as a player.

Games of Skill vs. Games of Chance

The amount of controversy surrounding whether or not it's legal to play poker on the Internet in the United States is strange, especially in light of the similarities between the game and the free market system, which is one of the cornerstones of the American way of life. Poker is even commonly called "America's card game." Expert players consider it a mind sport. Even the general public considers poker a sport; that's why it's the subject of televised events on ESPN, a TV channel that specializes in sports programming and reporting.

In August, 2012, Judge Jack B. Weinstein, a federal judge in Brooklyn, ruled that poker is predominantly a game of skill rather than chance (<http://www.nytimes.com/2012/08/22/nyregion/poker-is-more-a-game-of-skill-than-of-chance-a-judge-rules.html>). The reasoning is that the money doesn't flow to the luckiest players at the table, at least not in the long run. In the end, the most skilled players win the most money. The skills used in poker include reading other players, concealing your own intentions, and evaluating the odds that your hand is the best.

According to Judge Weinstein, "The most skillful professionals earn the same celestial salaries as professional ballplayers."

Of course, this doesn't mean that playing poker doesn't constitute gambling, at least not colloquially. What makes a game "gambling" is the activity of betting money. Skill becomes a consideration from a legal standpoint, though. In many jurisdictions, contests of skill are treated dramatically different from games of pure chance.

You might be the best poker player in the world, but on any given hand, you face an element of risk. The same holds true for other bettors who use skill to get an edge. Blackjack card counters, expert video poker players, and skilled sports handicappers all sometimes lose.

The Interstate Wire Act of 1961

Does the Wire Act make online poker illegal?

The Interstate Wire Act of 1961 (http://en.wikipedia.org/wiki/Federal_Wire_Act), sometimes called "the Federal Wire Act", was passed in September, 1961 in an attempt to thwart organized crime.

In 2005, the Justice Department sent threatening letters to Internet publishers and broadcasting companies, including Google, Yahoo, and Infinity Broadcasting. Their contention was that accepting advertising from companies involved in online gambling was "aiding and abetting" illegal activities. They used the Interstate Wire Act as justification for this.

In December, 2011, The Justice Department reversed their position (<http://www.nytimes.com/2011/12/25/us/online-gaming-loses-obstacle-at-justice-department.html>), stating that the Interstate Wire Act of 1961 only applies to sports betting, not to poker.

So the short answer, until the Supreme Court rules otherwise, is no, the Wire Act does not make online poker illegal.

The Unlawful Internet Gambling Enforcement Act of 2006

Does UIGEA make online poker illegal?

The Unlawful Internet Gambling Enforcement Act of 2006 (</us-online-poker/uigea/>) (UIGEA) was passed as part of the Safe Ports act. The law made it a federal crime to accept payments connected with illegal Internet gambling. It did not define "illegal Internet gambling", and since the Wire Act only applied to sports betting, no federal law makes it illegal to play poker on the Internet for money.

So the short answer again is no, UIGEA does not make online poker illegal unless state laws make it illegal (which they seem to do in the vast majority of the states).

As a practical matter, though, UIGEA has made life harder for online rounders. Some companies, including Pacific Poker, Paradise Poker, and Party Poker, stopped accepting real money players from the United States. Other companies, including Full Tilt Poker, PokerStars, and the Cereus Poker network, continued to accept players from the United States. Eventually, even those companies had to capitulate to the prevailing anti-gambling sentiment from the current U.S. governmental regime.

Black Friday

Did the events of Black Friday make online poker illegal?

In 2011, an estimated 2 million Americans played online poker for money on a regular basis. On Friday, April 15, 2011, The Justice Department eliminated most of this play when it shut down (http://latimesblogs.latimes.com/money_co/2011/04/three-largest-online-poker-sites-indicted-and-shut-down-by-fbi.html) the three most trafficked poker sites (Pokerstars, Full Tilt Poker, and the Cereus Network) with charges of money laundering and fraud. The US government contended that the companies had violated UIGEA, but the poker companies operated under the understanding that online poker wasn't illegal and therefore didn't constitute a violation of the act.

The Department of Justice not only seized control of the websites for the three companies, they also froze the assets in 76 bank accounts in 14 countries. Both civil and criminal charges were filed. In July, 2012, the U.S. government dismissed "with prejudice" the civil complaints, but not the criminal indictments. PokerStars and Full Tilt Poker settled without admitting wrongdoing (http://espn.go.com/poker/story/_/id/8218085/pokerstars-reaches-settlement-department-justice-acquires-full-tilt-poker). As part of the settlement, PokerStars bought Full Tilt Poker.

No, the events of Black Friday didn't make online poker illegal, but they had a chilling effect on the actual play. The industry still hasn't recovered, but there are reasons to be optimistic (<http://www.pokernews.com/news/2014/04/the-future-of-online-poker-in-the-us-17927.htm>).

