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HOUSE BILL NO. 2498

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 2.2-203.3, 2.2-401.01, 2.2-3705.3, 2.2-3705.6, 2.2-3705.7, 2.2-3711, 2.2-3802, 2.2-4002, 2.2-4346, 3.2-102, 3.2-6201, 4.1-100, 4.1-206.3, as it is currently effective and as it shall become effective, 8.01-216.3, 8.01-534, 11-16.1, 11-16.2, 15.2-912.2, 15.2-2825, 18.2-325, 18.2-326, 18.2-334.2 through 18.2-334.5, 19.2-66, 19.2-215.1, 19.2-389, 19.2-390, 22.1-140.1, 37.2-314.2, 52-53, 52-54, 58.1-3, 58.1-439, 58.1-460, 58.1-3510, 58.1-3732.1, and 59.1-542.1 of the Code of Virginia; to amend the Code of Virginia by adding a title numbered 29.5, containing a subtitle numbered I, containing chapters numbered 1 through 6, consisting of sections numbered 29.5-100 through 29.5-648, and a subtitle numbered II, containing chapters numbered 7 and 8, consisting of sections numbered 29.5-700 through 29.5-814; and to repeal §§ 2.2-2455 and 2.2-2456, Article 1.1:1 (§§ 18.2-340.15 through 18.2-340.37) of Chapter 8 of Title 18.2, Chapter 40 (§§ 58.1-4000 through 58.1-4048) of Title 58.1, Chapter 41 (§§ 58.1-4100 through 58.1-4141) of Title 58.1, Chapter 29 (§§ 59.1-364 through 59.1-405) of Title 59.1, and Chapter 51 (§§ 59.1-556 through 59.1-570) of Title 59.1 of the Code of Virginia, relating to Virginia Gaming Commission; established; penalties.

Patrons—Krizek; Senator: Reeves

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-203.3, 2.2-401.01, 2.2-3705.3, 2.2-3705.6, 2.2-3705.7, 2.2-3711, 2.2-3802, 2.2-4002, 2.2-4346, 3.2-102, 3.2-6201, 4.1-100, 4.1-206.3, as it is currently effective and as it shall become effective, 8.01-216.3, 8.01-534, 11-16.1, 11-16.2, 15.2-912.2, 15.2-2825, 18.2-325, 18.2-326, 18.2-334.2 through 18.2-334.5, 19.2-66, 19.2-215.1, 19.2-389, 19.2-390, 22.1-140.1, 37.2-314.2, 52-53, 52-54, 58.1-3, 58.1-439, 58.1-460, 58.1-3510, 58.1-3732.1, and 59.1-542.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a title numbered 29.5, containing a subtitle numbered I, containing chapters numbered 1 through 6, consisting of sections numbered 29.5-100 through 29.5-648, and a subtitle numbered II, containing chapters numbered 7 and 8, consisting of sections numbered 29.5-700 through 29.5-814, as follows:

§ 2.2-203.3. Position established; agencies for which responsible; additional duties.

The position of Secretary of Agriculture and Forestry (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Forestry, Department of Agriculture and Consumer Services, and Virginia Agricultural Council; ~~and Virginia Racing Commission~~. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

§ 2.2-401.01. Liaison to Virginia Indian tribes; Ombudsman for Tribal Consultation; Virginia Indigenous People's Trust Fund.

A. The Secretary of the Commonwealth shall:

1. Serve as the Governor's liaison to the Virginia Indian tribes;
2. Designate an Ombudsman for Tribal Consultation pursuant to subsection B; and
3. Report annually on the status of Indian tribes in Virginia.

B. The Secretary of the Commonwealth shall designate, in consultation with and upon the advice of federally recognized Tribal Nations in the Commonwealth, an Ombudsman for Tribal Consultation (the Ombudsman). The Ombudsman shall:

1. Facilitate communication between federally recognized Tribal Nations in the Commonwealth and relevant state agencies and local governments for consultation on environmental, cultural, and historical permits and reviews;

2. Develop a list of localities in ongoing consultation with the federally recognized Tribal Nations in which federally recognized Tribal Nations in the Commonwealth shall be consulted regarding actions and projects pursuant to §§ 10.1-104.02, 10.1-1186.3:1, 10.1-2205.1, and 28.2-104.01;

3. Assist the Department of Environmental Quality, the Department of Conservation and Recreation, the Department of Historic Resources, and the Virginia Marine Resources Commission in developing policies and procedures to ensure meaningful and appropriate consultation with federally recognized Tribal Nations in the Commonwealth regarding permits and reviews; and

4. Make recommendations to the Governor about additional permits and reviews that, in the opinion of the Ombudsman, should require consultation with federally recognized Tribal Nations in the Commonwealth.

C. The Secretary of the Commonwealth may establish a Virginia Indian advisory board to assist the

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59 Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make
60 recommendations to the Secretary, the Governor, and the General Assembly on such applications and other
61 matters relating to recognition as follows:

62 1. The members of any such board shall be composed of no more than seven members to be appointed by
63 the Secretary as follows: at least three of the members shall be members of Virginia recognized tribes to
64 represent the Virginia Indian community, and one nonlegislative citizen member shall represent the
65 Commonwealth's scholarly community. The Librarian of Virginia, the Director of the Department of Historic
66 Resources, and the Superintendent of Public Instruction, or their designees, shall serve ex officio with voting
67 privileges. Nonlegislative citizen members of any such board shall be citizens of the Commonwealth. Ex
68 officio members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall
69 be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall
70 be for the unexpired terms. All members may be reappointed. The Secretary of the Commonwealth shall
71 appoint a chairperson from among the members for a two-year term. Members shall be reimbursed for
72 reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and
73 2.2-2825.

74 2. Any such board shall have the following powers and duties:

75 a. Establish guidance for documentation required to meet the criteria for full recognition of the Virginia
76 Indian tribes that is consistent with the principles and requirements of federal tribal recognition;

77 b. Establish a process for accepting and reviewing all applications for full tribal recognition;

78 c. Appoint and establish a workgroup on tribal recognition composed of nonlegislative citizens at large
79 who have knowledge of Virginia Indian history and current status. Such workgroup (i) may be activated in
80 any year in which an application for full tribal recognition has been submitted and in other years as deemed
81 appropriate by any such board and (ii) shall include at a minimum a genealogist and at least two scholars with
82 recognized familiarity with Virginia Indian tribes. No member of the workgroup shall be associated in any
83 way with the applicant. Members of the workgroup shall be reimbursed for reasonable and necessary
84 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825;

85 d. Solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal
86 property for the purpose of aiding or facilitating the work of the board;

87 e. Make recommendations to the Secretary for full tribal recognition based on the findings of the
88 workgroup and the board; and

89 f. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the
90 objectives of this subsection.

91 D. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
92 Indigenous People's Trust Fund, referred to in this section as "the Fund." The Fund shall be established on the
93 books of the Comptroller. All funds appropriated for such purpose, any tax revenue accruing to the Fund
94 pursuant to § ~~58.1-4125~~ 29.5-327, and any gifts, donations, grants, bequests, and other funds received on its
95 behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund
96 shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,
97 at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. After payment
98 of the costs of administration of the Fund, moneys in the Fund shall be used to make disbursements on a
99 quarterly basis in equal amounts to each of the six Virginia Indian tribes federally recognized under P.L.
100 115-121 of 2018. Expenditures and disbursements from the Fund shall be made by the State Treasurer on
101 warrants issued by the Comptroller upon written request signed by the Secretary of the Commonwealth.

102 **§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.**

103 The following information contained in a public record is excluded from the mandatory disclosure
104 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
105 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
106 shall be conducted in accordance with § 2.2-3704.01.

107 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and
108 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia
109 Cannabis Control Authority, *the Virginia Gaming Commission*, the Virginia Lottery pursuant to Chapter 40
110 (~~§ 58.1-4000 et seq.~~) and Chapter 41 (~~§ 58.1-4100 et seq.~~) of Title 58.1, *the Virginia Racing Commission*, the
111 Department of Agriculture and Consumer Services relating to investigations and applications pursuant to
112 Article 1.1-1 (~~§ 18.2-340.15 et seq.~~) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the
113 Department of Criminal Justice Services.

114 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the
115 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to §
116 54.1-108.

117 3. Investigator notes, and other correspondence and information, furnished in confidence with respect to
118 an active investigation of individual employment discrimination complaints made to the Department of
119 Human Resource Management, to such personnel of any local public body, including local school boards, as

are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ ~~58.1-4014 through 58.1-4018~~ *29.5-713 and 29.5-803 through 29.5-807*, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published, or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body; or (viii) the Behavioral Health Commission. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names and personal contact information of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body. As used in this subdivision, "personal contact information" includes the complainant's home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such

investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial, or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in

accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder,

applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the ~~Department of Agriculture and Consumer Services~~ *Virginia Gaming Commission* (i) pursuant to subsection E of § ~~18.2-340.34~~ 29.5-225 and (ii) pursuant to regulations promulgated by the ~~Commissioner of Agriculture and Consumer Services~~ *Virginia Gaming Commission Board* related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related

information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such

426 records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment
427 application that is not a public body, including balance sheets and financial statements, that are not generally
428 available to the public through regulatory disclosure or otherwise; or (c) research-related information
429 produced or collected by a party to the application in the conduct of or as a result of study or research on
430 medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not
431 been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of
432 a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information
433 prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the
434 evaluation of grant, loan, or investment applications, including any scoring or prioritization documents
435 prepared for and forwarded to the Authority.

436 29. Proprietary information, voluntarily provided by a private business pursuant to a promise of
437 confidentiality from a public body, used by the public body for a solar services or carbon sequestration
438 agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b)
439 financial information of the private business, including balance sheets and financial statements, that are not
440 generally available to the public through regulatory disclosure or otherwise; or (c) other information
441 submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the
442 public body or private business.

443 In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of
444 this chapter, the private business shall make a written request to the public body:

445 a. Invoking such exclusion upon submission of the data or other materials for which protection from
446 disclosure is sought;

447 b. Identifying with specificity the data or other materials for which protection is sought; and

448 c. Stating the reasons why protection is necessary.

449 30. Information contained in engineering and construction drawings and plans submitted for the sole
450 purpose of complying with the Building Code in obtaining a building permit if disclosure of such information
451 would identify specific trade secrets or other information that would be harmful to the competitive position of
452 the owner or lessee. However, such information shall be exempt only until the building is completed.
453 Information relating to the safety or environmental soundness of any building shall not be exempt from
454 disclosure.

455 31. Trade secrets, including, but not limited to, financial information, including balance sheets and
456 financial statements that are not generally available to the public through regulatory disclosure or otherwise,
457 and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department
458 of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia
459 Department of Transportation in accordance with law.

460 In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the
461 private or nongovernmental entity shall make a written request to the Department:

462 a. Invoking such exclusion upon submission of the data or other materials for which protection from
463 disclosure is sought;

464 b. Identifying with specificity the data or other materials for which protection is sought; and

465 c. Stating the reasons why protection is necessary.

466 The Virginia Department of Transportation shall determine whether the requested exclusion from
467 disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia
468 Department of Transportation shall make a written determination of the nature and scope of the protection to
469 be afforded by it under this subdivision.

470 32. Information related to a grant application, or accompanying a grant application, submitted to the
471 Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial
472 information of a grant applicant that is not a public body, including balance sheets and financial statements,
473 that are not generally available to the public through regulatory disclosure or otherwise, or (c)
474 research-related information produced or collected by the applicant in the conduct of or as a result of study or
475 research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such
476 information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the
477 competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants
478 administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§
479 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the
480 appropriations act.

481 In order for the information submitted by the applicant and specified in this subdivision to be excluded
482 from the provisions of this chapter, the applicant shall make a written request to the Department:

483 a. Invoking such exclusion upon submission of the data or other materials for which protection from
484 disclosure is sought;

485 b. Identifying with specificity the data, information, or other materials for which protection is sought; and

486 c. Stating the reasons why protection is necessary.

487 The Department shall determine whether the requested exclusion from disclosure is necessary to protect

the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

34. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a manufacturer pursuant to § 54.1-3442.02.

35. Trade secrets, proprietary information, or financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, supplied by an individual or a private or nongovernmental entity to the Fort Monroe Authority for the purpose of complying with the obligations of any lease, easement, license, permit, or other agreement, whether of a commercial or residential real estate nature, pertaining to the use or occupancy of any portion of Fort Monroe.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the individual or private or nongovernmental entity shall make a written request to the Fort Monroe Authority:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee,

549 special committee, or subcommittee of his house established solely for the purpose of reviewing members'
550 annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory
551 opinions to members on standards of conduct, or both.

552 7. Customer account information of a public utility affiliated with a political subdivision of the
553 Commonwealth, including the customer's name and service address, but excluding the amount of utility
554 service provided and the amount of money charged or paid for such utility service.

555 8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development
556 Authority concerning individuals who have applied for or received loans or other housing assistance or who
557 have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the
558 Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting
559 list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing
560 authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for
561 housing assistance programs funded by local governments or by any such authority; or (iv) filed with any
562 local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency
563 concerning persons who have applied for occupancy or who have occupied affordable dwelling units
564 established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be
565 denied.

566 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if
567 disclosure of such information would have a detrimental effect upon the negotiating position of a governing
568 body or on the establishment of the terms, conditions, and provisions of the siting agreement.

569 10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant
570 and animal species, natural communities, caves, and significant historic and archaeological sites if, in the
571 opinion of the public body that has the responsibility for such information, disclosure of the information
572 would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to
573 requests from the owner of the land upon which the resource is located.

574 11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary
575 nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery
576 game design, development, production, operation, ticket price, prize structure, manner of selecting the
577 winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or
578 selections of winning tickets, odds of winning, advertising, or marketing, where such information not been
579 publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-
580 related information shall be subject to public disclosure under this chapter upon the first day of sales for the
581 specific lottery game to which it pertains.

582 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local
583 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust
584 established by one or more local public bodies to invest funds for post-retirement benefits other than
585 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
586 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The
587 College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Commonwealth Savers
588 Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other
589 ownership interest in an entity, where such security or ownership interest is not traded on a governmentally
590 regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses
591 prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The
592 College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board
593 of trustees, or the Commonwealth Savers Plan, or provided to the retirement system, a local finance board or
594 board of trustees, or the Commonwealth Savers Plan under a promise of confidentiality of the future value of
595 such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the
596 value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or
597 board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of
598 William and Mary in Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be
599 construed to prevent the disclosure of information relating to the identity of any investment held, the amount
600 invested, or the present value of such investment.

601 13. Financial, medical, rehabilitative, and other personal information concerning applicants for or
602 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under
603 Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

604 14. Information held by the Virginia Commonwealth University Health System Authority pertaining to
605 any of the following: an individual's qualifications for or continued membership on its medical or teaching
606 staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to
607 a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for
608 construction or the purchase of goods or services; information of a proprietary nature produced or collected
609 by or for the Authority or members of its medical or teaching staffs; financial statements not publicly

available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Commonwealth Savers Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Commonwealth Savers Plan on the

671 pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the
672 execution of such investment strategies or the selection or termination of such managers, if disclosure of such
673 information would have an adverse impact on the financial interest of the retirement system or the
674 Commonwealth Savers Plan; and

675 b. Trade secrets provided by a private entity to the retirement system or the Commonwealth Savers Plan if
676 disclosure of such records would have an adverse impact on the financial interest of the retirement system or
677 the Commonwealth Savers Plan.

678 For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity
679 shall make a written request to the retirement system or the Commonwealth Savers Plan:

680 (1) Invoking such exclusion prior to or upon submission of the data or other materials for which
681 protection from disclosure is sought;

682 (2) Identifying with specificity the data or other materials for which protection is sought; and

683 (3) Stating the reasons why protection is necessary.

684 The retirement system or the Commonwealth Savers Plan shall determine whether the requested exclusion
685 from disclosure meets the requirements set forth in subdivision b.

686 Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any
687 investment held or the present value and performance of all asset classes and subclasses.

688 25. Information held by the Department of Corrections made confidential by former § 53.1-233.

689 26. Information maintained by the Department of the Treasury or participants in the Local Government
690 Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to
691 establish accounts in accordance with § 2.2-4602.

692 27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust
693 Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that
694 access shall not be denied to the person who is the subject of the information.

695 28. Information maintained in connection with fundraising activities by the Veterans Services Foundation
696 pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social
697 security number or other identification number appearing on a driver's license or other document issued under
698 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or
699 bank account data of identifiable donors, except that access shall not be denied to the person who is the
700 subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure
701 of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the
702 donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or
703 donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the
704 identities of sponsors providing grants to or contracting with the foundation for the performance of services
705 or other work or (ii) the terms and conditions of such grants or contracts.

706 29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the
707 training of state prosecutors or law-enforcement personnel, where such information is not otherwise available
708 to the public and the disclosure of such information would reveal confidential strategies, methods, or
709 procedures to be employed in law-enforcement activities or materials created for the investigation and
710 prosecution of a criminal case.

711 30. Information provided to the Department of Aviation by other entities of the Commonwealth in
712 connection with the operation of aircraft where the information would not be subject to disclosure by the
713 entity providing the information. The entity providing the information to the Department of Aviation shall
714 identify the specific information to be protected and the applicable provision of this chapter that excludes the
715 information from mandatory disclosure.

716 31. Information created or maintained by or on the behalf of the judicial performance evaluation program
717 related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

718 32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are
719 discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child
720 abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse
721 response teams established pursuant to § 15.2-1627.5, (iii) individual cases of abuse, neglect, or exploitation
722 of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§
723 15.2-1627.5 and 63.2-1605, or (iv) individual human trafficking cases are discussed by any human trafficking
724 response team established pursuant to § 15.2-1627.6. The findings of any such team may be disclosed or
725 published in statistical or other aggregated form that does not disclose the identity of specific individuals.

726 33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the
727 Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies,
728 specific allocation of resources and staff for marketing activities, and specific marketing activities that would
729 reveal to the Commonwealth's competitors for economic development projects the strategies intended to be
730 deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth.
731 The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or

withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

36. Personal information provided to or obtained by the Virginia ~~Lottery Gaming Commission~~ in connection with the voluntary exclusion program administered pursuant to § ~~58.1-4015.1~~ 29.5-118.

37. Personal information provided to or obtained by the Virginia ~~Lottery Gaming Commission~~ concerning the identity of any person reporting prohibited conduct pursuant to § ~~58.1-4043~~ 29.5-414.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political

793 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
794 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
795 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
796 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
797 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
798 or protectorate thereof.

799 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
800 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and
801 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
802 sources.

803 11. Discussion or consideration of honorary degrees or special awards.

804 12. Discussion or consideration of tests, examinations, or other information used, administered, or
805 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

806 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
807 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed
808 by the member, provided the member may request in writing that the committee meeting not be conducted in
809 a closed meeting.

810 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
811 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
812 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
813 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
814 All discussions with the applicant or its representatives may be conducted in a closed meeting.

815 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
816 activity and estimating general and nongeneral fund revenues.

817 16. Discussion or consideration of medical and mental health records subject to the exclusion in
818 subdivision 1 of § 2.2-3705.5.

819 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
820 subsection D of § ~~58.1-4007~~ 29.5-707 regarding the denial or revocation of a license of a lottery sales agent;
821 and discussion, consideration, or review of Virginia Lottery matters related to proprietary lottery game
822 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and
823 subdivision 11 of § 2.2-3705.7.

824 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses
825 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or
826 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension
827 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary
828 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

829 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity
830 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency
831 service officials concerning actions taken to respond to such matters or a related threat to public safety;
832 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in
833 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,
834 information technology system, or software program; or discussion of reports or plans related to the security
835 of any governmental facility, building or structure, or the safety of persons using such facility, building or
836 structure.

837 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
838 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
839 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
840 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
841 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
842 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
843 other ownership interest in an entity, where such security or ownership interest is not traded on a
844 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
845 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
846 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
847 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
848 confidentiality, of the future value of such ownership interest or the future financial performance of the
849 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
850 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
851 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
852 disclosure of information relating to the identity of any investment held, the amount invested or the present
853 value of such investment.

854 21. Those portions of meetings in which individual child death cases are discussed by the State Child

Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and

916 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
917 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

918 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
919 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
920 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

921 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
922 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

923 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
924 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

925 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
926 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings
927 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider
928 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover
929 scholarship awards.

