

Several States on Track for Fall 2021 Sports Betting Launch, Others Look to Q4 2021 and Beyond

Zachery B. Roth
Gaming Alert
7.22.21

In Spring 2021, eight states enacted legislation approving retail and/or online sports betting, all with the goal of a statewide sports betting launch in time for the 2021-2022 NFL season, which officially begins on September 9, 2021. This article provides an update on the status of the legislation in each of those states, identifying those most likely to go "live" by September 9 and those that appear to be on track for a late 2021/early 2022 launch.

WYOMING (EXPECTED LAUNCH DATE: SEPTEMBER 1, 2021)

Wyoming enacted legislation legalizing online sports betting on April 5, 2021. However, online betting will not go "live" until the Wyoming Gaming Commission finalizes the state's sports betting regulations and begins issuing sports betting licenses. Wyoming's sports betting law requires the corresponding regulations be finalized and approved by September 1, 2021. The Commission appears to be on track to meet this goal.

Further, on July 15, the Commission opened the application process for sports wagering operator licenses. The Commission intends to begin issuing licenses immediately after the regulations are issued on September 1, enabling sports betting operators to go "live" almost immediately.

SOUTH DAKOTA (EXPECTED LAUNCH DATE: SEPTEMBER 9, 2021)

On March 18, 2021, South Dakota enacted legislation authorizing retail and mobile sports betting on the premises of a licensed casino located in the municipality of Deadwood. The South Dakota Gaming Commission has released a regulatory timeline that anticipates an official sports betting "launch" on September 9, 2021, and it appears to be on track to meet this goal. On July 14, 2021, the Commission passed a final set of sports betting regulations, which will be sent to the state legislature for approval at a hearing scheduled for August 2. If approved, the regulations would take effect immediately.

The Commission has also indicated it is in the process of vetting prospective sports wagering operators and intends to begin issuing operator licenses at its September 8, 2021 meeting, which would allow licensed operators to begin offering sports betting the very next day.

ARIZONA (EXPECTED LAUNCH DATE: SEPTEMBER 9, 2021)

Arizona enacted legislation authorizing retail and online sports betting on April 15, 2021. However, sports betting operations in Arizona will not officially begin until the Arizona Department of Gaming finalizes the state's sports betting operations and begins issuing sports betting licenses. The Department has set a target "launch" date of September 9, 2021, and it appears to be on track to meet this goal. Over the past month, the Department has released three sets of draft regulations for public comment. The Department is now in the process of drafting a final set of sports betting regulations, which will likely be issued in the coming weeks.

MARYLAND (POTENTIAL LAUNCH BY SEPTEMBER 9, 2021)

Maryland enacted legislation authorizing retail and online sports betting on May 18, 2021. However, sports betting operations in the state cannot begin until the Maryland Lottery and Gaming Control Commission finalizes its sports betting regulations and begins issuing sports betting licenses. The Commission issued a final set of proposed sports betting regulations on July 14. The proposed regulations will soon be published in the Maryland Register, triggering a 30-day public comment period. Once the public comment period ends, the Commission will finalize the proposed regulations and begin issuing sports betting operator licenses.

Given the Commission's recent progress, it is possible Maryland sports betting could go "live" in early September, just in time for the 2021-2022 NFL season.

CONNECTICUT (LIKELY TO LAUNCH DURING Q4 2021/Q1 2022)

Connecticut enacted legislation legalizing retail and online sports betting on May 15, 2021. However, sports betting operations will not officially launch until (i) the amended state-tribal gaming compacts developed alongside the legislation, which authorize retail sports betting on tribal land, receive approval from the U.S. Department of the Interior's Bureau of Indian Affairs (BIA); and (ii) the Connecticut Department of Consumer Protection finalizes the state's sports betting regulations and begins issuing licenses.

The tribal-state gaming compact is currently under BIA review. However, given that the Department has yet to issue even an initial draft of its proposed sports betting regulations, it seems unlikely sports betting will go "live" in Connecticut in time for the start of the 2021-2022 NFL season.

LOUISIANA (LIKELY TO LAUNCH DURING Q4 2021/Q1 2022)

Louisiana enacted legislation legalizing retail and online sports betting on June 22, 2021. Sports betting operations in Louisiana will not commence until the Louisiana Gaming Control Board finalizes the state's sports betting regulations and begins issuing operator licenses. When the legislation was initially passed, state officials expressed optimism sports betting could launch in the third quarter of 2021. However, the recent resignation of the Board's executive director is expected to slow down the rulemaking process, and it is unclear whether the Board will be able to meet the initial projections.

NEW YORK (ANTICIPATED LAUNCH: Q1 2022)

New York legalized online sports betting on April 19, 2021, as part of the state's fiscal year 2022 budget. The newly enacted legislation provides that the New York State Gaming Commission will issue licenses to two online betting platform operators, who will be selected through a competitive bidding process. On July 9, the Commission opened the competitive bidding process, releasing a Request for Applications (RFA) to interested online betting operators. Applicants have until August 9 to submit their bids. The Commission's deadline for selecting the state's two online betting platform operators is December 6, 2021. In light of these developments, it seems likely that online betting will go "live" sometime during the first quarter of 2022.

FLORIDA (NO ANTICIPATED LAUNCH DATE)

On May 19, 2021, the Florida legislature approved a 30-year tribal-state gaming compact granting the Seminole Indian Tribe exclusive rights to conduct retail and online sports betting operations throughout the state. Before the Tribe can begin offering sports wagering to Florida residents, the Compact must be approved by the BIA. When the legislation first passed, we reported the Compact would likely face legal challenges from opponents who have argued that (i) the Compact violates Florida Constitutional Amendment 3, which

requires voter approval for any statewide gaming expansion; and (ii) the Compact violates the Indian Gaming Regulatory Act, which permits sports wagering only on tribal land. On July 2, 2021, two Florida-based pari-mutuel wagering operators filed suit in the U.S. District Court for the Northern District of Florida raising these very arguments.

In light of the pending lawsuit, even if the BIA approves the Compact, it seems unlikely sports betting will go "live" in Florida soon.

White and Williams will continue to monitor the progress of the sports betting rulemaking and licensing processes in the aforementioned states and will provide updates on significant developments. If you have questions or would like more information, please contact Frank A. Bruno (brunof@whiteandwilliams.com; 215.864.6225) or Zachery B. Roth (rothz@whiteandwilliams.com; 215.864.6274).

This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult a lawyer concerning your own situation and legal questions.