The Poker Player's Alliance

The Poker Player's Alliance (PPA (<http://theppa.org/>)) was founded in Washington D.C. in 2005 as a non-profit political advocacy group to protect the rights of poker players in the US. Their goals include overturning UIGEA and passing legislation legalizing and regulating poker on the Internet. From their about us page (<http://theppa.org/about/mission/>), their mission is as follows: "The PPA's mission is to establish favorable laws that provide poker players with a secure, safe and regulated place to play."

Multiple bills have been proposed in Congress to amend UIGEA with an exception for online poker and other skill games but none have passed. We encourage the civic-minded members of our readership to visit their site, consider donating, or use their other resources to write to the lawmakers who represent them in the government. If it is the will of the people, safe and regulated online poker can become a reality sooner rather than later.

Delaware, Nevada, and New Jersey

Three states, Delaware, Nevada, and New Jersey, have passed laws explicitly legalizing and regulating online gambling.

Delaware taxes the first \$3.75 million of online gambling revenue in a year at 100%, which means that casinos need to generate a tremendous amount of activity to earn any money from online gambling activities. To legally gamble online in Delaware, a player must be of gambling age and operate their computer (or smartphone/tablet) within the state. The online poker market there is correspondingly small as a result, but state officials are confident that revenues from online gambling will grow as it catches on there.

Nevada has legalized online poker for two sites: UltimatePoker.com ([/us-online-poker/sites/ultimate-poker/](http://us-online-poker/sites/ultimate-poker/)) and WSOP.com ([/us-online-poker/sites/wsop-com/](http://us-online-poker/sites/wsop-com/)). These two sites have exclusive rights to run online gambling in the state. As in Delaware, players must be of legal gambling age and operate their computer within the state. Nevada taxes online gambling revenues at the same rate (6.75%) as all other gaming revenue.

Ultimate Poker shut its operations down (<https://ultimatepoker.com/>), on November 17th, 2014. It was the first site to get licensed in Nevada and the first one to fold, giving WSOP.com an even stronger position in the market.





Websites offering online gambling in New Jersey are required to have a relationship with a physical casino within the state. They tax this revenue at 15% (compared to the 8% they tax their physical casinos). All gambling activities, including poker, are legal within this context, but revenues have been lower than expected. This disappointment is, at least in part, a result of credit card companies' lack of cooperation in processing these transactions (<http://www.gamblingandthelaw.com/index.php/columns/86-86creditcardig>).

These are not the only states where it's legal to play poker. They're just the only states to have laws on the books specifically legalizing the activity and regulating it. In the United States, an activity is legal unless a law prohibits it, so the lack of laws on the books in some states does not equate to the committing of a crime. At least nine other states have proposals to legalize and regulate poker on the Internet.


Can You Legally Play Poker for Money on the Internet in the US?

State laws vary. If you live in the state of Washington, playing poker online for money is a felony. In most cases, general state gambling laws make online poker illegal as well. To our knowledge, no one in the United States has been indicted or convicted of a crime related to playing online poker for money so far. This, of course, might change in the blink of an eye. We recommend that you only participate in online poker if it's legal where you live.

TOP US POKER SITES

1.	 (http://www.gamingtheodds.com/go/ignition/)	Ignition Read Review (http://www.gamingtheodds.com/us-online-poker/sites/ignition-poker/)	VISIT (HTT
2.	 (http://www.gamingtheodds.com/go/bovada-poker/)	Bovada Read Review (http://www.gamingtheodds.com/online-casinos/bovada-casino)	VISIT (HTT
3.	 (http://www.gamingtheodds.com/go/go/intertops-poker/)	Intertops	VISIT (HTT
4.	 (http://www.gamingtheodds.com/go/betonline-poker/)	BetOnline Read Review (http://www.gamingtheodds.com/us-online-poker/sites/betonline-poker/)	VISIT (HTT

TOP US ONLINE CASINOS

1.	 (http://www.gamingtheodds.com/go/bovada-casino/)	Bovada Read Review (http://www.gamingtheodds.com/online-casinos/bovada-casino/)	VISIT (HTT
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2.  (<http://www.gamingtheodds.com/go/slots-lv/>)

Slots.lv

Read Review (<http://www.gamingtheodds.com/online-casinos/slots-lv/>)

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3.  (<http://www.gamingtheodds.com/go/club-world-casino/>)

Club World

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POKER REVIEWS

[Ignition Poker \(/us-online-poker/sites/ignition-poker/\)](/us-online-poker/sites/ignition-poker/)

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[Best Blackjack Sites \(/blackjack/sites/\)](#)

[Safe Gambling Sites \(/top-sites/\)](#)

[Best Online Casinos \(/online-casinos/\)](#)

[Best US Poker Sites \(/us-online-poker/sites/\)](#)

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