930 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in
931 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
932 Authority.

933 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
934 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
935 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
936 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
937 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

938 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
939 related to economic development.

940 40. Discussion or consideration by the Board of Education of information relating to the denial,
941 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

942 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
943 executive order for the purpose of studying and making recommendations regarding preventing closure or
944 realignment of federal military and national security installations and facilities located in Virginia and
945 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
946 local governing body, during which there is discussion of information subject to the exclusion in subdivision
947 8 of § 2.2-3705.2.

948 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
949 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
950 information of donors.

951 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
952 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained
953 in grant applications.

954 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of
955 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for
956 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary
957 information of a private entity provided to the Authority.

958 45. Discussion or consideration of personal and proprietary information related to the resource
959 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection
960 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain
961 information that has been certified for release by the person who is the subject of the information or
962 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
963 or is the subject of, the information.

964 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control
965 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of
966 applicants for licenses and permits and of licensees and permittees.

967 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
968 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)
969 of Chapter 22.

970 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
971 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
972 Board.

973 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
974 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
975 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
976 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and

63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established pursuant to § 15.2-1627.6.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia ~~Lottery~~ *Gaming Commission* Board conducted pursuant to § ~~58.1-4105~~ *29.5-305* regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia ~~Lottery~~ *Gaming Commission* Board in an appeal conducted pursuant to § ~~58.1-4007~~ *29.5-104* regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3802. Systems to which chapter inapplicable.

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;
2. Which may exist in publications of general circulation;
3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913;

4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;

5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;

6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia ~~Racing~~ *Gaming Commission*, the Virginia Criminal Sentencing Commission, and the Virginia Alcoholic Beverage Control Authority;

7. Maintained by any of the following and that deal with investigations and intelligence gathering related

1039 to criminal activity:

1040 a. The Department of State Police;

1041 b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;

1042 c. Police departments of cities, counties, and towns;

1043 d. Sheriff's departments of counties and cities;

1044 e. Campus police departments of public institutions of higher education as established by Article 3 (§
1045 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

1046 f. The Division of Capitol Police.

1047 8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect
1048 while such cases are also subject to an ongoing criminal prosecution;

1049 9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

1050 10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of
1051 travel or tourism in the Commonwealth, in which case names and addresses of persons requesting
1052 information on those subjects may be disseminated upon written request to a person engaged in the business
1053 of providing travel services or distributing travel information, provided the Virginia Tourism Authority is
1054 reasonably assured that the use of the information will be so limited;

1055 11. Maintained by the Division of Consolidated Laboratory Services of the Department of General
1056 Services and the Department of Forensic Science, which deal with scientific investigations relating to
1057 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

1058 12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal
1059 with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§
1060 2.2-307 et seq.);

1061 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state
1062 agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and
1063 Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a
1064 school board that deals with local investigations required by § 15.2-2511.2;

1065 14. Maintained by the Department of Social Services or any local department of social services relating to
1066 public assistance fraud investigations;

1067 15. Maintained by the Department of Social Services related to child welfare or public assistance
1068 programs when requests for personal information are made to the Department of Social Services. Requests
1069 for information from these systems shall be made to the appropriate local department of social services that is
1070 the custodian of that record. Notwithstanding the language in this section, an individual shall not be
1071 prohibited from obtaining information from the central registry in accordance with the provisions of §
1072 63.2-1515; and

1073 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services, adult
1074 protective services, or auxiliary grants when requests for personal information are made to the Department for
1075 Aging and Rehabilitative Services. Requests for information from these systems shall be made to the
1076 appropriate local department of social services that is the custodian of that record.

1077 **§ 2.2-4002. Exemptions from chapter generally.**

1078 A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the
1079 following agencies shall be exempted from the provisions of this chapter, except to the extent that they are
1080 specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1081 1. The General Assembly.

1082 2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted
1083 any of the powers of a court of record.

1084 3. The Department of Wildlife Resources in promulgating regulations regarding the management of
1085 wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§
1086 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

1087 4. The Virginia Housing Development Authority.

1088 5. Municipal corporations, counties, and all local, regional, or multijurisdictional authorities created under
1089 this Code, including those with federal authorities.

1090 6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such
1091 educational institutions shall be exempt from the publication requirements only with respect to regulations
1092 that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining of faculty and
1093 employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

1094 7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii)
1095 classification and allocation of milk, computation of sales, and shrinkage, and (iii) class prices for producers'
1096 milk, time and method of payment, butterfat testing, and differential.

1097 8. The Virginia Resources Authority.

1098 9. Agencies expressly exempted by any other provision of this Code.

1099 10. The Department of General Services in promulgating standards for the inspection of buildings for

1100 asbestos pursuant to § 2.2-1164.

1101 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines
1102 pursuant to § 23.1-207.

1103 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to
1104 subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.

1105 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer
1106 Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of §
1107 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of §
1108 3.2-5406.

1109 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,
1110 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists
1111 pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

1112 15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to §
1113 2.2-2001.3.

1114 16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2
1115 .

1116 17. The Virginia ~~Racing~~ *Gaming* Commission, (i) when acting by and through its duly appointed stewards
1117 or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live
1118 horse racing at race meetings licensed by the Commission.

1119 18. The Virginia Small Business Financing Authority.

1120 19. The Virginia Economic Development Partnership Authority.

1121 20. The Board of Agriculture and Consumer Services in adopting, amending, or repealing regulations
1122 pursuant to subsection A (ii) of § 59.1-156.

1123 21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

1124 22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of
1125 Health pursuant to § 32.1-35 and in adopting, amending, or repealing regulations pursuant to subsection C of
1126 § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food
1127 service.

1128 23. The Board of Pharmacy when specifying special subject requirements for continuing education for
1129 pharmacists pursuant to § 54.1-3314.1.

1130 24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to §
1131 58.1-3219.7 or 58.1-3219.11.

1132 25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any
1133 training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions
1134 are authorized by the Governor in the interest of public safety.

1135 B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1136 1. Money or damage claims against the Commonwealth or agencies thereof.

1137 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

1138 3. The location, design, specifications, or construction of public buildings or other facilities.

1139 4. Grants of state or federal funds or property.

1140 5. The chartering of corporations.

1141 6. Customary military, militia, naval, or police functions.

1142 7. The selection, tenure, dismissal, direction, or control of any officer or employee of an agency of the
1143 Commonwealth.

1144 8. The conduct of elections or eligibility to vote.

1145 9. Inmates of prisons or other such facilities or parolees therefrom.

1146 10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state
1147 institutions as well as the treatment, supervision, or discharge of such persons.

1148 11. Traffic signs, markers, or control devices.

1149 12. Instructions for application or renewal of a license, certificate, or registration required by law.

1150 13. Content of, or rules for the conduct of, any examination required by law.

1151 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).

1152 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with
1153 duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and
1154 posted.

1155 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
1156 finfish, or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

1157 17. Any operating procedures for review of child deaths developed by the State Child Fatality Review
1158 Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult
1159 Fatality Review Team pursuant to § 32.1-283.5, any operating procedures for review of adult deaths
1160 developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and any operating procedures

1161 for review of the deaths of persons with a developmental disability developed by the Developmental
1162 Disabilities Mortality Review Committee pursuant to § 37.2-314.1.

1163 18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the
1164 activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515
1165 et seq.) of Title 54.1.

1166 19. The process of reviewing and ranking grant applications submitted to the Commonwealth
1167 Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title
1168 51.5.

1169 20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§
1170 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

1171 21. The Virginia Breeders Fund created pursuant to § ~~59.1-372~~ 29.5-611.

1172 22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

1173 23. The administration of medication or other substances foreign to the natural horse.

1174 24. Any rules adopted by the ~~Department of Agriculture and Consumer Services~~ Virginia Gaming
1175 Commission for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo,
1176 and instant bingo games, provided that such rules are (i) consistent with ~~Article 1-1-1~~ (§ 18.2-340.15 et seq.)
1177 of Chapter 8 2 (§ 29.5-200 et seq.) of Title ~~18.2~~ 29.5 and (ii) published and posted.

1178 C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia
1179 Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be
1180 exempt from the provisions of this chapter.

1181 **§ 2.2-4346. Other exemptions for certain transactions.**

1182 The following public bodies may enter into contracts as provided in this section.

1183 A. Contracts for certain essential election materials and services are exempted from the requirements of
1184 Articles 1 (§ 2.2-4300 et seq.), 2 (§ 2.2-4303 et seq.), and 5 (§ 2.2-4357 et seq.) of this chapter pursuant to §
1185 24.2-602.

1186 B. Any local school board may authorize any of its public schools or its school division to enter into
1187 contracts providing that caps and gowns, photographs, class rings, yearbooks and graduation announcements
1188 will be available for purchase or rental by students, parents, faculty or other persons using nonpublic money
1189 through the use of competitive negotiation as provided in this chapter; competitive sealed bidding is not
1190 necessarily required for such contracts. The Superintendent of Public Instruction may provide assistance to
1191 public school systems regarding this chapter and other related laws.

1192 C. The Virginia ~~Racing~~ Gaming Commission, *with the advice of and in consultation with the Virginia*
1193 *Racing Commission*, may designate an entity to administer and promote the Virginia Breeders Fund created
1194 pursuant to § ~~59.1-372~~ 29.5-611 without competitive procurement.

1195 **§ 3.2-102. General powers and duties of the Commissioner.**

1196 A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and
1197 duties herein provided, and such other powers and duties as may be prescribed by law, ~~including those~~
1198 ~~prescribed in Title 59.1~~. He shall be the executive officer of the Board, and shall see that its orders are carried
1199 out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly
1200 reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural
1201 interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within
1202 the Department including those that promote the development and marketing of the Commonwealth's
1203 agricultural products in domestic and international markets, including promotions, market development and
1204 research, marketing assistance, market information, and product grading and certification; promote the
1205 creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and
1206 the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer
1207 protection programs that protect the safety and quality of the Commonwealth's food supply through food and
1208 dairy inspection activities, industry and consumer education, and information on food safety; work with other
1209 state agencies to preserve the Commonwealth's agricultural lands; ensure animal health and protect the
1210 Commonwealth's livestock industries through disease control and surveillance, maintaining animal health
1211 diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and
1212 the environment through regulation and proper handling of pesticides, agricultural stewardship, and
1213 protection of endangered plant and insect species; protect crop and plant health and productivity; ensure
1214 consumer protection and fair trade practices in commerce; develop plans and emergency response protocols
1215 to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist
1216 as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement
1217 programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in
1218 trade domestically and internationally; and enter into agreements with federal, state, and local governments,
1219 land grant universities, and other organizations that include marketing, plant protection, pest control,
1220 pesticides, and meat and poultry inspection.

1221 B. In addition, the Commissioner shall:

1222 1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and

promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products;

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

3. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for Virginia breweries and limited breweries. Such corporation shall provide wholesale beer distribution services for Virginia breweries and limited breweries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, (i) two of whom shall be an owner or manager of a Virginia beer wholesale licensee, (ii) one of whom shall be an owner or manager of a brewery or limited brewery licensee, and (iii) one of whom shall be an owner or manager of a brewery or limited brewery licensee that is not served by a wholesaler at the time such owner or manager is appointed to the board of directors. In making appointments to the board of directors, the Board shall consider nominations submitted by the Virginia Beer Wholesalers Association regarding members listed in clause (i) and nominations submitted by the Virginia Craft Brewers Guild regarding members listed in clauses (ii) and (iii). At least annually, such corporation shall be required to report to the Commissioner on its activities, including reporting the quantity of beer distributed for each brewery or limited brewery licensee during the preceding year. The Commissioner shall report such information to the General Assembly. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section; and

4. ~~Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations; and~~

5. Ensure that the Department compiles and publishes the annual report relating to foreign adversary ownership of agricultural land required under § 55.1-509.

§ 3.2-6201. Horse racing excluded.

The provisions of this chapter shall not apply to horse racing, as that term is defined by § ~~59.1-365~~ 29.5-601.

§ 4.1-100. Definitions.

As used in this subtitle unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent

1284 by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as
1285 no more than one and one-half percent of the volume of the finished product consists of alcohol derived from
1286 added flavors and other nonbeverage ingredients containing alcohol.

1287 "Arts venue" means a commercial or nonprofit establishment that is open to the public and in which
1288 works of art are sold or displayed.

1289 "Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this subtitle.

1290 "Barrel" means any container or vessel having a capacity of more than 43 ounces.

1291 "Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii)
1292 offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at
1293 least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is
1294 provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment"
1295 includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other
1296 than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom
1297 overnight lodging is provided.

1298 "Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley,
1299 malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more
1300 of alcohol by volume.

1301 "Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

1302 "Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

1303 "Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§
1304 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the
1305 Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24
1306 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with
1307 charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation
1308 of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or
1309 Board regulation.

1310 "Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of
1311 an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but
1312 not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment
1313 so operated. A corporation or association shall not lose its status as a club because of the conduct of
1314 charitable gaming conducted pursuant to ~~Article 1-1:1 (§ 18.2-340.15 et seq.)~~ of Chapter 8 2 (§ 29.5-200 et
1315 seq.) of Title ~~18.2~~ 29.5 in which nonmembers participate frequently or in large numbers, provided that no
1316 alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted
1317 while such gaming is being conducted and that no alcoholic beverages are made available upon the premises
1318 to any person who is neither a member nor a bona fide guest of a member.

1319 Any such corporation or association which has been declared exempt from federal and state income taxes
1320 as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit
1321 corporation or association.

1322 "Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10
1323 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores
1324 and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically
1325 integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association
1326 that is responsible for the management, maintenance, and operation of the common areas thereof.

1327 "Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic
1328 beverages.

1329 "Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains
1330 grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and
1331 crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement
1332 with the winery or farm winery licensee. For all purposes of this subtitle, wine produced by a contract
1333 winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the
1334 winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of
1335 the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms
1336 of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may
1337 charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking
1338 services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits,
1339 and other agricultural products used to make such wine are grown in the Commonwealth.

1340 "Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent
1341 structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items
1342 intended for human consumption consisting of a variety of such items of the types normally sold in grocery
1343 stores.

1344 "Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building

that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the public, for compensation, at least one meal per day, lodging, and recreational and educational activities related to farming, livestock, and other rural activities.

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural products used to manufacture the wine of such farm winery, subject to the requirements set forth in § 4.1-219, and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the term "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this subtitle.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders

1406 are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

1407 "Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably
1408 affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

1409 "Licensed" means the holding of a valid license granted by the Authority.

1410 "Licensee" means any person to whom a license has been granted by the Authority.

1411 "Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol
1412 content of 25 percent by volume.

1413 "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by
1414 volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed
1415 with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit
1416 adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or
1417 fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this subtitle, except that
1418 low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the
1419 Commonwealth.

1420 "Marina store" means an establishment that is located on the same premises as a marina, is operated by
1421 the owner of such marina, and sells food and nautical and fishing supplies.

1422 "Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide,
1423 full-service restaurants as principal meals of the day. Such restaurants shall include establishments
1424 specializing in full course meals with a single substantial entree.

1425 "Member of a club" means (i) a person who maintains his membership in the club by the payment of
1426 monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a
1427 person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal
1428 descendants of a bona fide member, whether alive or deceased, of a national or international organization to
1429 which an individual lodge holding a club license is an authorized member in the same locality. It shall also
1430 mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident
1431 members of the club, the full amount of such contribution being paid in advance in a lump sum.

1432 "Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

1433 "Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and
1434 which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are
1435 not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain
1436 alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

1437 "Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which
1438 is the county seat of Smyth County.

1439 "Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or
1440 similar facility at which live musical, dance, theatre, or similar performances, the types of which are
1441 approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating
1442 for more than 500 persons.

1443 "Place or premises" means the real estate, together with any buildings or other improvements thereon,
1444 designated in the application for a license as the place at which the manufacture, bottling, distribution, use or
1445 sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement
1446 actually and exclusively used as a private residence.

1447 "Principal stockholder" means any person who individually or in concert with his spouse and immediate
1448 family members beneficially owns or controls, directly or indirectly, five percent or more of the equity
1449 ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate
1450 family members has the power to vote or cause the vote of five percent or more of any such equity
1451 ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange
1452 Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded
1453 corporation holding, directly or indirectly, a license from the Authority.

1454 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,
1455 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,
1456 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

1457 "Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private
1458 meetings or private parties limited in attendance to members and guests of a particular group, association or
1459 organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities
1460 while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to
1461 employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii)
1462 offices, office buildings or industrial facilities while closed to the public and in use for private meetings or
1463 parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such
1464 building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on
1465 which alcoholic beverages are not sold.

1466 "Residence" means any building or part of a building or structure where a person resides, but does not

include any part of a building that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises; if the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such guest rooms and dwelling units shall be located within the same locality. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as defined in § ~~58.1-4030~~ 29.5-400, or similar events, the types of which are approved by the Authority, are conducted.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-206.3. (Effective until July 1, 2026) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and

1528 nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent
1529 of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other
1530 designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises,
1531 which outdoor dining areas may have more than one means of ingress and egress to an adjacent public
1532 thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such
1533 noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A
1534 5 of § 4.1-201.

1535 If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent
1536 bedrooms where food and beverage service is customarily provided by the restaurant in designated areas,
1537 bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed
1538 beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-
1539 premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board
1540 for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in
1541 such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board
1542 may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort
1543 complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and
1544 consuming his own lawfully acquired spirits in bedrooms or private rooms.

1545 If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club
1546 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in
1547 another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize
1548 the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell
1549 spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50
1550 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in
1551 its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on
1552 another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of
1553 a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of
1554 nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed
1555 on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and
1556 food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the
1557 qualifications of such restaurant for a license from the Board.

1558 If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall
1559 recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for
1560 those months when weather conditions may reduce patronage of the golf course, provided that prepared food,
1561 including meals, is available to patrons during the same months. The gross receipts from the sale of food
1562 cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after
1563 the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed
1564 beverages and food on an annualized basis.

1565 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall
1566 authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the
1567 sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises
1568 consumption in areas upon the licensed premises approved by the Board and other designated areas of the
1569 resort, including outdoor areas under the control of the licensee, and (B) permit the possession and
1570 consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being
1571 provided in bedrooms and private guest rooms.

1572 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator
1573 licensed under ~~Article Chapter 3~~ (~~§ 58.1-4108~~ 29.5-300 et seq.) of ~~Chapter 41~~ of Title ~~58.1~~ 29.5, such mixed
1574 beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises
1575 consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage
1576 casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises
1577 of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after
1578 consultation with the mixed beverage casino licensee. Designated areas may include any areas on the
1579 premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private
1580 rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to
1581 this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly
1582 displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

1583 The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a
1584 license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises
1585 consumption; however, the licensee shall be required to pay the local fee required for such additional license
1586 pursuant to § 4.1-233.1.

1587 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the
1588 business of providing food and beverages to others for service at private gatherings or at special events,

which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage sports facility licenses to persons operating a sports facility or food concessions at a sports facility, which shall authorize the licensee to sell mixed beverages during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to

1650 pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to
1651 persons operating a performing arts facility or food concessions at a performing arts facility.

1652 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or
1653 hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed
1654 beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize
1655 the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business
1656 premises designated in the license, with a common alcoholic beverage inventory for purposes of the
1657 restaurant and catering operations. Such licensee shall meet the separate food qualifications established for
1658 the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant
1659 to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the
1660 licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed
1661 containers for off-premises consumption; however, the licensee shall be required to pay the local fee required
1662 for such additional license pursuant to § 4.1-233.1.

1663 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining
1664 areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being
1665 provided, with or without meals, for on-premises consumption only in such rooms and areas, and without
1666 regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii)
1667 permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is
1668 being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast
1669 establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas,
1670 whether or not contiguous to the licensed premises, which may have more than one means of ingress and
1671 egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the
1672 licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail
1673 license issued pursuant to subdivision A 5 of § 4.1-201.

