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SENATE BILL NO. 689

Offered January 18, 2024

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 18.2 a section numbered 18.2-334.7, relating to exemptions to article; cruise ship gaming in the offshore waters of the Commonwealth.

Patrons—Craig and Williams Graves

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 18.2 a section numbered 18.2-334.7 as follows:

§ 18.2-334.7. Exemptions to article; Cruise ship casino gaming.

(A) As used in this section:

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, Mah Jongg, electronic table games, hybrid table games, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the aforementioned games, and any other activity that is authorized by the Board as a wagering game or device.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of the Virginia Marine Resources Commission.

"Cruise ship" means a ship weighing more than 50,000 gross tons and operates at least 300 days a year anywhere in the world, provides cruises of at least 72 hours in length for ticketed passengers, provides overnight accommodations for at least 2000 passengers, is operated by a cruise ship operator, and is certified under the International Convention for the Safety of Life at Sea or otherwise certified by the United States Coast Guard.

"Cruise ship operator" means a company that operates a cruise ship.

"Water of the Commonwealth" means the marine water over which the Commonwealth has jurisdiction including rivers, bays, inlets, and other bodies of water.

(B) Notwithstanding any other provision of law to the contrary, a cruise ship operator may be allowed to provide casino gaming on waters of the Commonwealth pursuant to the provisions of this section.

(C) A cruise ship operator may only be allowed to provide casino gaming on waters of the Commonwealth if:

(1) The cruise ship does not conduct casino gaming at, or within one mile of a location in the Commonwealth which serves as a port for the cruise ship or such other point of anchorage in the waters of the Commonwealth used by the cruise ship for embarkation or disembarkation;

(2) The casino gaming is ancillary to the cruise and the cruise has as its main purpose scenic cruising and port visits;

(3) Casino gaming activities are limited to only passengers of at least 21 years of age.

(D) A cruise ship operator shall notify the Commission of the intent to conduct casino gaming, on a form prescribed by the Commissioner, prior to providing casino gaming on waters of the Commonwealth. Such notification shall also include an attestation from an officer of the cruise ship operator of compliance with all applicable laws, regulations, and standards followed by the cruise ship operator when providing casino gaming outside of the waters of the Commonwealth. A copy of the completed form shall also be provided to the Virginia State Police and the chief law enforcement officer of any locality in the Commonwealth in which a port is located where cruise ship operators will embark or disembark passengers. A cruise ship operator shall be prohibited from providing casino gaming on the waters of the Commonwealth if the Commission determines that a cruise ship operator has become ineligible to hold an exemption under this section, provides false information in its notice, or conducts casino gaming in violation of the provisions of this section or violates any guidelines promulgated by the Commission pursuant to the section. In addition, the Commissioner may bar a cruise ship operator from gaming in the event of repeated violations of the provisions of this section.

(E) Filing fee. Any cruise ship operator shall pay an annual fee to the Commission for each vessel on which casino gaming will occur. The annual filing fee shall be \$25,000 for any cruise ship that uses a port or other point of anchorage in the waters of the Commonwealth for the purpose of embarkation or disembarkation of cruise ship passengers. The annual filing fee shall be \$100,000 for any cruise ship which merely transits the offshore waters of the Commonwealth without a stop in the Commonwealth and which conducts casino gaming activities while in such waters. The fee shall be used by the Commission to cover its expenses associated with enforcing provisions of this section.

59 *2. That the Commission may promulgate guidelines implementing the provisions of this act. The*
60 *Commission's guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the*
61 *Code of Virginia), except that the Commissioner shall provide an opportunity for public comment on the*
62 *guidelines prior to adoption. The Commission shall complete work on such guidelines no later than*
September 30, 2024.