



Written Testimony and Comments of Ifrah Law on the State of Maryland General Assembly's Ways and Means Committee's Proposed Bill No. HB 1048 as applicable to Sports Wagering—Wagers on Historical Horse Races—Authorization

March 11, 2025



About Ifrah

Ifrah Law has represented online gaming clients since the inception of the firm in 2009 and it now represents many of the largest igaming companies and industry associations around the world. Ifrah Law has been at the center of most of the important prosecutions and lawsuits in the online gaming industry, and it was instrumental in the creation of the legislative and regulatory frameworks in three states which currently permit online gaming: Delaware, New Jersey and Nevada. Further, Ifrah Law was formally retained by the Delaware State Lottery to provide expert legal advice on its expansion to online gaming.

Nationally ranked by Chambers USA in Gaming & Licensing Law, Ifrah Law collectively brings decades of experience in betting and wagering law to advise companies on compliance with state and federal laws in the daily fantasy sports, online gaming, and esports space, including both real money and skill-based peer-to-peer competition sites. The firm's founder, Jeff Ifrah, frequently presents on issues pertaining to iGaming law for organizations like the American Bar Association (ABA), the International Masters of Gaming Law (IMGL) and the International Association of Gaming Advisors (IAGA).

Ifrah Law represents Long Shot's LLC and has provided legal advice to Long Shot's during the development of SB 0982. We are submitting this written testimony to share our analysis on the legality of amending Maryland's sports wagering laws to include historical horse races, and we are available for oral testimony to answer questions on the same.

Historical Horse Racing in Maryland

The legal framework for wagering varies significantly by state. While pari-mutuel wagering on horse racing has been legal in many states for long enough to establish some consistency across state laws, sports wagering is still relatively new in the United States. As states have legalized sports wagering, each has tailored its laws to meet market demand, constitutional requirements, and tax revenue needs. Accordingly, while other state statutes can provide guidance for implementing historical horse racing (HHR), but the way other states have approached their own state laws is not definitive.

Several other states actively allow HHR, and it has been authorized by statutory update to state pari-mutuel laws in New Hampshire, Louisiana, Virginia, Wyoming.¹ However, for the reasons herein, Maryland is uniquely positioned to incorporate HHR into its sports wagering laws.

In 2020, Maryland voters approved a constitutional referendum to allow sports wagering in the state.² The definition of a "sporting event" passed by the voters

¹ N.H. Rev Stat § 284:22-b; La. Rev Stat § 4:214; Va. Code § 59.1-369(17); Wyo. Stat. §§ 11-25-102, 11-25-201. A Louisiana court has ruled against § 4:214, but the Louisiana statute, placed among the pari-mutuel laws of the state as simulcasting, differs from the Maryland bill at issue.

² FAQs, Maryland Lottery and Gaming, available at <https://www.mdgaming.com/welcome/faqs/>.

already includes “a professional sports or athletic event” and horse races in the state. See MD State Gov’t Code § 9-1E-01(i)(1). This is a key distinction—unlike in most other states with HHR, Maryland’s sports wagering law already applies to certain horse racing events. Since HHR machines use real historical race data, they are similar to the horse races already covered under Maryland’s sports wagering framework. As a result, HHR is already in line with the intent of Maryland voters when they approved sports wagering.

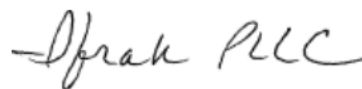
Amendments to sports wagering statutes are not unprecedented. Although most state sports wagering laws are still relatively new, some of the early adopters have already begun making legislative updates.³ In states that have legalized sports wagering, it is also common to add new sports or contests to the catalog of approved sporting events.⁴

Additionally, Maryland’s statute authorizing parimutuel bets states, “[t]he Commission may authorize a licensee to hold racing with pari-mutuel betting.” MD Bus. Reg. Code § 11-801. This emphasis on holding racing appears to give the Racing Commission authority over parimutuel bets placed on *live* races. Further, in Maryland “sports wagering” is defined as “the business of accepting wagers on any sporting event by any system or method of wagering.” MD State Gov’t Code § 9-1E-01(j).

Lastly, in a letter dated March 15, 2010, the Maryland Attorney General’s Office wrote a letter of advice stating that “instant racing” was not covered under Title 11 of the Business Regulation Article of the Annotated Code of Maryland. This letter does not carry the weight of law in Maryland, analyzes a separate section of Maryland code than the one amended by this bill, predates the sports wagering referendum—so necessarily does not take this newer law into account—and supports its conclusion with law and legal analysis from Wyoming and Kentucky, both of which have since allowed HHR by statute in their states.

For these reasons, we believe it is consistent with the current sports wagering law as approved by Maryland voters to include HHR as a type of sports wagering via legislative amendment.

Very truly yours,



Ifrah PLLC

³ See N.J. P.L. 2018, c. 33, as amended 2021, c.286, s.2, amendments available at <https://www.njleg.state.nj.us/bill-search/2022/S2986/bill-text?f=S3000&n=2986> U1.

⁴ Maryland’s current and past sports wagering catalogs are available at <https://www.mdgaming.com/maryland-sports-wagering/>.