1674 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3)
1675 of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully
1676 acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and
1677 (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof.
1678 However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of
1679 this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

1680 11. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association
1681 governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that
1682 is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom
1683 alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the
1684 commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses,
1685 walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle
1686 center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas.
1687 Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on
1688 the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in
1689 paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the
1690 alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the
1691 commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the
1692 public the boundaries of the licensed premises; however, no physical barriers shall be required for this
1693 purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the
1694 applicable provisions of this subtitle and Board regulations.

1695 12. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed
1696 beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be
1697 granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is
1698 located on property owned by the United States government or an agency thereof and used as a port of entry
1699 to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared,
1700 and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such
1701 license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the
1702 purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not
1703 contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress
1704 and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and
1705 approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license
1706 issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall
1707 automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises
1708 consumption or in closed containers for off-premises consumption; however, the licensee shall be required to
1709 pay the local fee required for such additional license pursuant to § 4.1-233.1.

1710 13. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or

association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under ~~Article Chapter 3 (§ 58.1-4108 29.5-300 et seq.) of Chapter 41 of Title 58.1 29.5.~~

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public

1772 convenience and the purposes of this subtitle will be promoted by granting the license.

1773 4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any
1774 event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways,
1775 concession areas, and additional locations designated by the Board (i) in closed containers for off-premises
1776 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-
1777 premises consumption. Upon authorization of the licensee, any person may keep and consume his own
1778 lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such
1779 licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar
1780 facilities.

1781 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during
1782 the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas,
1783 or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper,
1784 plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon
1785 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic
1786 beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to
1787 persons operating food concessions at any performing arts facility.

1788 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or
1789 attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such
1790 additional locations designated by the Board in such facilities (i) in closed containers for off-premises
1791 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-
1792 premises consumption. Upon authorization of the licensee, any person may keep and consume his own
1793 lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such
1794 licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention
1795 centers, or similar facilities located in any county operating under the urban county executive form of
1796 government or any city that is completely surrounded by such county. For purposes of this subdivision,
1797 "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade
1798 shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

1799 7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to
1800 patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining
1801 areas, and such additional locations designated by the Board in such facilities, for on-premises consumption
1802 or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall
1803 serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to
1804 persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in
1805 Natural Bridge Station and formerly operated as Natural Bridge High School.

1806 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without
1807 meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold,
1808 for on-premises consumption or in closed containers for off-premises consumption. The privileges of this
1809 license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

1810 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
1811 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
1812 licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of
1813 the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming
1814 public about historic beer products. The privileges of this license shall be limited to the premises of the
1815 museum, regularly occupied and utilized as such.

1816 C. The Board may grant the following off-premises wine and beer licenses:

1817 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store,
1818 delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as
1819 defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in
1820 closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to
1821 any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises
1822 consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more
1823 than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also
1824 give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring
1825 and educating the consuming public about the alcoholic beverages being tasted. With the consent of the
1826 licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives
1827 of such licensees may participate in such tastings, including the pouring of samples. The licensee shall
1828 comply with any food inventory and sales volume requirements established by Board regulation.

1829 2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine
1830 or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent
1831 to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises
1832 consumption in accordance with subdivision 6 of § 4.1-200.

1833 3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises

for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any

1895 event shall not exceed three consecutive days. However, the Board may increase the frequency and duration
1896 of events after adoption of an ordinance by a locality requesting such increase in frequency and duration.
1897 Such ordinance shall include the size and scope of the area within which such events will be held, a public
1898 safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of
1899 events that may be held shall not apply during the effective dates of any rule, regulation, or order that is
1900 issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively
1901 reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall
1902 be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to
1903 the Board regarding the days and times during which the privileges of the license will be exercised. Only
1904 alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area
1905 may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar
1906 disposable containers that clearly display the name or logo of the retail on-premises licensee from which the
1907 alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the
1908 designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post
1909 appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical
1910 barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide
1911 adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board
1912 regulations.

1913 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or
1914 charitable membership organizations that are exempt from state and federal taxation and in charge of
1915 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve
1916 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place
1917 designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per
1918 calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee
1919 to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall
1920 be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

1921 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and
1922 steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired
1923 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic
1924 beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be
1925 (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and
1926 steeplechase events, and (ii) exercised on no more than four calendar days per year.

1927 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee
1928 participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the
1929 premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not
1930 be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more
1931 than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges
1932 of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and
1933 (ii) exercised on no more than 12 calendar days per year.

1934 E. The Board may grant a marketplace license to persons operating a business enterprise of which the
1935 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
1936 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
1937 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two
1938 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer
1939 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the
1940 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to
1941 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;
1942 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager
1943 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training
1944 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed
1945 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether
1946 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the
1947 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;
1948 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and
1949 welfare.

1950 F. The Board may grant the following shipper, bottler, and related licenses:

- 1951 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.
- 1952 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the
1953 Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in
1954 closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for
1955 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale

requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-206.3. (Effective July 1, 2026) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after

the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under ~~Article Chapter 3~~ (~~§ 58.1-4108~~ 29.5-300 et seq.) of ~~Chapter 41~~ of Title ~~58.1~~ 29.5, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage sports facility licenses to persons operating a sports facility or food concessions

at a sports facility, which shall authorize the licensee to sell mixed beverages during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to persons operating a performing arts facility or food concessions at a performing arts facility.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle

center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

12. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

13. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article Chapter 3 (§ 58.1-4108 29.5-300 et seq.) of Chapter 41 of Title 58.1 29.5.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed

containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any performing arts facility.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold,

for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets

conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not

2383 be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more
 2384 than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges
 2385 of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and
 2386 (ii) exercised on no more than 12 calendar days per year.

2387 E. The Board may grant a marketplace license to persons operating a business enterprise of which the
 2388 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
 2389 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
 2390 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two
 2391 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer
 2392 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the
 2393 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to
 2394 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;
 2395 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager
 2396 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training
 2397 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed
 2398 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether
 2399 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the
 2400 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;
 2401 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and
 2402 welfare.

2403 F. The Board may grant the following shipper, bottler, and related licenses:

2404 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2405 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the
 2406 Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in
 2407 closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for
 2408 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale
 2409 requirement established by Board regulations.

2410 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of
 2411 beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i)
 2412 wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United
 2413 States sailing for ports of call of a foreign country or another state, and (iii) persons outside the
 2414 Commonwealth for resale outside the Commonwealth.

2415 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place
 2416 of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by
 2417 holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick,
 2418 pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No
 2419 wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person
 2420 under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the
 2421 business for which any fulfillment warehouse license is issued.

2422 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under
 2423 the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business
 2424 located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or
 2425 beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be
 2426 lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or
 2427 beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing
 2428 portal licensees may also accept payment on behalf of the shipper.

2429 **§ 8.01-216.3. False claims; civil penalty.**

2430 A. Any person who:

2431 1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

2432 2. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or
 2433 fraudulent claim;

2434 3. Conspires to commit a violation of subdivision 1, 2, 4, 5, 6, 7, 8, or 9;

2435 4. Has possession, custody, or control of property or money used, or to be used, by the Commonwealth
 2436 and knowingly delivers, or causes to be delivered, less than all such money or property;

2437 5. Has possession, custody, or control of an illegal gambling device, as defined in § 18.2-325, knowing
 2438 such device is illegal, and knowingly conceals, avoids, or decreases an obligation to pay or transmit money to
 2439 the Commonwealth that is derived from the operation of such device;

2440 6. Manufactures for sale, sells, or distributes an illegal gaming device knowing that such device is or is
 2441 intended to be operated in the Commonwealth in violation of Article 1 (§ 18.2-325 et seq.) or ~~Article 1-1:1~~ (§
 2442 ~~18.2-340.15 et seq.~~) of Chapter 8 2 (§ 29.5-200 et seq.) of Title 18.2 29.5;

2443 7. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the

Commonwealth and, intending to defraud the Commonwealth, makes or delivers the receipt without completely knowing that the information on the receipt is true;

8. Knowingly buys or receives as a pledge of an obligation or debt, public property from an officer or employee of the Commonwealth who lawfully may not sell or pledge the property; or

9. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Commonwealth or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Commonwealth;

shall be liable to the Commonwealth for a civil penalty of not less than \$10,957 and not more than \$21,916, except that these lower and upper limits on liability shall automatically be adjusted to equal the amounts allowed under the Federal False Claims Act, 31 U.S.C. § 3729 et seq., as amended, as such penalties in the Federal False Claims Act are adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (28 U.S.C. § 2461 Note, P.L. 101-410), plus three times the amount of damages sustained by the Commonwealth.

A person violating this section shall be liable to the Commonwealth for reasonable attorney fees and costs of a civil action brought to recover any such penalties or damages. All such fees and costs shall be paid to the Attorney General's Office by the defendant and shall not be included in any damages or civil penalties recovered in a civil action based on a violation of this section.

B. If the court finds that (i) the person committing the violation of this section furnished officials of the Commonwealth responsible for investigating false claims violations with all information known to the person about the violation within 30 days after the date on which the defendant first obtained the information; (ii) such person fully cooperated with any Commonwealth investigation of such violation; (iii) at the time such person furnished the Commonwealth with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation; and (iv) the person did not have actual knowledge of the existence of an investigation into such violation, the court may assess not less than two times the amount of damages that the Commonwealth sustains because of the act of that person. A person violating this section shall also be liable to the Commonwealth for the costs of a civil action brought to recover any such penalty or damages.

C. For purposes of this section, the terms "knowing" and "knowingly" mean that a person, with respect to information, (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information and require no proof of specific intent to defraud.

D. Except as provided in subdivision A 5, this section shall not apply to claims, records, or statements relating to state or local taxes.

§ 8.01-534. Grounds of action for pretrial levy or seizure of attachment.

A. It shall be sufficient ground for an action for pretrial levy or seizure or an attachment that the principal defendant or one of the principal defendants:

1. Is a foreign corporation, or is not a resident of this Commonwealth, and has estate or has debts owing to such defendant within the county or city in which the attachment is, or that such defendant being a nonresident of this Commonwealth, is entitled to the benefit of any lien, legal or equitable, on property, real or personal, within the county or city in which the attachment is. The word "estate," as herein used, includes all rights or interests of a pecuniary nature which can be protected, enforced, or proceeded against in courts of law or equity;

2. Is removing or is about to remove himself out of this Commonwealth with intent to change his domicile;

3. Intends to remove, or is removing, or has removed the specific property sued for, or his own estate, or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this Commonwealth so that there will probably not be therein effects of such debtor sufficient to satisfy the claim when judgment is obtained therefor should only the ordinary process of law be used to obtain the judgment;

4. Is converting, is about to convert or has converted his property of whatever kind, or some part thereof, into money, securities or evidences of debt with intent to hinder, delay, or defraud his creditors;

5. Has assigned or disposed of or is about to assign or dispose of his estate, or some part thereof, with intent to hinder, delay or defraud his creditors;

6. Has absconded or is about to abscond or has concealed or is about to conceal himself or his property to the injury of his creditors, or is a fugitive from justice;

7. Has conducted, financed, managed, supervised, directed, sold, or owned a gambling device that is located in an unregulated location pursuant to § 18.2-331.1;

8. Has violated any provision of law related to charitable gaming pursuant to ~~Article 1-1:1 (§ 18.2-340.15 et seq.)~~ of Chapter 8 2 (§ 29.5-200 et seq.) of Title 18.2 29.5.

The intent mentioned in subdivisions 4 and 5 may be stated either in the alternative or conjunctive.

B. It shall be sufficient ground for an action for pretrial levy or seizure or an attachment if the specific

2505 personal property sought to be levied or seized:

2506 1. Will be sold, removed, secreted, or otherwise disposed of by the defendant, in violation of an obligation
2507 to the plaintiff, so as not to be forthcoming to answer the final judgment of the court respecting the same; or

2508 2. Will be destroyed, or materially damaged or injured if permitted to remain in the possession of the
2509 principal defendant or one of the principal defendants or other person or persons claiming under them.

2510 C. In an action for rent, it also shall be a sufficient ground if there is an immediate danger that the
2511 property subject to the landlord's lien for rent will be destroyed or concealed.

2512 **§ 11-16.1. Exemption from the chapter.**

2513 This chapter shall not apply to any bet, wager, or casino gaming permitted by Chapter ~~41-3~~ (§ ~~58.1-4100~~
2514 ~~29.5-300 et seq.~~) of Title ~~58.1~~ 29.5 or to any contract, conduct, or transaction arising from conduct lawful
2515 thereunder.

2516 **§ 11-16.2. Exemption; authorized sports betting.**

2517 This chapter shall not apply to any sports betting or related activity that is lawful under ~~Article 2~~ (§
2518 ~~58.1-4030 et seq.~~) of Chapter ~~40-4~~ (§ ~~29.5-400 et seq.~~) of Title ~~58.1~~ 29.5.

2519 **§ 15.2-912.2. Proceeds exempt from local taxation.**

2520 No locality may impose a gross receipts, entertainment, admission, or any other tax based on revenues of
2521 qualified organizations derived from the conduct of charitable gaming.

2522 The definitions set forth in § ~~18.2-340.16~~ 29.5-200 shall apply to this section.

2523 **§ 15.2-2825. Smoking in restaurants prohibited; exceptions; posting of signs; penalty for violation.**

2524 A. Effective December 1, 2009, smoking shall be prohibited and no person shall smoke in any restaurant
2525 in the Commonwealth or in any restroom within such restaurant, except that smoking may be permitted in:

2526 1. Any place or operation that prepares or stores food for distribution to persons of the same business
2527 operation or of a related business operation for service to the public. Examples of such places or operations
2528 include the preparation or storage of food for catering services, pushcart operations, hotdog stands, and other
2529 mobile points of service;

2530 2. Any outdoor area of a restaurant, with or without roof covering, at such times when such outdoor area
2531 is not enclosed in whole or in part by any screened walls, roll-up doors, windows or other seasonal or
2532 temporary enclosures;

2533 3. Any restaurants located on the premises of any manufacturer of tobacco products;

2534 4. Any portion of a restaurant that is used exclusively for private functions, provided such functions are
2535 limited to those portions of the restaurant that meet the requirements of subdivision 5;

2536 5. Any portion of a restaurant that is constructed in such a manner that the area where smoking may be
2537 permitted is (i) structurally separated from the portion of the restaurant in which smoking is prohibited and to
2538 which ingress and egress is through a door and (ii) separately vented to prevent the recirculation of air from
2539 such area to the area of the restaurant where smoking is prohibited. At least one public entrance to the
2540 restaurant shall be into an area of the restaurant where smoking is prohibited. For the purposes of the
2541 preceding sentence, nothing shall be construed to require the creation of an additional public entrance in cases
2542 where the only public entrance to a restaurant in existence as of December 1, 2009, is through an outdoor area
2543 described in subdivision 2;

2544 6. Any private club; and

2545 7. Any portion of a facility licensed to conduct casino gaming pursuant to Chapter ~~41-3~~ (§ ~~58.1-4100~~
2546 ~~29.5-300 et seq.~~) of Title ~~58.1~~ 29.5 designated pursuant to the provisions of and that meets the requirements
2547 of § 15.2-2827. Any restaurant within a facility licensed to conduct casino gaming shall comply with the
2548 provisions of this section.

2549 B. For the purposes of this section:

2550 "Proprietor" means the owner, lessee, or other person who ultimately controls the activities within the
2551 restaurant. The term "proprietor" includes corporations, associations, or partnerships as well as individuals.

2552 "Structurally separated" means a stud wall covered with drywall or other building material or other like
2553 barrier, which, when completed, extends from the floor to the ceiling, resulting in a physically separated
2554 room. Such wall or barrier may include portions that are glass or other gas-impervious building material.

2555 C. No individual who is wait staff or bus staff in a restaurant shall be required by the proprietor to work in
2556 any area of the restaurant where smoking may be permitted without the consent of such individual. Nothing
2557 in this subsection shall be interpreted to create a cause of action against such proprietor.

2558 D. The proprietor of any restaurant shall:

2559 1. Post signs stating "No Smoking" or containing the international "No Smoking" symbol, consisting of a
2560 pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and
2561 conspicuously in every restaurant where smoking is prohibited in accordance with this section; and

2562 2. Remove all ashtrays and other smoking paraphernalia from any area in the restaurant where smoking is
2563 prohibited in accordance with this section.

2564 E. Any proprietor of a restaurant who fails to comply with the requirements of this section shall be subject
2565 to the civil penalty of not more than \$25.

2566 F. No person shall smoke in any area of a restaurant in which smoking is prohibited as provided in this

section. Any person who continues to smoke in such area after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25.

G. It shall be an affirmative defense to a complaint brought against a proprietor for a violation of this section that the proprietor or an employee of such proprietor:

1. Posted a "No Smoking" sign as required;
2. Removed all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited;
3. Refused to seat or serve any individual who was smoking in a prohibited area; and
4. If the individual continued to smoke after an initial warning, asked the individual to leave the establishment.

H. Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.

I. Any local health department or its designee shall, while inspecting a restaurant as otherwise required by law, inspect for compliance with this section.

§ 18.2-325. Definitions.

1. "Illegal gambling" means the making, placing, or receipt of any bet or wager in the Commonwealth of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the limits of the Commonwealth.

For the purposes of this subdivision and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subdivision 3 b, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

"Illegal gambling" also means the playing or offering for play of any skill game.

2. "Interstate gambling" means the conduct of an enterprise for profit that engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

3. "Gambling device" includes:

a. Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in an illegal gambling operation or activity;

b. Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled, provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape, or color, shall not be deemed gambling devices within the meaning of this subsection; and

c. Skill games.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

4. "Operator" includes any person, firm, or association of persons, who conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

5. "Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person.

6. "Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from the device or manually. "Skill game" includes (i) a device that contains a meter or measurement device that records the number of free games or portions of games that are rewarded and (ii) a device designed or adapted to enable a person using the device to increase the chances of winning free games or portions of games by paying more than the amount that is ordinarily required to play the game. "Skill game" does not include any amusement device, as defined in § 18.2-334.6.

7. "Unregulated location" means any location that is not regulated or operated by the Virginia Lottery or

2628 Virginia Lottery Board, ~~the Department of Agriculture and Consumer Services,~~ the Virginia Alcoholic
 2629 Beverage Control Authority, or the Virginia ~~Racing~~ Gaming Commission.

2630 **§ 18.2-326. Penalty for illegal gambling.**

2631 Except as otherwise provided in this article, any person who illegally gambles or engages in interstate
 2632 gambling as defined in § 18.2-325 ~~shall be~~ *is* guilty of a Class 3 misdemeanor. If an association or pool of
 2633 persons illegally gamble, each person therein ~~shall be~~ *is* guilty of illegal gambling.

2634 However, if any person makes, places, or receives any bet or wager of money or other thing of value on a
 2635 horse race in the Commonwealth, whether the race is inside or outside the limits of the Commonwealth at any
 2636 place or through any means other than (i) at a racetrack licensed by the Virginia ~~Racing~~ Gaming Commission
 2637 pursuant to Chapter 29 6 (§ ~~59.1-364~~ 29.5-600 et seq.) of Title ~~59.1~~ 29.5 or (ii) at a satellite facility or
 2638 through advance deposit account wagering, as those terms are defined in § ~~59.1-365~~ 29.5-601, licensed by the
 2639 Virginia ~~Racing~~ Gaming Commission pursuant to Chapter 29 6 (§ ~~59.1-364~~ 29.5-600 et seq.) of Title ~~59.1~~
 2640 29.5, such person ~~shall be~~ *is* guilty of a Class 1 misdemeanor. For the purposes of this paragraph, venue shall
 2641 be in any county or city in which any act was performed in furtherance of any course of conduct constituting
 2642 illegal gambling.

2643 **§ 18.2-334.2. Same; bingo games, raffles, duck races, and Texas Hold'em poker tournaments**
 2644 **conducted by certain organizations.**

2645 Nothing in this article shall apply to any bingo game, instant bingo, network bingo, raffle, duck race, or
 2646 Texas Hold'em poker tournament conducted solely by organizations as defined in § ~~18.2-340.16~~ 29.5-200
 2647 which have received a permit as set forth in § ~~18.2-340.25~~ 29.5-209, or which are exempt from the permit
 2648 requirement under § ~~18.2-340.23~~ 29.5-206.

2649 **§ 18.2-334.3. Exemptions to article.**

2650 Nothing in this article shall apply to:

2651 1. Any lottery conducted by the Commonwealth pursuant to ~~Article 1 Subtitle II~~ (§ ~~58.1-4000~~ 29.5-700 et
 2652 seq.) of Chapter 40 of Title ~~58.1~~ 29.5;

2653 2. Any sports betting or related activity that is lawful under ~~Article 2~~ (§ ~~58.1-4030~~ et seq.) of Chapter 40 4
 2654 (§ 29.5-400 et seq.) of Title ~~58.1~~ 29.5; or

2655 3. The placement or operation of or communication to and from data center equipment in the
 2656 Commonwealth associated with the hosting of lottery games duly authorized by another state or jurisdiction
 2657 and regulated and operated consistent with and exclusively for the benefit of such state or jurisdiction,
 2658 provided that wagering on such games is legally authorized in such other state or jurisdiction and the
 2659 individuals wagering on such games are required by the laws or regulations of such other state or jurisdiction
 2660 to be physically located within the geographic bounds of such other state or jurisdiction at the time the wager
 2661 is initiated or placed.

2662 **§ 18.2-334.4. Exemptions to article; pari-mutuel wagering.**

2663 Nothing in this article shall be construed to make it illegal to participate in any race meeting or
 2664 pari-mutuel wagering conducted in accordance with Chapter 29 6 (§ ~~59.1-364~~ 29.5-600 et seq.) of Title ~~59.1~~
 2665 29.5.

2666 **§ 18.2-334.5. Exemptions to article; certain gaming operations.**

2667 Nothing in this article shall be construed to make it illegal to participate in any casino gaming operation
 2668 conducted in accordance with Chapter 41 3 (§ ~~58.1-4100~~ 29.5-300 et seq.) of Title ~~58.1~~ 29.5.

2669 **§ 19.2-66. When Attorney General or Chief Deputy Attorney General may apply for order**
 2670 **authorizing interception of communications.**

2671 A. The Attorney General or Chief Deputy Attorney General, if the Attorney General so designates in
 2672 writing, in any case where the Attorney General is authorized by law to prosecute or pursuant to a request in
 2673 his official capacity of an attorney for the Commonwealth in any city or county, may apply to a judge of
 2674 competent jurisdiction for an order authorizing the interception of wire, electronic, or oral communications
 2675 by the Department of State Police, when such interception may reasonably be expected to provide evidence
 2676 of the commission of a felonious offense of extortion, bribery, kidnapping, murder, any felony violation of §
 2677 18.2-248 or 18.2-248.1, ~~any felony violation of Chapter 29~~ (§ ~~59.1-364~~ et seq.) of Title ~~59.1~~, any felony
 2678 violation of Article 2 (§ 18.2-38 et seq.), Article 2.1 (§ 18.2-46.1 et seq.), Article 2.2 (§ 18.2-46.4 et seq.),
 2679 Article 5 (§ 18.2-58 et seq.), Article 6 (§ 18.2-59 et seq.), or any felonies that are not Class 6 felonies in
 2680 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, ~~any felony violation of Chapter 6~~ (§ 29.5-600 et seq.)
 2681 ~~of Title 29.5~~, or any conspiracy to commit any of the foregoing offenses. The Attorney General or Chief
 2682 Deputy Attorney General may apply for authorization for the observation or monitoring of the interception by
 2683 a police department of a county or city, by a sheriff's office, or by law-enforcement officers of the United
 2684 States. Such application shall be made, and such order may be granted, in conformity with the provisions of §
 2685 19.2-68.

2686 B. The application for an order under subsection B of § 19.2-68 shall be made as follows:

2687 1. In the case of an application for a wire or electronic interception, a judge of competent jurisdiction shall
 2688 have the authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that

an offense was committed, is being committed, or will be committed or the person or persons whose communications are to be intercepted live, work, subscribe to a wire or electronic communication system, maintain an address or a post office box, or are making the communication within the territorial jurisdiction of the court.

2. In the case of an application for an oral intercept, a judge of competent jurisdiction shall have the authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that an offense was committed, is being committed, or will be committed or the physical location of the oral communication to be intercepted is within the territorial jurisdiction of the court.

C. For the purposes of an order entered pursuant to subsection B of § 19.2-68 for the interception of a wire or electronic communication, such communication shall be deemed to be intercepted in the jurisdiction where the order is entered, regardless of the physical location or the method by which the communication is captured or routed to the monitoring location.

§ 19.2-215.1. Functions of a multi-jurisdiction grand jury.

The functions of a multi-jurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:

- a. Title 10.1 for which punishment as a felony is authorized;
- b. Section 13.1-520;
- c. Sections 18.2-47 and 18.2-48;
- d. Sections 18.2-111 and 18.2-112;
- e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;
- f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;
- g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;
- h. Article 1 (§ 18.2-325 et seq.) and ~~Article 1.1 (§ 18.2-340.15 et seq.)~~ of Chapter 8 of Title 18.2;
- ~~Chapter 29 and Chapters 2~~ (§ 59.1-364 29.5-200 et seq.) and 6 (§ 29.5-600 et seq.) of Title 59.1 29.5 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;
- i. Section 18.2-434, when violations occur before a multi-jurisdiction grand jury;
- j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
- k. Section 18.2-460 for which punishment as a felony is authorized;
- l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
- m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
- n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
- o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
- p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
- r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
- s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
- t. Section 18.2-178 where the violation involves insurance fraud;
- u. Section 18.2-346.01, 18.2-348, or 18.2-349 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;
- v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
- w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
- x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
- y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
- z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
- ab. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;
- ac. Section 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1;
- ad. Subsection A or B of § 18.2-57 where the victim was selected because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or *ethnic or* national origin;
- ae. Section 18.2-121 for which punishment as a felony is authorized;
- af. Article 5 (§ 18.2-420 et seq.) of Chapter 9 of Title 18.2;
- ag. §§ 18.2-178.1 and 18.2-178.2;
- ah. § 18.2-369; and
- ai. Any other provision of law when such condition is discovered in the course of an investigation that a multi-jurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation, or conspiracy to violate the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United

2750 States attorney of any jurisdiction where such offense could be prosecuted or investigated, or to the chief
2751 law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a
2752 sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.

2753 3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient
2754 probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an
2755 offense enumerated in subdivision 1 may be submitted to a multi-jurisdiction grand jury.

2756 4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a
2757 particular jurisdiction to determine the course of a prosecution in that jurisdiction.

2758 **§ 19.2-389. Dissemination of criminal history record information.**

2759 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,
2760 only to:

2761 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of
2762 the administration of criminal justice and the screening of an employment application or review of
2763 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination
2764 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible
2765 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of §
2766 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this
2767 subdivision, criminal history record information includes information sent to the Central Criminal Records
2768 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee
2769 of the State Police, a police department or sheriff's office that is a part of or administered by the
2770 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection
2771 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of
2772 the administration of criminal justice;

2773 2. Such other individuals and agencies that require criminal history record information to implement a
2774 state or federal statute or executive order of the President of the United States or Governor that expressly
2775 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except
2776 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice
2777 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the
2778 charge has been recorded and no active prosecution of the charge is pending;

2779 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide
2780 services required for the administration of criminal justice pursuant to that agreement which shall specifically
2781 authorize access to data, limit the use of data to purposes for which given, and ensure the security and
2782 confidentiality of the data;

2783 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant
2784 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of
2785 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

2786 5. Agencies of state or federal government that are authorized by state or federal statute or executive order
2787 of the President of the United States or Governor to conduct investigations determining employment
2788 suitability or eligibility for security clearances allowing access to classified information;

2789 6. Individuals and agencies where authorized by court order or court rule;

2790 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,
2791 operated or controlled by any political subdivision, and any public service corporation that operates a public
2792 transit system owned by a local government for the conduct of investigations of applicants for employment,
2793 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a
2794 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible
2795 with the nature of the employment, permit, or license under consideration;

2796 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title
2797 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position
2798 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation
2799 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction
2800 record would be compatible with the nature of the employment under consideration;

2801 8. Public or private agencies when authorized or required by federal or state law or interstate compact to
2802 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of
2803 that individual's household, with whom the agency is considering placing a child or from whom the agency is
2804 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis
2805 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further
2806 disseminated to any party other than a federal or state authority or court as may be required to comply with an
2807 express requirement of law;

2808 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for
2809 the conduct of investigations of applicants for employment when such employment involves personal contact
2810 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the

employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. The Department of Social Services for the purpose of screening individuals as a condition of licensure, employment, volunteering, or providing services on a regular basis in a licensed child welfare agency pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency pursuant to § 63.2-901.1;

14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ ~~58.1-4000~~ 29.5-700 et seq.) and ~~casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services the Virginia Gaming Commission~~ for the conduct of investigations as set forth in ~~Article 1-1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2~~ *Chapters 2 (§ 29.5-200 et seq.) and 6 (§ 29.5-600 et seq.) of Title 29.5;*

16. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

19. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;

21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

23. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records

2872 information on behalf of such governing boards or administrators pursuant to a written agreement with the
2873 Department of State Police;

2874 25. Public institutions of higher education and nonprofit private institutions of higher education for the
2875 purpose of screening individuals who are offered or accept employment;

2876 26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a
2877 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher
2878 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat
2879 to safety; however, no member of a threat assessment team shall redisclose any criminal history record
2880 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose
2881 that such disclosure was made to the threat assessment team;

2882 27. Executive directors of community services boards or the personnel director serving the community
2883 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored
2884 residential service provider, permission to enter into a shared living arrangement with a person receiving
2885 medical assistance services pursuant to a waiver, or permission for any person under contract with the
2886 community services board to serve in a direct care position on behalf of the community services board
2887 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

2888 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of
2889 determining an individual's fitness for employment, approval as a sponsored residential service provider,
2890 permission to enter into a shared living arrangement with a person receiving medical assistance services
2891 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to
2892 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1
2893 , and 37.2-607;

2894 29. The Commissioner of Social Services for the purpose of locating persons who owe child support or
2895 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,
2896 address, demographics and social security number of the data subject shall be released;

2897 30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of
2898 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose
2899 of determining if any applicant who accepts employment in any direct care position or requests approval as a
2900 sponsored residential service provider, permission to enter into a shared living arrangement with a person
2901 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with
2902 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have
2903 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or
2904 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

2905 31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for
2906 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et
2907 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

2908 32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee
2909 for Courts of Justice for the purpose of determining if any person being considered for election to any
2910 judgeship has been convicted of a crime;

2911 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of
2912 determining an individual's fitness for employment in positions designated as sensitive under Department of
2913 Human Resource Management policies developed pursuant to § 2.2-1201.1;

2914 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
2915 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent
2916 Predators Act (§ 37.2-900 et seq.);

2917 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,
2918 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for
2919 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased
2920 laborers, and other visitors;

2921 36. Any employer of individuals whose employment requires that they enter the homes of others, for the
2922 purpose of screening individuals who apply for, are offered, or have accepted such employment;

2923 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers
2924 of adult foster care and home-based services or (ii) any individual with whom the agency is considering
2925 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the
2926 restriction that the data shall not be further disseminated by the agency to any party other than a federal or
2927 state authority or court as may be required to comply with an express requirement of law for such further
2928 dissemination, subject to limitations set out in subsection G;

2929 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening
2930 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or
2931 have accepted a position related to the provision of transportation services to enrollees in the Medicaid
2932 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program

administered by the Department of Medical Assistance Services;

39. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

40. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

43. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

44. The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;

45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

47. Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

48. The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children;

49. The Executive Director or investigators of the Board of Accountancy for the purpose of the enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

50. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A 47.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.

2994 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the
2995 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal
2996 justice agency to whom a request has been made for the dissemination of criminal history record information
2997 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the
2998 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses
2999 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the
3000 record as required by § 15.2-1722.

3001 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
3002 organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for
3003 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

3004 F. Criminal history information provided to licensed assisted living facilities and licensed adult day
3005 centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any
3006 offense specified in § 63.2-1720.

3007 G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited
3008 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier
3009 crime in § 19.2-392.02.

3010 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
3011 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
3012 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the
3013 request to the employer or prospective employer making the request, provided that the person on whom the
3014 data is being obtained has consented in writing to the making of such request and has presented a photo-
3015 identification to the employer or prospective employer. In the event no conviction data is maintained on the
3016 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a
3017 certification to that effect. The criminal history record search shall be conducted on forms provided by the
3018 Exchange.

3019 I. Nothing in this section shall preclude the dissemination of a person's criminal history record
3020 information pursuant to the rules of court for obtaining discovery or for review by the court.

3021 **§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks**
3022 **of court, Secretary of the Commonwealth, and Corrections officials to State Police; material submitted**
3023 **by other agencies.**

3024 A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials
3025 of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power
3026 to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it,
3027 of any arrest, including those arrests involving the taking into custody of, or service of process upon, any
3028 person on charges resulting from an indictment, presentment or information, the arrest on capias or warrant
3029 for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is
3030 arrested on any of the following charges:

3031 a. Treason;

3032 b. Any felony;

3033 c. Any offense punishable as a misdemeanor under Title 54.1;

3034 d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar
3035 ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or

3036 e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 22.1-289.041, 29.5-808, 46.2-339,
3037 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, ~~58.1-4018.1~~, 60.2-632, or 63.2-1509.

3038 The reports shall contain such information as is required by the Exchange and shall be accompanied by
3039 fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding
3040 photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a
3041 law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange
3042 for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement
3043 agency from maintaining its own separate photographic database. Fingerprints and photographs required to
3044 be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the
3045 magistrate is located, including a regional jail, even if the accused is not committed to jail.

3046 Law-enforcement agencies and clerks of court shall only submit reports to the Central Criminal Records
3047 Exchange only for those offenses enumerated in this subsection. Only reports received for those offenses
3048 enumerated in this subsection shall be included in the Central Criminal Records Exchange.

3049 2. For persons arrested and released on summonses in accordance with subsection B of § 19.2-73 or §
3050 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an
3051 appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the
3052 court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal
3053 by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall
3054 remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It

shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

3. For persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such report to the Central Criminal Records Exchange shall not be required until such person is found to be in violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

5. If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense.

B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or *capias* may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or *capias* to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. For offenses not charged on a summons in accordance with subsection B of § 19.2-73 or § 19.2-74, the clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, deferral, *nolle prosequi*, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action that may have resulted from an indictment, presentment or information, or any finding that the person is in violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance with subsection B of § 19.2-73 or § 19.2-74, such electronic report by the clerk of each circuit court and district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is

3116 entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records
3117 Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a
3118 suspended sentence or probation for a felony offense. Upon conviction of any person, including juveniles
3119 tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for
3120 an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of
3121 sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the
3122 Registry shall include the name of the person convicted and all aliases that he is known to have used, the date
3123 and locality of the conviction for which registration is required, his date of birth, social security number, and
3124 last known address, and specific reference to the offense for which he was convicted. No report of conviction
3125 or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no
3126 appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or
3127 adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if
3128 appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof
3129 from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency
3130 making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by
3131 the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or
3132 disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the
3133 clerk shall report such action to the law-enforcement agency that entered the warrant or capias into the VCIN.

3134 D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may
3135 receive, classify, and file any other fingerprints, photographs, and records of confinement submitted to it by
3136 any correctional institution or the Department of Corrections. Unless otherwise prohibited by law, any such
3137 fingerprints, photographs, and records received by the Central Criminal Records Exchange from any
3138 correctional institution or the Department of Corrections may be classified and filed as criminal history
3139 record information.

3140 E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining
3141 correctional status information, as required by the regulations of the Department of Criminal Justice Services,
3142 with respect to individuals about whom reports have been made under the provisions of this chapter shall
3143 make reports of changes in correctional status information to the Central Criminal Records Exchange. The
3144 reports to the Exchange shall include any commitment to or release or escape from a state or local
3145 correctional facility, including commitment to or release from a parole or probation agency.

3146 F. Any pardon, reprieve, or executive commutation of sentence by the Governor shall be reported to the
3147 Exchange by the office of the Secretary of the Commonwealth.

3148 G. Officials responsible for reporting disposition of charges, and correctional changes of status of
3149 individuals under this section, including those reports made to the Registry, shall adopt procedures
3150 reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by
3151 the most expeditious means and in no instance later than 30 days after occurrence of the disposition or
3152 correctional change of status and (ii) to report promptly any correction, deletion, or revision of the
3153 information.

3154 H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records
3155 Exchange shall notify all criminal justice agencies known to have previously received the information.

3156 I. As used in this section:

3157 "Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties,
3158 unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate
3159 resolution or ordinance, in which case the local designation shall be controlling.

3160 "Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records
3161 Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person
3162 convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of
3163 birth, social security number, last known address, and specific reference to the offense including the Virginia
3164 Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for
3165 the offense for which he was convicted.

3166 **§ 22.1-140.1. School Construction Fund and Program.**

3167 A. For the purpose of this section:

3168 "Local school division" includes joint or regional schools established pursuant to § 22.1-26.

3169 "Public school buildings and facilities" or "public school buildings" includes any building or facility used
3170 for career and technical education programs provided at any regional comprehensive school established
3171 pursuant to § 22.1-26.

3172 B. There is hereby created in the state treasury a special nonreverting fund to be known as the School
3173 Construction Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for
3174 such purpose, including funds appropriated pursuant to subdivision B 5 of § ~~58.1-4125~~ 29.5-327, and any
3175 gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury
3176 and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it.

Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants pursuant to the School Construction Program established in subsection C. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the president of the Board.

C. There is hereby established the School Construction Program (the Program) for the purpose of awarding grants from the Fund to local school boards to fund the construction of new public school buildings or the renovation or expansion of existing public school buildings and facilities in the local school division. The Program shall be administered by the Board in accordance with criteria and other requirements set forth in the general appropriation act.

TITLE 29.5.

GAMING AND WAGERING.

SUBTITLE I.

VIRGINIA GAMING COMMISSION.

CHAPTER 1.

GENERAL PROVISIONS.

§ 29.5-100. Definitions.

As used in this subtitle, unless the context requires a different meaning:

"Board" means the Virginia Gaming Commission Board established pursuant to § 29.5-103.

"Commission" means the Virginia Gaming Commission established pursuant to § 29.5-101.

"Commissioner" means the Commissioner of the Virginia Gaming Commission appointed pursuant § 29.5-102.

"Executive Secretary" means the Executive Secretary of Racing and Deputy Commissioner of Gaming appointed pursuant to § 29.5-105.

"Racing Commission" means the Virginia Racing Commission established pursuant to § 29.5-602.

§ 29.5-101. Virginia Gaming Commission established.

Notwithstanding the provisions of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 or any other provision of law, there is hereby established as an independent agency of the Commonwealth, exclusive of the legislative, executive, or judicial branches of government, the Virginia Gaming Commission, which shall include the (i) Virginia Racing Commission established pursuant to § 29.5-602, (ii) Charitable Gaming Advisory Board established pursuant to § 29.5-201, and (iii) Virginia Gaming Commission Board established pursuant to § 29.5-103 and a Commissioner appointed pursuant to § 29.5-102 for the purpose of overseeing all gaming regulatory operations in the Commonwealth, except as otherwise provided in Subtitle II (§ 29.5-700 et seq.).

§ 29.5-102. Commissioner appointed; salary; powers and duties.

A. The Commission shall be under the immediate supervision and direction of a Commissioner, who shall be a person of good reputation, particularly as to honesty and integrity, and shall be subject to a thorough background investigation conducted by the Department of State Police prior to appointment. The Commissioner shall hold, at a minimum, a baccalaureate degree in business or a related field of study and shall possess a minimum of seven years of demonstrated experience or expertise in the direct management, supervision, or control of a business or legal affairs. The Commissioner shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by a majority of the members elected to each house of the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. The Commissioner shall receive a salary as provided in the general appropriation act.

The Commissioner shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

Before entering upon the discharge of his duties, the Commissioner shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein and shall give bond in such amount as may be fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on such bond shall be paid out of the Commonwealth Gaming Operations Fund, established pursuant to § 29.5-119.

B. The Commissioner shall have the following powers and duties:

1. Supervise and administer the operation of the Virginia Gaming Commission in accordance with the provisions of this subtitle and with the rules and regulations promulgated pursuant to this subtitle.

2. Employ such (i) deputy commissioners; (ii) professional, technical, and clerical assistants; and (iii) other qualified personnel as may be required to carry out the functions and duties of the Commission, including (a) an Executive Secretary of Racing and Deputy Commissioner of Gaming, (b) a Deputy Commissioner of Gaming and Regulatory Oversight, (c) a Chief Operating Officer, and (d) in-house legal counsel, who shall work in coordination with any legal counsel appointed by the Office of the Attorney General.

3. Act as secretary and executive officer of the Board.

4. Require bond or other surety satisfactory to the Commissioner from Commission employees with access

3239 to Commission funds, in such amount as provided in the rules and regulations of the Board. The
3240 Commissioner may also require bond from other employees, as he deems necessary.

3241 5. Confer regularly, but not less than four times each year, with the Board on the operation and oversight
3242 of gaming activities regulated by the Commission; make available for inspection by the Board, upon request,
3243 all books, records, files, and other information and documents of the Commission; and advise the Board and
3244 recommend such matters as he deems necessary and advisable to improve the operation and oversight of
3245 gaming activities regulated by the Commission.

3246 6. Suspend, revoke, or refuse to renew any license, permit, or registration issued pursuant to this subtitle
3247 or the rules and regulations adopted pursuant to this subtitle.

3248 7. Enter into any arrangements with any foreign or domestic governmental agency for the purposes of
3249 exchanging information or performing any other act to better ensure the proper conduct of all gaming
3250 activities regulated by the Commission pursuant to this subtitle or the efficient conduct of the Commissioner's
3251 duties.

3252 8. Participate in the Problem Gambling Treatment and Support Advisory Committee established pursuant
3253 to § 37.2-304 by the Department of Behavioral Health and Developmental Services to enable collaboration
3254 among prevention and treatment providers and operators of legal gaming in the Commonwealth on efforts to
3255 reduce the negative effects of problem gambling.

3256 C. The Commissioner shall establish the following divisions with the Commission:

3257 1. A Problem Gambling Division for the purpose of coordinating with local, state, and national
3258 stakeholders to manage problem gambling research, prevention, recovery, and treatment efforts.

3259 2. An External Affairs and Policy Division for the purpose of communicating with relevant stakeholders in
3260 the Commonwealth and recommending gaming policy decisions and legislative proposals to the General
3261 Assembly.

3262 3. Any other division necessary to accomplish the goals of this subtitle.

3263 **§ 29.5-103. Virginia Gaming Commission Board established; membership; appointment; terms;**
3264 **compensation.**

3265 A. There is hereby created the Virginia Gaming Commission Board (the Board) within the Virginia
3266 Gaming Commission. The Board shall have a total membership of nine members that shall consist of seven
3267 nonlegislative citizen members and two ex officio members. Members shall be appointed as follows: seven
3268 nonlegislative citizen members, who shall be appointed by and serve at the pleasure of the Governor, subject
3269 to confirmation by a majority of the members elected to each house of the General Assembly if in session
3270 when the appointment is made, and if not in session, then at its next succeeding session. At least one
3271 nonlegislative citizen member shall have experience in criminal investigations and law enforcement, and at
3272 least one nonlegislative citizen member shall be a certified public accountant authorized to practice in the
3273 Commonwealth or have experience in corporate finance and securities. A current member of the Virginia
3274 Racing Commission and the Executive Secretary of Racing and Deputy Commissioner of Gaming, or his
3275 designee, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Board shall
3276 be individuals of good reputation, particularly as to honesty and integrity, and shall be citizens of the
3277 Commonwealth. The Governor shall give consideration to the political affiliation and the geographic
3278 residence of the nonlegislative citizen members prior to their appointment.

3279 B. Ex officio members of the Board shall serve terms coincident with their terms of office. Appointments to
3280 fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in
3281 the same manner as the original appointments. All members may be reappointed.

3282 C. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of
3283 five years. No nonlegislative citizen member shall serve more than two consecutive five-year terms. The
3284 remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in
3285 determining the member's eligibility for reappointment.

3286 D. The Board shall elect a chairman and vice-chairman from among its membership. A majority of the
3287 members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or
3288 whenever the majority of the members so request.

3289 E. Members shall receive such compensation for the performance of their duties as provided in § 2.2-2813
3290 . All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of
3291 their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of
3292 the members shall be provided by the Virginia Gaming Commission.

3293 F. Before entering upon the discharge of their duties, members shall take an oath that they will faithfully
3294 and honestly execute the duties of the office during their continuance therein and shall give bond in such
3295 amount as may be fixed by the Governor, conditioned upon the faithful discharge of their duties. The
3296 premium on such bond shall be paid out of the Commonwealth Gaming Operations Fund, established
3297 pursuant to § 29.5-119.

3298 G. No member shall:

3299 1. Have any direct or indirect financial, ownership, or management interest in any gaming activities

regulated by the Commission or any agency of the Commonwealth.

2. Receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities regulated by the Commission or any agency of the Commonwealth.

3. Have an interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of independent consulting services in connection with any gaming establishment or gaming activity regulated by the Commission or any agency of the Commonwealth.

§ 29.5-104. Powers and duties of the Board.

A. The Board shall have the power to (i) promulgate regulations governing the establishment and operation of charitable gaming, casino gaming, sports betting, and fantasy contests pursuant to Chapter 2 (§ 29.5-200 et seq.) and (ii) oversee the promulgation of regulations governing live horse racing, historical horse racing, and simulcast horse racing with pari-mutuel wagering pursuant to the provisions of Chapter 6 (§ 29.5-600 et seq.). Such regulations shall be promulgated in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The regulations shall provide for all matters necessary or desirable for the efficient, honest, and economical operation and administration of all forms of gaming regulated by the Board.

B. The Board shall also exercise the following powers and duties, and such others as may be provided by law:

1. Administer a voluntary exclusion program as provided in § 29.5-118.

2. Establish a consumer protection program and publish a consumer protection bill of rights. Such program and bill of rights shall include measures to protect sports bettors, as defined in § 29.5-400, with respect to identity, funds and accounts, consumer complaints, self-exclusion, and any other consumer protection measure the Board determines to be reasonable.

3. Adjust the percentage of uncollectible gaming receivables allowed to be subtracted from adjusted gross revenue, as defined in § 29.5-400, if it determines that a different percentage is reasonable and customary in the sports betting industry.

4. Hear and decide an appeal of any (i) penalty, (ii) denial of a permit or renewal, or (iii) suspension or revocation of a permit imposed by the Commissioner pursuant to Chapter 4 (§ 29.5-400 et seq.).

5. Promulgate regulations for the operation of a sports betting program under the direction of the Commissioner, who shall allow applicants to apply for permits to engage in sports betting operations in the Commonwealth. The Commission shall not operate a sports betting platform or a sports betting facility.

C. The Board shall make policy and legislative recommendations related to the regulation of existing legal gaming and wagering in the Commonwealth and the expansion of new gaming types to the Governor and General Assembly.

§ 29.5-105. Executive Secretary of Racing and Deputy Commissioner of Gaming; powers and duties.

A. The Executive Secretary of Racing and Deputy Commissioner of Gaming shall have the following powers and duties:

1. Appoint stewards pursuant to § 29.5-605, with the advice of and in consultation with the Virginia Racing Commission.

2. Keep a true and full record of all proceedings of the Racing Commission and preserve at the Virginia Gaming Commission's general office all books, documents, and papers of the Racing Commission.

3. Exercise and perform such powers and duties as may be delegated to him by the Commissioner or the Board or as may be conferred or imposed upon him by law.

B. Neither the Executive Secretary nor his spouse nor any member of his immediate family shall make any contributions to a candidate for office or office holder at the local or state level, or cause such a contribution to be made on his behalf.

§ 29.5-106. Deputy Commissioner of Gaming and Regulatory Oversight; powers and duties.

A. The Deputy Commissioner of Gaming and Regulatory Oversight shall have the following powers and duties:

1. Oversee regulation of all gaming activities authorized pursuant to this subtitle;

2. Manage a gaming compliance and audit division for the Commission;

3. Assume responsibility for all gaming licensing and permitting and related investigations;

4. Oversee electronic gaming operations authorized pursuant to this subtitle;

5. Exercise and perform such powers and duties as may be delegated to him by the Commissioner or the Board or as may be conferred or imposed upon him by law.

B. Neither the Deputy Commissioner of Gaming and Regulatory Oversight nor his spouse nor any member of his immediate family shall make any contributions to a candidate for office or office holder at the local or state level, or cause such a contribution to be made on his behalf.

§ 29.5-107. Chief Operating Officer; powers and duties.

A. The Chief Operating Officer shall have the following powers and duties:

1. Oversee and manage human resources, information technology systems, facilities and security, finance and accounting, purchasing, and internal auditing departments within the Commission; and

2. Exercise and perform such powers and duties as may be delegated to him by the Commissioner or the

3361 *Board or as may be conferred or imposed upon him by law.*

3362 *B. Neither the Chief Operating Officer nor his spouse nor any member of his immediate family shall make*
3363 *any contributions to a candidate for office or office holder at the local or state level, or cause such a*
3364 *contribution to be made on his behalf.*

3365 **§ 29.5-108. Financial interests of Board, employees, and family members prohibited.**

3366 *No Board member or employee of the Commission shall (i) be a principal stockholder or (ii) otherwise*
3367 *have any financial interest, direct or indirect, in any licensee or permit holder subject to the provisions of this*
3368 *subtitle. No Board member and no spouse or immediate family member of a Board member shall make any*
3369 *contribution to a candidate for office or officeholder at the local or state level or cause such a contribution to*
3370 *be made on his behalf.*

3371 **§ 29.5-109. Leases and purchases of property by the Board.**

3372 *The making of leases and the purchasing of real estate by the Board under the provisions of this subtitle*
3373 *are exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The Commission shall be exempt*
3374 *from the provisions of § 2.2-1149 and from any rules, regulations, and guidelines of the Division of*
3375 *Engineering and Buildings of the Department of General Services in relation to leases of real property into*
3376 *which it enters.*

3377 **§ 29.5-110. Exemption of Commission from personnel and procurement procedures; information**
3378 **systems; etc.**

3379 *A. The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement*
3380 *Act (§ 2.2-4300 et seq.) shall not apply to the Commission in the exercise of any power conferred under this*
3381 *subtitle, nor shall the provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 or Article 2 (§ 51.1-1104 et*
3382 *seq.) of Chapter 11 of Title 51.1 apply to the Commission in the exercise of any power conferred under this*
3383 *subtitle.*

3384 *B. To effect its implementation, the Commission's procurement of goods, services, insurance, and*
3385 *construction and the disposition of surplus materials shall be exempt from:*

3386 *1. State agency requirements regarding disposition of surplus materials and distribution of proceeds from*
3387 *the sale or recycling of surplus materials under §§ 2.2-1124 and 2.2-1125;*

3388 *2. The requirement to purchase from the Department for the Blind and Vision Impaired under § 2.2-1117;*
3389 *and*

3390 *3. Any other state statutes, rules, regulations, or requirements relating to the procurement of goods,*
3391 *services, insurance, and construction, including Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of Title 2.2,*
3392 *regarding the duties, responsibilities, and authority of the Division of Purchases and Supply of the*
3393 *Department of General Services, and Article 4 (§ 2.2-1129 et seq.) of Chapter 11 of Title 2.2, regarding the*
3394 *review and the oversight by the Division of Engineering and Buildings of the Department of General Services*
3395 *of contracts for the construction of the Commission's capital projects and construction-related professional*
3396 *services under § 2.2-1132.*

3397 *C. The Commission (i) may purchase from and participate in all statewide contracts for goods and*
3398 *services, including information technology goods and services; (ii) shall use directly or by integration or*
3399 *interface the Commonwealth's electronic procurement system subject to the terms and conditions agreed*
3400 *upon between the Commission and the Department of General Services; and (iii) shall post on the*
3401 *Department of General Services' central electronic procurement website all Invitations to Bid, Requests for*
3402 *Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the*
3403 *Commission's procurement opportunities on one website.*

3404 **§ 29.5-111. Assistance from Department of State Police.**

3405 *The Department of State Police shall assist in the conduct of investigations by the Commission.*

3406 **§ 29.5-112. Criminal history records check required on certain employees; reimbursement of costs.**

3407 *All persons hired by the Commission whose job duties involve access to or handling of the Commission's*
3408 *funds shall be subject to a criminal history records check before, and as a condition of, employment.*

3409 *The Board shall develop policies regarding the employment of persons who have been convicted of a*
3410 *felony or a crime involving moral turpitude.*

3411 *The Department of State Police shall be reimbursed by the Commission for the cost of investigations*
3412 *conducted pursuant to this section.*

3413 **§ 29.5-113. Employees of the Commission.**

3414 *Employees of the Commission shall be considered employees of the Commonwealth. Employees of the*
3415 *Commission shall be eligible for membership in the Virginia Retirement System or other retirement plan as*
3416 *authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 and participation in all health and*
3417 *related insurance and other benefits, including premium conversion and flexible benefits, available to state*
3418 *employees as provided by law. Employees of the Commission shall be employed on such terms and conditions*
3419 *as established by the Board. The Board shall develop and adopt policies and procedures that afford its*
3420 *employees grievance rights, ensure that employment decisions shall be based upon the merit and fitness of*
3421 *applicants, and prohibit discrimination because of race, color, religion, ethnic or national origin, sex,*

pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability. Notwithstanding any other provision of law, the Board shall develop, implement, and administer a paid leave program, which may include annual, personal, and sick leave or any combination thereof. All other leave benefits shall be administered in accordance with Chapter 11 (§ 51.1-1100 et seq.) of Title 51.1, except as otherwise provided in this section.

§ 29.5-114. Liability of Board members; suits by and against Board members.

A. No Board member may be sued civilly for doing or omitting to do any act in the performance of his duties as prescribed by this subtitle, except by the Commonwealth, and then only in the Circuit Court of the City of Richmond. Such proceedings by the Commonwealth shall be instituted and conducted by the Attorney General.

B. The Board may, in the name of the Commonwealth, be sued in the Circuit Court of the City of Richmond to enforce any contract made by it or to recover damages for any breach thereof. The Board may defend the proceedings and may institute proceedings in any court. No such proceedings shall be taken against, or in the names of, the members of the Board.

§ 29.5-115. Counsel for members, agents, and employees of Board.

If any member, agent, or employee of the Board is arrested, indicted, or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Board chairman may employ special counsel approved by the Attorney General to defend such member, agent, or employee. The compensation for special counsel employed pursuant to this section shall, subject to the approval of the Attorney General, be paid in the same manner as other expenses incident to the administration of this subtitle are paid.

§ 29.5-116. Hearings; representation by counsel.

Any licensee, permittee, registrant, or applicant for a license, permit, or registration authorized by this subtitle shall have the right to be represented by counsel at any Board hearing for which he has received notice. The licensee, permittee, registrant, or applicant shall not be required to be represented by counsel during such hearing. Any officer or director of a corporation may examine, cross-examine, and question witnesses, present evidence on behalf of the corporation, and draw conclusions and make arguments before the Board or hearing officers without being in violation of the provisions of § 54.1-3904.

§ 29.5-117. Hearings; allowances to witnesses.

Witnesses subpoenaed to appear on behalf of the Board shall be entitled to the same allowance for expenses as witnesses for the Commonwealth in criminal cases in accordance with § 17.1-611. Such allowances shall be paid out of the fund from which other costs incurred by the Board are paid upon certification to the Comptroller.

§ 29.5-118. Voluntary exclusion program.

The Board shall adopt regulations to establish and implement a voluntary exclusion program.

The regulations shall include the following provisions:

1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) participating in charitable gaming, as defined in § 29.5-200; (ii) engaging in any form of casino gaming authorized under the provisions of Chapter 3 (§ 29.5-300 et seq.); (iii) participating in sports betting, as defined in § 29.5-400; (iv) participating in fantasy contests, as defined in § 29.5-500; (v) participating in pari-mutuel wagering on live horse racing, historical horse racing, or simulcast horse racing authorized pursuant to the provisions of Chapter 6 (§ 29.5-600 et seq.); or (vi) playing any account-based lottery game authorized under the provisions of Subtitle II (§ 29.5-700 et seq.). Any state agency, at the request of the Commission, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.

2. A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.

3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the voluntary exclusion program for the duration of his exclusion period.

4. The name of a person participating in the voluntary exclusion program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Board limited to any parties the Board deems necessary for purposes of enforcement. The list and the personal information of participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon request by the participant and agreement by the Board.

5. Permit holders, as defined in § 29.5-400, and owners and operators of casino gaming establishments shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating in the voluntary exclusion program. The voluntary exclusion program shall not preclude permit holders or owners and operators of casino gaming establishments from seeking the payment of a debt

3483 incurred by a person before entering the voluntary exclusion program. In addition, any permit holder or
3484 owner or operator of a casino gaming establishment may share the names of individuals who self-exclude
3485 across its corporate enterprise, including sharing such information with any of its affiliates.

3486 **§ 29.5-119. Commonwealth Gaming Operations Fund.**

3487 There is hereby created in the state treasury a special nonreverting fund to be known as the
3488 Commonwealth Gaming Operations Fund, referred to in this section as "the Fund." The Fund shall be
3489 established on the books of the Comptroller. All funds appropriated for such purpose and any gifts,
3490 donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and
3491 credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it.
3492 Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert
3493 to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to offset the
3494 Commission's costs associated with (i) the conduct of investigations required pursuant to any provision of
3495 this subtitle and (ii) the enforcement of regulations promulgated by the Virginia Gaming Commission Board
3496 pursuant to § 29.5-104. Expenditures and disbursements from the Fund shall be made by the State Treasurer
3497 on warrants issued by the Comptroller upon written request signed by the Commissioner.

3498 **CHAPTER 2.**

3499 **CHARITABLE GAMING.**

3500 **§ 29.5-200. Definitions.**

3501 As used in this chapter, unless the context requires a different meaning:

3502 "Bingo" means a specific game of chance played with (i) individual cards having randomly numbered
3503 squares ranging from one to 75, (ii) Board-approved electronic devices that display facsimiles of bingo cards
3504 and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii)
3505 Board-approved cards, in which prizes are awarded on the basis of designated numbers on such cards
3506 conforming to a predetermined pattern of numbers selected at random.

3507 "Bona fide member" means an individual who participates in activities of a qualified organization other
3508 than such organization's charitable gaming activities.

3509 "Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and
3510 games of chance explicitly authorized by this chapter. Unless otherwise specified, "charitable gaming"
3511 includes electronic gaming authorized by this chapter.

3512 "Charitable gaming permit" or "permit" means a permit issued by the Commissioner to an organization
3513 that authorizes such organization to conduct charitable gaming, and if such organization is qualified as a
3514 social organization, electronic gaming.

3515 "Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant
3516 bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any
3517 other equipment or product manufactured for or intended to be used in the conduct of charitable games.
3518 However, for the purposes of this chapter, charitable gaming supplies shall not include items incidental to
3519 the conduct of charitable gaming such as markers, wands, or tape.

3520 "Conduct" means the actions associated with the provision of a gaming operation during and immediately
3521 before or after the permitted activity, which may include (i) selling bingo cards or packs, electronic devices,
3522 instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any
3523 other services provided by volunteer workers.

3524 "Electronic gaming" or "electronic games" means any instant bingo, pull tab, or seal card gaming that is
3525 conducted primarily by use of an electronic device. "Electronic gaming" does not include (i) the game of
3526 chance identified in clause (ii) of the definition of "bingo" or (ii) network bingo.

3527 "Electronic gaming adjusted gross receipts" means the gross receipts derived from electronic gaming less
3528 the total amount in prize money paid out to players.

3529 "Electronic gaming manufacturer" means a manufacturer of electronic devices used to conduct electronic
3530 gaming.

3531 "Fair market rental value" means the rent that a rental property will bring when offered for lease by a
3532 lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no
3533 necessity of leasing.

3534 "Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and
3535 administration or permit fees, and a portion of the rent, utilities, accounting and legal fees, and such other
3536 reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

3537 "Gross receipts" means the total amount of money generated by an organization from charitable gaming
3538 before the deduction of expenses, including prizes.

3539 "Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random
3540 selection of one or more individually prepacked cards with winners being determined by the preprinted or
3541 predetermined appearance of concealed letters, numbers, or symbols that must be exposed by the player to
3542 determine wins and losses and may include the use of a seal card that conceals one or more numbers or
3543 symbols that have been designated in advance as prize winners. Such cards may be dispensed by mechanical

3544 equipment.

3545 "Jackpot" means a bingo game that the organization has designated on its game program as a jackpot
3546 game in which the prize amount is greater than \$100.

3547 "Landlord" means any person or his agent, firm, association, organization, partnership, or corporation,
3548 employee, or immediate family member thereof, that owns and leases, or leases any premises devoted in
3549 whole or in part to the conduct of bingo games or other charitable gaming pursuant to this chapter, and any
3550 person residing in the same household as a landlord.

3551 "Management" means the provision of oversight of a gaming operation, which may include the
3552 responsibilities of applying for and maintaining a permit or authorization, compiling, submitting, and
3553 maintaining required records and financial reports, and ensuring that all aspects of the operation are in
3554 compliance with all applicable statutes and regulations.

3555 "Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

3556 "Network bingo provider" means a person licensed by the Commissioner to operate network bingo.

3557 "Operation" means the activities associated with production of a charitable gaming or electronic gaming
3558 activity, which may include (i) the direct on-site supervision of the conduct of charitable gaming and
3559 electronic gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming and
3560 electronic gaming designated by the organization's management.

3561 "Organization" means any one of the following:

3562 1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof
3563 that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political
3564 subdivision where the volunteer fire department or volunteer emergency medical services agency is located
3565 as being a part of the safety program of such political subdivision;

3566 2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code,
3567 is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to
3568 accredited public institutions of higher education or other postsecondary schools licensed or certified by the
3569 Board of Education or the State Council of Higher Education for Virginia;

3570 3. An athletic association or booster club or a band booster club established solely to raise funds for
3571 school-sponsored athletic or band activities for a public school or private school accredited pursuant to §
3572 22.1-19 or to provide scholarships to students attending such school;

3573 4. An association of war veterans or auxiliary units thereof organized in the United States;

3574 5. A fraternal association or corporation operating under the lodge system;

3575 6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code
3576 and is operated, and has always been operated, exclusively to provide services and other resources to older
3577 Virginians, as defined in § 51.5-116;

3578 7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code
3579 and is operated, and has always been operated, exclusively to foster youth amateur sports;

3580 8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code
3581 and is operated, and has always been operated, exclusively to provide health care services or conduct
3582 medical research;

3583 9. An accredited public institution of higher education or other postsecondary school licensed or certified
3584 by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income
3585 tax pursuant to § 501(c)(3) of the Internal Revenue Code;

3586 10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the
3587 Internal Revenue Code;

3588 11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal
3589 Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of
3590 understanding among the people of the world; (ii) promote the principles of good government and
3591 citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv)
3592 provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the
3593 community without personal financial reward; and (vi) encourage efficiency and promote high ethical
3594 standards in commerce, industries, professions, public works, and private endeavors;

3595 12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code
3596 and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers
3597 who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and
3598 Museum; and (iii) raise funds for the charitable causes of other organizations that are exempt from income
3599 tax pursuant to § 501(c)(3) of the Internal Revenue Code;

3600 13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code
3601 and is operated, and has always been operated, exclusively to (i) promote the conservation of the
3602 environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science
3603 and technology to advance the conservation of the environment, caves, or other natural resources; and (iii)
3604 raise funds for the conservation of the environment, caves, or other natural resources or provide grant

3605 *opportunities to other nonprofit organizations that are devoted to such conservation efforts;*

3606 *14. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code*
3607 *that manages a museum that is operated, and has always been operated, exclusively for the purposes of*
3608 *musical heritage and the legacy of the "1927 Bristol Sessions";*

3609 *15. An organization (i) established on or before December 31, 1963, as a result of its members being*
3610 *prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of*
3611 *1926, which required the racial segregation of all public events in the Commonwealth; (ii) that is exempt*
3612 *from income tax pursuant to § 501(c)(7) of the Internal Revenue Code; and (iii) that is operated, and has*
3613 *always been operated, for community awareness and action through educational, economic, and cultural*
3614 *service activities;*

3615 *16. An organization established on or before December 31, 1977, that is exempt from income tax pursuant*
3616 *to § 501(c)(7) of the Internal Revenue Code and is incorporated, in part, to raise funds for donation to*
3617 *organizations whose missions include promoting early detection of and public education about and*
3618 *supporting research and treatment options for heart disease and various cancers;*

3619 *17. A local chamber of commerce; or*

3620 *18. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal*
3621 *Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that*
3622 *generate annual gross receipts of \$40,000 or less, provided that such gross receipts, less expenses and prizes,*
3623 *are used exclusively for charitable, educational, religious, or community purposes. Notwithstanding §*
3624 *29.5-213, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an*
3625 *organization's annual gross receipts for the purposes of this subdivision.*

3626 *"Pari-mutuel play" means an integrated network operated by a licensee of the Commission composed of*
3627 *participating charitable organizations for the conduct of network bingo games in which the purchase of a*
3628 *network bingo card by a player automatically includes the player in a pool with all other players in the*
3629 *network, and where the prize to the winning player is awarded based on a percentage of the total amount of*
3630 *network bingo cards sold in a particular network.*

3631 *"Qualified organization" means any organization to which a valid permit has been issued by the*
3632 *Commissioner to conduct charitable gaming or any organization that is exempt pursuant to § 29.5-206.*

3633 *"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged*
3634 *number of one or more persons purchasing chances or (ii) a random contest in which the winning name or*
3635 *preassigned number of one or more persons purchasing chances is determined by a race involving inanimate*
3636 *objects floating on a body of water, commonly referred to as a "duck race."*

3637 *"Reasonable and proper business expenses" means business expenses actually incurred by a qualified*
3638 *organization in the conduct of charitable gaming and not otherwise allowed under this chapter or under*
3639 *Board regulations on real estate and personal property tax payments, travel expenses, payments of utilities*
3640 *and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office*
3641 *equipment and costs of acquisition, maintenance, repair, or construction of an organization's real property.*
3642 *For the purpose of this definition, (i) salaries and wages of employees whose primary responsibility is to*
3643 *provide services for the principal benefit of an organization's members or (ii) expenses for social or*
3644 *recreational activities for the principal benefit of a social organization's members may qualify as a business*
3645 *expense, if so determined by the Board. However, payments made pursuant to § 51.1-1204 to the Volunteer*
3646 *Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper*
3647 *business expense.*

3648 *"Social organization" means any qualified organization that provides certification to the Commission that*
3649 *it is:*

3650 *1. An accredited public institution of higher education or other postsecondary school licensed or certified*
3651 *by the Board of Education or the State Council of Higher Education for Virginia qualified under § 501(c)(3)*
3652 *of the Internal Revenue Code;*

3653 *2. An organization established on or before November 10, 1922, that is qualified under § 501(c)(4) of the*
3654 *Internal Revenue Code, is the only federally chartered Marine Corps-related veterans organization in the*
3655 *country, and is operated for the purpose of promoting the interest and preserving the traditions of the United*
3656 *States Marine Corps;*

3657 *3. An organization established on or before December 31, 1963, as a result of its members being*
3658 *prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of*
3659 *1926, which required the racial segregation of all public events in the Commonwealth, that is qualified under*
3660 *§ 501(c)(7) of the Internal Revenue Code;*

3661 *4. An organization established on or before December 31, 1977, that is qualified under § 501(c)(7) of the*
3662 *Internal Revenue Code and is incorporated, in part, to raise funds for donation to organizations whose*
3663 *missions include promoting early detection of and public education about and supporting research and*
3664 *treatment options for heart disease and various cancers;*

3665 *5. A fraternal beneficiary society, order, or association qualified under § 501(c)(8) of the Internal*

Revenue Code;

6. A domestic fraternal society, order, or association qualified under § 501(c)(10) of the Internal Revenue Code; or

7. A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization qualified under § 501(c)(19) of the Internal Revenue Code.

"Social quarters" means, in addition to any specifications prescribed by the Board, an area at a social organization's primary location that (i) such organization designates to be used predominantly by its members for social and recreational activities, (ii) is accessible exclusively to members of the social organization and their guests, and (iii) is not advertised or open to the general public. It shall not disqualify the area from being considered social quarters if guests occasionally accompany members into the area, so long as such guests do not spend their own funds to participate in charitable gaming or electronic gaming activities conducted in the area. In determining if an area is social quarters for purposes of § 29.5-215, the Board may rely on publications of the Internal Revenue Service regarding the allowable participation of guests in an organization's social and recreational activities for purposes of § 501 of the Internal Revenue Code.

"Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 29.5-201. Charitable Gaming Advisory Board established; powers and duties.

A. The Charitable Gaming Advisory Board (the Advisory Board) is hereby established as an advisory board within the Virginia Gaming Commission for the purpose of advising the Commission on all aspects of the conduct of charitable gaming in Virginia.

B. The Advisory Board shall consist of nine members who shall be appointed by the Governor subject to confirmation by the General Assembly as follows: one member who is a member of a charitable organization subject to the provisions of this chapter in good standing with the Commission; one member who is a charitable gaming supplier registered and in good standing with the Commission; one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; at least one member who is or has been a law-enforcement officer in the Commonwealth but who (i) is not a charitable gaming supplier registered with the Commission, (ii) is not a lessor of premises where charitable gaming is conducted, (iii) is not a member of a charitable organization, and (iv) does not have an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee of premises where charitable gaming is conducted; and five citizens who do not have an interest in or are not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted.

To the extent practicable, the Advisory Board shall consist of individuals from different geographic regions of the Commonwealth. Each member of the Advisory Board shall have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office. Members shall be appointed for four-year terms. Vacancies shall be filled by the Governor in the same manner as the original appointment for the unexpired portion of the term. Each Advisory Board member shall be eligible for reappointment for a second consecutive term at the discretion of the Governor. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each. No sitting member of the General Assembly shall be eligible for appointment to the Advisory Board. The members of the Advisory Board shall serve at the pleasure of the Governor.

C. The Advisory Board shall elect from among its members a chairman and vice-chairman from among its members.

D. A quorum shall consist of five members. The decision of a majority of those members present and voting shall constitute a decision of the Advisory Board.

E. For each day or part thereof spent in the performance of his duties, each member of the Advisory

Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

F. The Advisory Board shall adopt rules and procedures for the conduct of its business, including a provision that Advisory Board members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest in a transaction as defined in § 2.2-3101. The Advisory Board shall meet at least four times a year, and other meetings may be held at any time or place determined by the Advisory Board or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.

G. Staff to the Advisory Board shall be provided by the Commission.

H. The Advisory Board shall:

1. Advise the Virginia Gaming Commission on the conduct of charitable gaming in Virginia and recommend changes to this chapter;

2. Advise on other matters related to charitable gaming that the Commission may request or the Advisory Board may deem necessary; and

3. Keep a complete and accurate record of its proceedings. A copy of such record and any other public records not exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall be available for public inspection and copying during regular office hours at the Commission.

§ 29.5-202. Powers and duties of the Commission and the Board.

The Commission shall have all powers and duties necessary to carry out the provisions of this chapter and to exercise the control of charitable gaming. Such powers and duties shall include the following:

1. The Commission is vested with jurisdiction and supervision over all charitable gaming authorized under the provisions of this chapter and including all persons that conduct or provide goods, services, or premises used in the conduct of charitable gaming. It may employ such persons as are necessary to ensure that charitable gaming is conducted in conformity with the provisions of this chapter and Board regulations. The Commission shall designate such agents and employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this chapter and the criminal laws of the Commonwealth and who shall be law-enforcement officers as defined in § 9.1-101.

2. The Commission, its agents, and employees charged with the enforcement of charitable gaming laws shall have free access to the offices, facilities, or any other place of business of any organization, including any premises devoted in whole or in part to the conduct of charitable gaming. These individuals may enter such places or premises for the purpose of carrying out any duty imposed by this chapter, securing records required to be maintained by an organization, investigating complaints, or conducting audits.

3. The Board may compel the production of any books, documents, records, or memoranda of any organization, electronic gaming manufacturer, or supplier involved in the conduct of charitable gaming for the purpose of satisfying itself that this chapter and its regulations are strictly complied with. In addition, the Board may require the production of an annual balance sheet and operating statement of any person granted a permit pursuant to the provisions of this chapter and may require the production of any contract to which such person is or may be a party.

4. The Board may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Commission, it is necessary to do so for the effectual discharge of its duties.

5. The Board may compel any person conducting charitable gaming to file with the Commission such documents, information, or data as shall appear to the Commission to be necessary for the performance of its duties.

6. The Commissioner may enter into arrangements with any governmental agency of this or any other state or any locality in the Commonwealth or any agency of the federal government for the purposes of exchanging information or performing any other act to better ensure the proper conduct of charitable gaming.

7. The Commissioner may issue a charitable gaming permit while the permittee's tax-exempt status is pending approval by the Internal Revenue Service.

8. The Commission shall report annually to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Commission and any recommendations for legislation applicable to charitable gaming in the Commonwealth.

9. The Commission, its agents, and employees may conduct such audits, in addition to those required by § 29.5-223, as they deem necessary and desirable.

10. The Board may limit the number of organizations for which a person may manage, operate, or conduct charitable games.

11. The Board may promulgate regulations that require any landlord that leases to a qualified organization any premises devoted in whole or in part to the conduct of bingo games or any other charitable gaming to register with the Commission.

12. The Commission may report any alleged criminal violation of this chapter to the appropriate attorney

for the Commonwealth for appropriate action.

13. Beginning July 1, 2026, and at least once every five years thereafter, the Commission shall convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

§ 29.5-203. Regulations of the Board.

A. The Board shall adopt regulations that:

1. Require, as a condition of receiving a charitable gaming permit or authorization to conduct electronic gaming, that the applicant use a predetermined percentage of its receipts for those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized, including (i) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property or (ii) expenses related to the rental of real property by an organization as described by subdivision 5, 6, or 7 of the definition of "social organization" in § 29.5-200 where such real property is involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes, as follows:

a. With respect to charitable gaming, other than electronic gaming, a predetermined percentage of its gross receipts.

b. With respect to electronic gaming, a predetermined percentage of its electronic gaming adjusted gross receipts.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the Commissioner to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 29.5-207.

Membership lists furnished to the Commission in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits and authorizing social organizations to conduct electronic gaming. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with §§ 29.5-221 and 29.5-222.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Board regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and is used solely for the purpose of dispensing or opening such paper or electronic cards, or both, but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit (a) devices that display spinning, rotating, or rolling reels or animations or flashing lights; (b) devices that accept vouchers; (c) the purchase and play of an electronic pull tab with a single press or touch of a button; or (d) the use of multiple video monitors or touchscreens on an electronic gaming device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 29.5-224, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 29.5-212.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Board regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign that bears a toll-free telephone number for "Gamblers Anonymous" or other organization that provides assistance to compulsive gamblers.

11. Require all qualified organizations that are subject to Board regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign that bears the toll-free telephone number

3850 and website for the illegal gaming tip line established and administered by the Office of the Gaming
3851 Enforcement Coordinator in the Department of State Police pursuant to § 52-54 for members of the public to
3852 report concerns about, or suspected instances of, illegal gaming activities.

3853 12. Prescribe the conditions under which a qualified organization may sell network bingo cards in
3854 accordance with § 29.5-218 and establish a percentage of proceeds derived from network bingo sales to be
3855 allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo
3856 provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any
3857 unclaimed prize.

3858 13. Prescribe the conditions under which a qualified organization may manage, operate, or contract with
3859 operators of or conduct Texas Hold'em poker tournaments.

3860 14. Prescribe the conditions under which a qualified organization may lease the premises of a permitted
3861 social organization for the purpose of conducting bingo, network bingo, instant bingo, pull tabs, seal cards,
3862 and electronic gaming permitted under this chapter and establish requirements for proper financial reporting
3863 of all disbursements, gross receipts, and electronic gaming adjusted gross receipts and payment of all fees
3864 required under this chapter.

3865 B. The Board may, by regulation, approve variations to the card formats for bingo games, provided that
3866 such variations result in bingo games that are conducted in a manner consistent with the provisions of this
3867 chapter. Board-approved variations may include bingo games commonly referred to as player selection
3868 games and 90-number bingo.

3869 **§ 29.5-204. Denial, suspension, or revocation of permit; hearings and appeals.**

3870 A. The Commissioner may deny, suspend, or revoke the permit of any organization found not to be in
3871 strict compliance with the provisions of this chapter and Board regulations. The action of the Commissioner
3872 in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 2.2-4000
3873 et seq.).

3874 B. Except as provided in §§ 8.01-534, 29.5-209, 29.5-221, 29.5-222, and 29.5-228, no permit to conduct
3875 charitable gaming or authorization to conduct electronic gaming shall be denied, suspended, or revoked, and
3876 no charitable games or funds from charitable gaming operations shall be seized, except upon notice stating
3877 the proposed basis for such action and the time and place for the hearing. At the discretion of the
3878 Commissioner, hearings may be conducted by hearing officers who shall be selected from the list prepared by
3879 the Executive Secretary of the Supreme Court. After a hearing on the issues, the Commissioner may refuse to
3880 issue or may suspend or revoke any such permit or authorization if it determines that the organization has
3881 not complied with the provisions of this chapter or Board regulations.

3882 C. Any person aggrieved by a refusal of the Commissioner to issue any permit, the suspension or
3883 revocation of a permit, or any other action of the Commission may seek review of such action in accordance
3884 with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

3885 **§ 29.5-205. Permitted forms of gaming; prizes not gaming contracts.**

3886 A. This chapter permits qualified organizations to conduct (i) raffles, bingo, network bingo, instant bingo
3887 games, and Texas Hold'em poker tournaments and (ii) electronic gaming authorized pursuant to the
3888 provisions of § 29.5-215. All games not explicitly authorized by this chapter or Board regulations adopted in
3889 accordance with § 29.5-203 are prohibited. Nothing herein shall be construed to authorize the Board to
3890 approve the conduct of any other form of poker in the Commonwealth.

3891 B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming
3892 contract within the purview of § 11-14.

3893 C. Nothing in this chapter shall prohibit an organization from using the Virginia Lottery's Pick-3 number
3894 or any number or other designation selected by the Virginia Lottery in connection with any lottery, as the
3895 basis for determining the winner of a raffle.

3896 **§ 29.5-206. Organizations exempt from certain fees and reports.**

3897 A. No organization that reasonably expects, on the basis of prior charitable gaming annual results or any
3898 other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period from raffles
3899 conducted in accordance with the provisions of this chapter shall be required to (i) notify the Commission of
3900 its intention to conduct raffles or (ii) comply with Board regulations governing raffles.

3901 B. Any organization that reasonably expects, on the basis of prior charitable gaming annual results or
3902 any other quantifiable method, to realize gross receipts of \$40,000 or less from all charitable gaming other
3903 than raffles on a total of no more than seven days per calendar year shall be required to register with the
3904 Commission pursuant to the provisions of § 29.5-208.

3905 C. If any organization's actual gross receipts from raffles for the 12-month period exceed \$40,000 as
3906 described in subsection A or actual gross receipts from all charitable gaming other than raffles conducted on
3907 a total of no more than seven days per calendar year exceed \$40,000 as described in subsection B, the
3908 Commission shall require the organization to obtain a permit pursuant to the provisions of § 29.5-209 and
3909 file by a specified date the report required by § 29.5-221.

3910 D. Any (i) organization described in subdivision 18 of the definition of "organization" in § 29.5-200 or (ii)

volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 29.5-209 and the payment of audit fees required by § 29.5-223. Any such organization, department, agency, or unit that conducts electronic gaming shall be subject to such application fees and audit fees for its electronic gaming activities; however, in accordance with the provisions of § 29.5-223, any audit fees may be paid by either the organization or the electronic gaming manufacturer whose electronic gaming devices are present on the premises of the organization, department, agency, or unit. Nothing in this subsection shall be construed as exempting any organizations described in subdivision 18 of the definition of "organization" in § 29.5-200, volunteer fire departments, or volunteer emergency medical services agencies from any other provisions of this chapter or other Board regulations.

E. Nothing in this section shall prevent the Commission from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this chapter and, to the extent applicable, Board regulations.

§ 29.5-207. Eligibility for permit; exceptions; where valid.

A. To be eligible for a permit to conduct charitable gaming, an organization shall:

1. Have been in existence and met on a regular basis in the Commonwealth for a period of at least three years immediately prior to applying for a permit.

The three-year residency requirement shall not apply (i) to any lodge or chapter of a national or international fraternal order or of a national or international civic organization that is exempt under § 501(c) of the United States Internal Revenue Code and that has a lodge or chapter holding a charitable gaming permit issued under the provisions of this chapter anywhere within the Commonwealth; (ii) to booster clubs that have been operating for less than three years and that have been established solely to raise funds for school-sponsored activities in public schools or private schools accredited pursuant to § 22.1-19; (iii) to recently established volunteer fire and rescue companies or departments, after county, city, or town approval; or (iv) to an organization that relocates its meeting place on a permanent basis from one jurisdiction to another, complies with the requirements of subdivision 2, and was the holder of a valid permit at the time of its relocation.

2. Be operating currently and have always been operated as a nonprofit organization.

3. Have at least 50 percent of its membership consist of residents of the Commonwealth; however, if an organization (i) does not consist of bona fide members and (ii) is exempt under § 501(c)(3) of the United States Internal Revenue Code, the Commission shall exempt such organization from the requirements of this subdivision.

B. Any organization whose gross receipts from all charitable gaming exceeds or can be expected to exceed \$40,000 in any calendar year shall have been granted tax-exempt status pursuant to § 501(c) of the United States Internal Revenue Code. At the same time tax-exempt status is sought from the Internal Revenue Service, the same documentation may be filed with the Commission in conjunction with an application for a charitable gaming permit. If such documentation is filed, the Commissioner may, after reviewing such documentation it deems necessary, issue a charitable gaming permit.

C. A permit shall be valid only for the dates and times designated in the permit.

§ 29.5-208. Registration requirements; certain organizations.

A. Any organization seeking to conduct charitable gaming in accordance with subsection B of § 29.5-206 shall first register with the Commission on a form prescribed by the Board. The Board shall only require the organization to provide (i) proof of the organization's nonprofit status; (ii) contact information for the chief executive officer of the organization or his designee; (iii) the location, dates, and times of any expected charitable gaming activity; (iv) a description of the general nature of the anticipated charitable gaming activity; and (v) a signed attestation that the organization (a) does not reasonably expect to realize more than \$40,000 in gross receipts on a total of no more than seven days per calendar year for the charitable gaming activities listed on the registration form, (b) understands that should the organization exceed the \$40,000 threshold, it will be required to file the report in accordance with § 29.5-221, and (c) understands it shall be required to comply with the provisions of this chapter and Board regulations.

B. Any organization that registers with the Commission pursuant to this section is subject to random audits of its charitable gaming activities by the Commission and is subject to the penalties specified in §§ 29.5-228 and 29.5-230 for gross violations of this chapter.

C. The Commissioner may deny, suspend, or revoke the registration of any organization found not to be in compliance with the provisions of this chapter and Board regulations. The action of the Commissioner in denying, suspending, or revoking any registration shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

D. Any person aggrieved by the denial, suspension, or revocation of a registration or any other action of the Commission may seek review of such action in accordance with Article 5 (§ 2.2-4025 et seq.) of the

3972 Administrative Process Act.

3973 **§ 29.5-209. Permit required; application fee; form of application.**

3974 A. Except as provided for in § 29.5-206, prior to the commencement of any charitable game, an
3975 organization shall obtain a permit from the Commission.

3976 B. All complete applications for a permit shall be acted upon by the Commissioner within 45 days from
3977 the filing thereof. Upon compliance by the applicant with the provisions of this chapter, and at the discretion
3978 of the Commissioner, a permit may be issued. All permits when issued shall be valid for the period specified
3979 in the permit unless it is sooner suspended or revoked. No permit shall be valid for longer than two years.
3980 The application shall be a matter of public record.

3981 All permits shall be subject to regulation by the Board to ensure the public safety and welfare in the
3982 operation of charitable games. The permit shall only be granted after a reasonable investigation has been
3983 conducted by the Commission. The Commission may require any prospective employee, permit holder, or
3984 applicant to submit to fingerprinting and to provide personal descriptive information to be forwarded along
3985 with employee's, licensee's, or applicant's fingerprints through the Central Criminal Records Exchange to the
3986 Federal Bureau of Investigation for the purposes of obtaining criminal history record information regarding
3987 such prospective employee, permit holder, or applicant. The Central Criminal Records Exchange, upon
3988 receipt of a prospective employee, licensee, or applicant record or notification that no record exists, shall
3989 forward the report to the Commissioner or his designee, who shall belong to a governmental entity. However,
3990 nothing in this subsection shall be construed to require the routine fingerprinting of volunteer bingo workers.

3991 C. In no case shall an organization receive more than one permit allowing it to conduct charitable
3992 gaming, except that an organization may also apply for and receive a temporary permit pursuant to §
3993 29.5-211.

3994 D. Application for a charitable gaming permit shall be made on forms prescribed by the Board and shall
3995 be accompanied by payment of the fee for processing the application.

3996 E. Applications for renewal of permits shall be made in accordance with Board regulations. If a complete
3997 renewal application is received 45 days or more prior to the expiration of the permit, the permit shall
3998 continue to be effective until such time as the Commissioner has taken final action. Otherwise, the permit
3999 shall expire at the end of its term.

4000 F. The failure to meet any of the requirements of § 29.5-207 shall cause the automatic denial of the
4001 permit, and no organization shall conduct any charitable gaming until the requirements are met and a permit
4002 is obtained.

4003 **§ 29.5-210. Authorization to conduct electronic gaming required; fee.**

4004 A. In addition to a charitable gaming permit, a social organization shall receive authorization from the
4005 Commissioner prior to conducting any electronic gaming pursuant to the provisions of § 29.5-215. A social
4006 organization may request such authorization from the Commissioner by providing certain information, as
4007 determined by the Board, on a form prescribed by the Board.

4008 B. All requests for authorization to conduct electronic gaming shall be acted upon by the Commissioner
4009 within 45 days from the date of the request. A social organization that meets the necessary requirements
4010 pursuant to this chapter may be, at the discretion of the Commissioner, authorized to conduct electronic
4011 gaming pursuant to the provisions of § 29.5-215. Any such authorization granted by the Commissioner shall
4012 be noted on the social organization's charitable gaming permit and shall be valid for the time specified in the
4013 permit unless it is sooner suspended or revoked. No authorization to conduct electronic gaming shall be valid
4014 for longer than two years. All requests received by the Commission shall be a matter of public record.

4015 All authorizations to conduct electronic gaming shall be subject to regulation by the Board to ensure the
4016 public safety and welfare in the operation of electronic games. The authorization shall only be granted after
4017 a reasonable investigation has been conducted by the Commission.

4018 C. In no case shall a social organization be authorized to conduct electronic gaming at more than one
4019 location.

4020 D. Requests for authorization to conduct electronic gaming shall be made on forms prescribed by the
4021 Board and shall be accompanied by payment of a fee.

4022 E. Requests for renewal of such authorizations shall be made in accordance with Board regulations. If a
4023 complete renewal request is received 45 days or more prior to the expiration of the authorization, the
4024 authorization shall continue to be effective until such time as the Commissioner has taken final action.
4025 Otherwise, the authorization shall expire at the end of its term.

4026 **§ 29.5-211. Temporary permits authorized; limitations.**

4027 A. Any qualified organization described in subdivision 4 or 5 of the definition of "organization" in §
4028 29.5-200 may obtain a temporary permit from the Commissioner allowing such organization to sell instant
4029 bingo, pull tabs, or seal cards upon premises located anywhere in the Commonwealth during a convention,
4030 conference, or related event lasting no more than seven consecutive days held by such organization's
4031 affiliated state, regional, or national organization up to once per quarter as designated in the permit.

4032 B. All complete applications for a permit shall be acted upon by the Commissioner within 45 days from

the filing thereof. Upon compliance by the applicant with the provisions of this chapter, and at the discretion of the Commissioner, a temporary permit may be issued. All temporary permits when issued shall be valid for the period specified in the permit unless it is sooner suspended or revoked. No permit shall be valid for longer than one year. The application shall be a matter of public record.

All temporary permits shall be subject to regulation by the Board to ensure the public safety and welfare in the operation of charitable games. The temporary permit shall only be granted after a reasonable investigation has been conducted by the Commission. The Commission may require any prospective employee, permit holder, or applicant to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's, permit holder's, or applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purposes of obtaining criminal history record information regarding such prospective employee, permit holder, or applicant. The Central Criminal Records Exchange, upon receipt of a prospective employee, permit holder, or applicant record or notification that no record exists, shall forward the report to the Commissioner or his designee, who shall belong to a governmental entity. However, nothing in this subsection shall be construed to require the routine fingerprinting of volunteer bingo workers.

C. In no case shall an organization receive more than one temporary permit allowing it to conduct charitable gaming; however, an organization may also receive a permit in accordance with the provisions of § 29.5-209.

D. Application for a temporary permit shall be made on forms prescribed by the Board and shall be accompanied by payment of the fee for processing the application.

E. Applications for renewal of temporary permits shall be made in accordance with Board regulations. If a complete renewal application is received 45 days or more prior to the expiration of the temporary permit, the temporary permit shall continue to be effective until such time as the Commissioner has taken final action. Otherwise, the temporary permit shall expire at the end of its term.

F. The failure to meet any of the requirements of § 29.5-207 shall cause the automatic denial of the temporary permit, and no organization shall conduct any charitable gaming in accordance with the provisions of subsection A until such requirements are met and a temporary permit is obtained.

§ 29.5-212. Sale of raffle tickets; drawings.

A. Except as provided in subsection B, a qualified organization may sell raffle tickets both in and out of the jurisdiction designated in its permit and shall conduct the drawing within the Commonwealth.

B. A qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth, provided the raffle is conducted in accordance with (i) Board regulations and (ii) the laws and regulations of the jurisdiction in which the raffle drawing will be held.

C. Before a prize drawing, each stub or other detachable section of each ticket sold or won through some other authorized charitable game conducted by the same organization holding the raffle shall be placed into a receptacle from which the winning tickets are drawn. The receptacle shall be designed so that each ticket placed in it has an equal chance of being drawn.

§ 29.5-213. Sale of instant bingo, pull tabs, or seal cards.

A. Except as provided in subsection D, instant bingo, pull tabs, or seal cards may be sold only (i) by a qualified organization, as defined in § 29.5-200, (ii) upon premises that are owned or exclusively and entirely leased by the qualified organization or leased by the qualified organization pursuant to subsection C, and (iii) at such times that the premises in which the instant bingo, pull tabs, or seal cards are sold is open only to members and their guests via controlled access. Except as provided in subsections C and D, no organization may sell instant bingo, pull tabs, or seal cards (a) at a location outside of the county, city, or town in which the organization's principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town or (b) at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization. Nothing in this chapter shall be construed to prohibit the conduct of games of chance involving the sale of pull tabs or seal cards, commonly known as last sale games, conducted in accordance with this section or, if such games are electronic games, in accordance with § 29.5-215.

B. It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 29.5-215.

C. Notwithstanding the provisions of subsection A, a qualified organization may lease the premises of any social organization authorized pursuant to § 29.5-215 for the purpose of selling instant bingo, pull tabs, or seal cards.

D. Notwithstanding the provisions of subsection A, instant bingo, pull tabs, or seal cards may be sold by a qualified organization that has received a temporary permit from the Commissioner pursuant to § 29.5-211 upon premises located anywhere in the Commonwealth during a convention, conference, or related event lasting no more than seven consecutive days held by such organization's affiliated state, regional, or national organization up to once per quarter as designated in the temporary permit.

§ 29.5-214. Sale of instant bingo, pull tabs, or seal cards dispensed by mechanical equipment.

As a part of its annual fundraising event, any qualified organization may sell instant bingo, pull tabs, or

4095 seal cards, provided that (i) any such instant bingo, pull tabs, or seal cards are dispensed by mechanical
4096 equipment only; (ii) the sale of the same is limited to a single event of no more than seven days per calendar
4097 year; (iii) any such event is open to the public; and (iv) no such organization realizes actual gross receipts of
4098 more than \$40,000 from the conduct of all charitable gaming other than raffles on a total of no more than
4099 seven days per calendar year. Notwithstanding the provisions of § 29.5-217, an organization authorized
4100 under this section shall not be required to sell such instant bingo, pull tabs, or seal cards at such times
4101 designated in the permit for regular bingo games or at a location at which the organization is authorized to
4102 conduct regular bingo games pursuant to subsections E and F of § 29.5-216. If any organization's actual
4103 gross receipts from the sale of instant bingo, pull tabs, or seal cards pursuant to this section exceed \$40,000,
4104 the Commission shall require the organization to obtain a permit pursuant to the provisions of § 29.5-209
4105 and file by a specified date the report required by § 29.5-221. The Commission may require organizations
4106 authorized under this section to make such financial reporting as it deems necessary.

4107 Nothing in this section shall be construed as exempting organizations authorized to sell instant bingo, pull
4108 tabs, or seal cards under this section from any other provisions of this chapter or other Board regulations.

4109 **§ 29.5-215. Electronic gaming; penalty.**

4110 A. The Commissioner may authorize a social organization to conduct electronic gaming (i) within its
4111 social quarters and (ii) elsewhere on the premises of its primary location. Any such authorized social
4112 organization may lease its premises to any qualified organization for the purpose of conducting electronic
4113 gaming. A qualified organization that leases the premises of a social organization pursuant to this section
4114 shall be subject to the rules and regulations prescribed by the Board. No other electronic gaming shall be
4115 allowed under this chapter. Any person who conducts or participates in electronic gaming that is not
4116 authorized under this section shall be subject to the penalties specified in § 29.5-230.

4117 B. A social organization may request authorization from the Commissioner to conduct electronic gaming
4118 pursuant to this section in accordance with the procedures established under §§ 29.5-204 and 29.5-209. Any
4119 fee charged by the Commission for the purpose of such authorization shall be in addition to any fee charged
4120 for a charitable gaming permit. Any charitable gaming permit that also authorizes a social organization to
4121 conduct electronic gaming shall identify the expiration date of such authorization and the number of
4122 electronic gaming devices authorized at the location.

4123 C. A social organization and any qualified organization that leases the premises of a social organization
4124 pursuant to this section are prohibited from advertising any electronic gaming activities to the general
4125 public.

4126 D. The Commission may authorize a maximum of 18 electronic gaming devices at a location. Each such
4127 device shall bear a mark indicating it has been authorized and approved by the Commission.

4128 E. An electronic gaming manufacturer that has been issued a permit by the Commissioner in accordance
4129 with § 29.5-225 shall report all electronic gaming adjusted gross receipts pursuant to the provisions of §
4130 29.5-222.

4131 F. The use of electronic gaming devices utilizing multiple video monitors or touchscreens shall be limited
4132 to one player at a time.

4133 G. No social organization or qualified organization leasing the premises of a social organization shall
4134 allow any individual younger than 21 years of age to participate in electronic gaming. No individual younger
4135 than 21 years of age shall participate in electronic gaming or otherwise use an electronic device to play or
4136 redeem any instant bingo, pull tabs, or seal cards.

4137 H. No social organization or any qualified organization leasing the premises of a social organization
4138 shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in
4139 payment of any charges or assessments for players to participate in electronic gaming.

4140 **§ 29.5-216. Conduct of bingo games.**

4141 A. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of
4142 any charges or assessments for players to participate in bingo games. However, no such organization shall
4143 accept postdated checks in payment of any charges or assessments for players to participate in bingo games.

4144 B. No qualified organization or any person on the premises shall extend lines of credit or accept any
4145 credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for
4146 players to participate in bingo games.

4147 C. Bingo games may be held by qualified organizations on any calendar day.

4148 D. Qualified organizations may hold an unlimited number of bingo sessions on any calendar day.

4149 E. Except as provided in subsection F, no organization may conduct bingo games (i) at a location outside
4150 of the county, city, or town in which its principal office, as registered with the State Corporation Commission,
4151 is located or in an adjoining county, city, or town or (ii) at an establishment that has been granted a license
4152 pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization.

4153 F. Notwithstanding the provisions of subsection E, a qualified organization may lease the premises of any
4154 social organization authorized pursuant to § 29.5-215 for the purpose of conducting bingo games.

4155 **§ 29.5-217. Conduct of instant bingo, network bingo, pull tabs, and seal cards.**

4156 A. Any organization qualified to conduct bingo games pursuant to the provisions of this chapter may also

play instant bingo, network bingo, pull tabs, or seal cards; however, such games shall be played only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to subsections E and F of § 29.5-216, except that a qualified organization that is issued a temporary permit pursuant to § 29.5-211 shall be authorized to play instant bingo, pull tabs, or seal cards in accordance with subsection D of § 29.5-213. It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 29.5-215.

B. Any organization conducting instant bingo, network bingo, pull tabs, or seal cards shall maintain a record of the date, quantity, and card value of instant bingo supplies purchased as well as the name and address of the supplier of such supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where the gaming is being conducted.

C. No qualified organization shall sell any instant bingo, network bingo, pull tabs, or seal cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any instant bingo, network bingo, pull tabs, or seal cards.

D. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in instant bingo, network bingo, pull tabs, or seal cards.

§ 29.5-218. Conduct of network bingo.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this chapter may also sell network bingo cards; however, network bingo shall be sold only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to subsections E and F of § 29.5-216.

B. Any organization selling network bingo cards shall maintain a record of the date and quantity of network bingo cards purchased from a licensed network bingo provider. The organization shall also maintain a written invoice or receipt from a licensed supplier verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization or by electronic fund transfer. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where network bingo cards are sold.

C. No qualified organization shall sell any network bingo cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any network bingo cards.

D. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in any network bingo game. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in network bingo games.

E. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in network bingo games.

F. No qualified organization shall conduct network bingo more frequently than one day in any calendar week, which shall not be the same day of each week.

G. No qualified organization shall sell network bingo cards on the Internet or other online service or allow the play of network bingo on the Internet or other online service. However, the location where network bingo games are conducted shall be equipped with a video monitor, television, or video screen, or any other similar means of visually displaying a broadcast or signal, that relays live, real-time video of the numbers as they are called by a live caller. The Internet or other online service may be used to relay information about winning players.

H. Qualified organizations may award network bingo prizes on a graduated scale; however, no single network bingo prize shall exceed \$25,000.

I. Nothing in this section shall be construed to prohibit an organization from participating in more than one network bingo network.

§ 29.5-219. Conduct of Texas Hold'em poker tournaments by qualified organizations; limitation of operator fee; conditions.

A. Any organization qualified to conduct bingo games on or after July 1, 2019, may conduct Texas Hold'em poker tournaments; however, no such organization may conduct individual Texas Hold'em poker games. The Board shall promulgate regulations establishing circumstances under which organizations qualified to conduct bingo games prior to July 1, 2019, may conduct Texas Hold'em poker tournaments.

B. A qualified organization may contract with an operator to administer Texas Hold'em poker tournaments. Limitations on operator fees shall be established by Board regulations.

C. A qualified organization shall accept only cash or, at its option, checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments. However, no such organization

4218 shall accept postdated checks in payment of any charges or assessments for players to participate in Texas
4219 Hold'em poker tournaments.

4220 D. No qualified organization or any person on the premises shall extend lines of credit or accept any
4221 credit or debit card or other electronic fund transfer in payment of any charges or assessments for players to
4222 participate in Texas Hold'em poker tournaments.

4223 E. No qualified organization shall allow any individual younger than 18 years of age to participate in
4224 Texas Hold'em poker tournaments.

4225 **§ 29.5-220. Joint operation of bingo games; written reports; joint permit required.**

4226 A. Any two or more qualified organizations may jointly organize and conduct bingo games provided both
4227 have fully complied with all other provisions of this chapter.

4228 B. Any two or more qualified organizations jointly conducting such games shall be (i) subject to the same
4229 restrictions and prohibitions contained in this chapter that would apply to a single organization conducting
4230 bingo games and (ii) required to furnish to the Commission a written report setting forth the location where
4231 such games will be held and the division of manpower, costs, and proceeds for each game to be jointly
4232 conducted.

4233 Upon a finding that the division of manpower and costs for each game bears a reasonable relationship to
4234 the division of proceeds, the Commissioner shall issue a joint permit.

4235 C. No bingo game shall be jointly conducted until the joint permit issued pursuant to subsection B is
4236 obtained by the organizations.

4237 **§ 29.5-221. Reports of gross receipts, electronic gaming adjusted gross receipts, and disbursements**
4238 **required; form of reports; failure to file.**

4239 A. 1. Each qualified organization shall keep a complete record of all:

4240 a. Inventory of charitable gaming supplies purchased.

4241 b. Receipts from its charitable gaming operation, including a breakdown of receipts attributable to each
4242 type of game offered.

4243 c. Electronic gaming adjusted gross receipts.

4244 d. Disbursements related to charitable gaming and electronic gaming operations, including a breakdown
4245 of disbursements for each purpose specified in subdivision 1 of § 29.5-224.

4246 2. Except as provided in §§ 29.5-206 and 29.5-222, each qualified organization shall file under penalty of
4247 perjury and at least annually, on a form prescribed by the Board, a report of all receipts and disbursements
4248 specified in subdivision 1, the amount of money on hand attributable to charitable gaming as of the end of the
4249 period covered by the report, and any other information related to its charitable gaming operation that the
4250 Commission may require. In addition, the Board, by regulation, may require any qualified organization,
4251 except any qualified organization that realizes annual gross receipts of \$40,000 or less, whose net receipts
4252 exceed a specified amount during any three-month period to file a report of its receipts and disbursements for
4253 such period. All reports filed pursuant to this section shall be a matter of public record.

4254 B. All reports required by this section shall be filed on or before the date prescribed by the Commissioner.
4255 The Board, by regulation, shall establish a schedule of late fees to be assessed for any organization that fails
4256 to submit required reports by the due date.

4257 C. Except as provided in § 29.5-206, each qualified organization shall designate or compensate an
4258 outside individual or group who shall be responsible for filing an annual, and, if required, quarterly,
4259 financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming
4260 activities. The Commission shall require such reports as it deems necessary until all proceeds of any
4261 charitable gaming have been used for the purposes specified in § 29.5-203 or have been disbursed in a
4262 manner approved by the Commission.

4263 D. Each qualified organization shall maintain for three years a complete written record of (i) all
4264 charitable gaming sessions using Board-prescribed forms or reasonable facsimiles thereof approved by the
4265 Commission; (ii) the name and address of each individual to whom is awarded any charitable gaming prize
4266 or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as
4267 the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating
4268 costs and use of proceeds incurred in operating bingo games.

4269 E. The failure to file reports within 30 days of the time such reports are due shall cause the automatic
4270 revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the
4271 report is properly filed and a new permit is obtained. However, the Commissioner may grant an extension of
4272 time for filing such reports for a period not to exceed 45 days if requested by an organization, provided the
4273 organization requests an extension within 15 days of the time such reports are due and all projected fees are
4274 paid. For the term of any such extension, the organization's permit shall not be automatically revoked, such
4275 organization may continue to conduct charitable gaming, or electronic gaming if authorized to do so
4276 pursuant to the provisions of this chapter, and no new permit shall be required.

4277 F. For purposes of this section, the requirement to file a report shall also include the payment of any
4278 applicable fees required to accompany such report.

4279 **§ 29.5-222. Reports of electronic gaming adjusted gross receipts by electronic gaming manufacturer**

4280 **required; form of reports; failure to file.**

4281 A. Each electronic gaming manufacturer that holds a permit issued by the Commissioner pursuant to §
4282 29.5-225 shall keep a complete record of all electronic gaming adjusted gross receipts and shall file at least
4283 annually, on a form prescribed by the Board, a report of all such receipts and any other information related
4284 to the manufacture of electronic gaming devices that the Commission may require.

4285 B. The report required by this section shall be filed on or before the date prescribed by the Commission.
4286 The Board, by regulation, shall establish a schedule of late fees to be assessed for any electronic gaming
4287 manufacturer that fails to submit required reports by the due date.

4288 C. Each electronic gaming manufacturer shall maintain for three years a complete written record of all
4289 electronic gaming adjusted gross receipts.

4290 D. The failure to file the report required by this section within 30 days of the time such report is due shall
4291 cause the automatic revocation of the electronic gaming manufacturer's permit, and no such manufacturer
4292 shall manufacture any new electronic gaming device until the report is properly filed and a new permit is
4293 obtained. However, the Commissioner may grant an extension of time for filing such report for a period not
4294 to exceed 45 days if requested by a manufacturer, provided that the manufacturer requests an extension
4295 within 15 days of the time such report is due and all projected fees are paid. For the term of any such
4296 extension, the manufacturer's permit shall not be automatically revoked, such manufacturer may continue to
4297 manufacture electronic gaming devices, and no new permit shall be required.

4298 E. For purposes of this section, the requirement to file a report shall also include the payment of any
4299 applicable fees required to accompany such report.

4300 **§ 29.5-223. Audit of reports; exemption; audit and administration fee; additional assessment of gross**
4301 **receipts and electronic gaming adjusted gross receipts.**

4302 A. All reports filed pursuant to §§ 29.5-221 and 29.5-222 shall be subject to audit by the Commission in
4303 accordance with Board regulations. The Commission may engage the services of independent certified public
4304 accountants to perform any audits deemed necessary to fulfill the Commission's responsibilities under this
4305 chapter.

4306 B. The Commission shall prescribe a reasonable audit and administration fee to be paid by (i) any
4307 organization conducting charitable gaming under a permit issued by the Commissioner unless the
4308 organization is exempt from such fee pursuant to § 29.5-206 or (ii) any electronic gaming manufacturer that
4309 holds a permit issued by the Commissioner pursuant to § 29.5-225. Such fee shall not exceed one-half of one
4310 percent of the gross receipts that an organization reports pursuant to § 29.5-221 or one-half of one percent of
4311 the electronic gaming adjusted gross receipts that an electronic gaming manufacturer reports pursuant to §
4312 29.5-222. The audit and administration fee shall accompany each report for each calendar quarter.

4313 C. The audit and administration fee shall be payable to the Treasurer of Virginia. All such fees received
4314 by the Treasurer of Virginia shall be separately accounted for and shall be used only by the Commissioner
4315 for the purposes of auditing and regulating charitable gaming.

4316 D. In addition to the fee imposed under subsection B, an additional fee of (i) one-quarter of one percent of
4317 the gross receipts that an organization reports pursuant to § 29.5-221 shall be paid by the organization or
4318 (ii) one-quarter of one percent of the electronic gaming adjusted gross receipts that an electronic gaming
4319 manufacturer reports pursuant to § 29.5-222 shall be paid by the electronic gaming manufacturer to the
4320 Treasurer of Virginia. All such amounts shall be collected and deposited in the same manner as prescribed in
4321 subsections B and C and shall be used for the same purposes.

4322 **§ 29.5-224. Prohibited practices.**

4323 In addition to those other practices prohibited by this chapter, the following acts or practices are
4324 prohibited:

4325 1. No part of the gross receipts or electronic gaming adjusted gross receipts derived by a qualified
4326 organization may be used for any purpose other than (i) gaming expenses; (ii) reasonable and proper
4327 business expenses; and (iii) those lawful religious, charitable, community, or educational purposes for which
4328 the organization is specifically chartered or organized.

4329 2. Except as provided in § 29.5-226, no qualified organization shall enter into a contract with or
4330 otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any
4331 charitable games. However, organizations composed of or for deaf or blind persons may use a part of their
4332 gross receipts for costs associated with providing clerical assistance in the management and operation but
4333 not the conduct of charitable gaming.

4334 The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance
4335 with § 29.5-220.

4336 3. No person shall pay or receive for use of any premises wholly devoted to the conduct of any charitable
4337 games any consideration in excess of the current fair market rental value of such property. Fair market
4338 rental value consideration shall not be based upon or determined by reference to a percentage of the
4339 proceeds derived from the operation of any charitable games or to the number of people in attendance at
4340 such charitable games.

4341 4. No person shall participate in the management or operation of any charitable game unless such person

4342 is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide
4343 member of the organization. For any organization that is not composed of members, a person who is not a
4344 bona fide member may volunteer in the conduct of a charitable game as long as that person is directly
4345 supervised by a bona fide official member of the organization.

4346 The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by
4347 qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a
4348 qualified organization, provided such employees' participation is limited to the management, operation, or
4349 conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member
4350 of a qualified organization, provided at least one bona fide member is present; or (iv) persons employed by a
4351 qualified organization authorized to sell pull tabs or seal cards in accordance with § 29.5-200, provided (a)
4352 such sales are conducted by no more than two on-duty employees and (b) such employees receive no
4353 compensation for or based on the sale of the pull tabs or seal cards.

4354 5. No person shall receive any remuneration for participating in the management, operation, or conduct
4355 of any charitable game, except that:

4356 a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration
4357 not to exceed \$30 per event for providing clerical assistance in the management and operation but not the
4358 conduct of charitable games only for such organizations;

4359 b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth
4360 activities in which they participate may receive nonmonetary incentive awards or prizes from the
4361 organization;

4362 c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such
4363 bingo games are played for providing uniformed security for such bingo games even if such officer is a
4364 member of the sponsoring organization, provided the remuneration paid to such member is in accordance
4365 with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and
4366 further provided that such member is not otherwise engaged in the management, operation, or conduct of the
4367 bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139
4368 providing uniformed security for such bingo games, provided that employees of such businesses shall not
4369 otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

4370 d. A member of a qualified organization lawfully participating in the management, operation, or conduct
4371 of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises
4372 consumption during the bingo game, provided the food and beverages are provided in accordance with
4373 Board regulations;

4374 e. Remuneration may be paid to bingo managers or callers who have a current registration certificate
4375 issued by the Commissioner in accordance with § 29.5-226, or who are exempt from such registration
4376 requirement. Such remuneration shall not exceed \$100 per session; and

4377 f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel
4378 expenses, not to exceed \$50 per session.

4379 6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct,
4380 management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for consideration any
4381 bingo supplies, including bingo cards, instant bingo cards, or other game pieces; or (iii) require as a
4382 condition of the lease or by contract that a particular manufacturer, distributor, or supplier of bingo supplies
4383 or equipment be used by the organization.

4384 The provisions of this subdivision shall not apply to any qualified organization conducting bingo games
4385 on its own behalf at premises owned by it.

4386 7. No qualified organization shall enter into any contract with or otherwise employ or compensate any
4387 member of the organization on account of the sale of bingo supplies or equipment.

4388 8. No organization shall award any bingo prize money or any merchandise valued in excess of the
4389 following amounts:

4390 a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes in any
4391 one session;

4392 b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per bingo
4393 session may feature a regular bingo or special bingo game prize of up to \$200;

4394 c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

4395 d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed
4396 \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000.
4397 Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for
4398 separately from the bingo cards or sheets used for any other bingo games; and

4399 e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards
4400 shall be accounted for separately from bingo cards and sheets used for any other bingo game.

4401 9. The provisions of subdivision 8 shall not apply to any progressive bingo game, in which (i) a regular or
4402 special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at

random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Commission's rules of play.

10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

11. No qualified organization composed of or for deaf or blind persons that employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years, he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation, or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game that was found by the Commission or a court of competent jurisdiction to have been operated in violation of state law, local ordinance, or Board regulation.

13. Qualified organizations jointly conducting bingo games pursuant to § 29.5-220 shall not circumvent any restrictions and prohibitions that would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Commission as a supplier pursuant to § 29.5-225.

15. Unless otherwise permitted in this chapter, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

16. No organization qualified to conduct Texas Hold'em poker tournaments pursuant to § 29.5-219 shall conduct any Texas Hold'em poker games where the game has no predetermined end time and the players wager actual money or poker chips that have cash value.

§ 29.5-225. Suppliers of charitable gaming supplies; manufacturers of electronic gaming devices; permit; qualification; suspension, revocation, or refusal to renew certificate; maintenance, production, and release of records.

A. No person shall offer to sell, sell, or otherwise provide charitable gaming supplies to any qualified organization and no manufacturer shall distribute electronic gaming devices for charitable gaming in the Commonwealth unless and until such person has made application for and has been issued a permit by the Commissioner. An application for permit shall be made on forms prescribed by the Board and shall be accompanied by a fee in the amount of \$1,000. Each permit shall remain valid for a period of one year from the date of issuance. Application for renewal of a permit shall be accompanied by a fee in the amount of \$1,000 and shall be made on forms prescribed by the Board.

B. The Board shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this chapter for the registration of suppliers and manufacturers of electronic gaming devices for charitable gaming. The Commissioner shall refuse to issue a permit to any supplier or manufacturer who has, or who has any officer, director, partner, or owner who has, (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) violated the gaming laws of any jurisdiction within the last five years, including violations for failure to register; or (iv) had any license, permit, certificate, or other authority related to charitable gaming suspended or revoked in the Commonwealth or in any other jurisdiction within the last five years. The Commissioner may refuse to issue a permit to any supplier or manufacturer who has, or who has any officer,

4464 director, partner, or owner who has, (a) failed to file or has been delinquent in excess of one year in the filing
4465 of any tax returns or the payment of any taxes due the Commonwealth or (b) failed to establish a registered
4466 office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

4467 C. The Commissioner shall suspend, revoke, or refuse to renew the permit of any supplier or
4468 manufacturer for any conduct described in clause (i), (ii), (iii), or (iv) of subsection B. The Commissioner
4469 shall suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct
4470 described in clause (a) or (b) of subsection B or for any violation of this chapter or regulation of the Board.
4471 Before taking any such action, the Commissioner shall give the supplier or manufacturer a written statement
4472 of the grounds upon which he proposes to take such action and an opportunity to be heard. Every hearing in
4473 a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

4474 D. Each supplier shall document each sale of charitable gaming supplies, including electronic gaming
4475 devices, and other items incidental to the conduct of charitable gaming, such as markers, wands, or tape, to a
4476 qualified organization on an invoice that clearly shows (i) the name and address of the qualified organization
4477 to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number
4478 of each deal of instant bingo cards and pull-tab raffle cards, the quantity of deals sold, and the price per deal
4479 paid by the qualified organization; (iv) the serial number of the top sheet in each packet of bingo paper, the
4480 serial number for each series of uncollated bingo paper, and the cut, color, and quantity of bingo paper sold;
4481 and (v) any other information with respect to charitable gaming supplies, including electronic gaming
4482 devices, or other items incidental to the conduct of charitable gaming as the Board may prescribe by
4483 regulation. A legible copy of the invoice shall accompany the charitable gaming supplies when delivered to
4484 the qualified organization.

4485 Each manufacturer of electronic gaming devices shall document each distribution of such devices to a
4486 qualified organization or supplier on an invoice that clearly shows (a) the name and address of the qualified
4487 organization or supplier to which such systems were distributed; (b) the date of distribution; (c) the serial
4488 number of each such device; and (d) any other information with respect to electronic gaming devices as the
4489 Board may prescribe by regulation. A legible copy of the invoice shall accompany the electronic gaming
4490 devices when delivered to the qualified organization or supplier.

4491 E. Each supplier and manufacturer shall maintain a legible copy of each invoice required by subsection D
4492 for a period of three years from the date of sale. Each supplier and manufacturer shall make such documents
4493 immediately available for inspection and copying to any agent or employee of the Commission upon request
4494 made during normal business hours. This subsection shall not limit the right of the Commission to require the
4495 production of any other documents in the possession of the supplier or manufacturer that relate to its
4496 transactions with qualified organizations. All documents and other information of a proprietary nature
4497 furnished to the Commission in accordance with this subsection shall not be a matter of public record and
4498 shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700
4499 et seq.).

4500 F. Each supplier and manufacturer shall provide to the Commission the results of background checks and
4501 any other records or documents necessary for the Commission to enforce the provisions of subsections B and
4502 C.

4503 **§ 29.5-226. Bingo managers and callers; remuneration; registration; qualification; suspension,**
4504 **revocation, or refusal to renew certificate; exceptions.**

4505 A. No person shall receive remuneration as a bingo manager or caller from any qualified organization
4506 unless and until such person has made application for and has been issued a registration certificate by the
4507 Commissioner. Application for registration shall be made on forms prescribed by the Board and shall be
4508 accompanied by a fee in the amount of \$75. Each registration certificate shall remain valid for a period of
4509 one year from the date of issuance. Application for renewal of a registration certificate shall be accompanied
4510 by a fee in the amount of \$75 and shall be made on forms prescribed by the Board.

4511 B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide
4512 member of the qualified organization for at least 12 consecutive months prior to making application for
4513 registration and (ii) be required to complete a reasonable training course developed and conducted by the
4514 Board.

4515 As a condition of registration as a bingo caller, the applicant shall be required to complete a reasonable
4516 training course developed and conducted by the Board.

4517 The Commissioner may refuse to register any bingo manager or caller who has (a) been convicted of or
4518 pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if
4519 committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded nolo contendere to a
4520 crime involving gambling; (c) had any license, permit, certificate, or other authority related to activities
4521 defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any
4522 other jurisdiction; or (d) failed to file or has been delinquent in excess of one year in the filing of any tax
4523 returns or the payment of any taxes due the Commonwealth.

4524 C. The Commissioner may suspend, revoke, or refuse to renew the registration certificate of any bingo

manager or caller for any conduct described in subsection B or for any violation of this chapter or Board regulations. Before taking any such action, the Commissioner shall give the bingo manager or caller a written statement of the grounds upon which he proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The provisions of subsection A requiring registration for bingo callers with the Commission shall not apply to a bingo caller for a volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision.

§ 29.5-227. Licensing of network bingo providers; qualification; suspension, revocation, or refusal to renew license; maintenance, production, and release of records.

A. No person shall sell or offer to sell or otherwise provide access to a network bingo network to any qualified organization unless and until such person has made application for and has been issued a license by the Commissioner. An application for license shall be made on forms prescribed by the Board and shall be accompanied by a fee in the amount of \$500. Each license shall remain valid for a period of two years from the date of issuance. Application for renewal of a license shall be accompanied by a fee in the amount of \$500 and shall be made on forms prescribed by the Board.

B. The Board shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this chapter for the licensure of network bingo providers. The Commissioner may refuse to issue a license to any network bingo provider that has any officer, director, partner, or owner who has (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; (iv) failed to file or been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth; or (v) failed to establish a registered office or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

C. The Commissioner may suspend, revoke, or refuse to renew the license of any network bingo provider for any conduct described in subsection B or for any violation of this chapter or regulation of the Board. Before taking any such action, the Commissioner shall give the network bingo provider a written statement of the grounds upon which he proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The Board by regulation shall require network bingo providers to have onsite independent supervision of network bingo games as the numbers are called.

E. Each network bingo provider shall document each sale of network bingo supplies and other items incidental to the conduct of network bingo to a qualified organization on an invoice that clearly shows (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the name or form and serial number of each network bingo card, the quantity of cards sold, and the price per card paid by the qualified organization; and (iv) any other information required by the Commission. A legible copy of the invoice shall accompany the network bingo supplies when delivered to the qualified organization.

F. Each network bingo provider shall maintain a legible copy of each invoice required by subsection E for a period of three years from the date of sale. Each network bingo provider shall make such documents immediately available for inspection and copying to any agent or employee of the Commission upon request made during normal business hours. This subsection shall not limit the right of the Commission to require the production of any other documents in the possession of the network bingo provider that relate to its transactions with qualified organizations. All documents and other information of a proprietary nature furnished to the Commission in accordance with this subsection shall be exempt from disclosure under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 29.5-228. Suspension of permit and registration.

A. When any officer charged with the enforcement of the charitable gaming laws of the Commonwealth has reasonable cause to believe that the conduct of charitable gaming is being conducted by an organization in violation of this chapter or Board regulations, he may apply to any judge, magistrate, or other person having authority to issue criminal warrants for the immediate suspension of the permit or registration of the organization conducting charitable gaming. If the judge, magistrate, or person to whom such application is presented is satisfied that probable cause exists to suspend the permit or registration, he shall suspend the permit or registration. Immediately upon such suspension, the officer shall notify the organization in writing of such suspension.

B. Written notice specifying the particular basis for the immediate suspension shall be provided by the officer to the organization within one business day of the suspension and a hearing held thereon by the

4586 Commission or its designated hearing officer within 10 days of the suspension unless the organization
 4587 consents to a later date. No charitable gaming shall be conducted by the organization until the suspension
 4588 has been lifted by the Commission or a court of competent jurisdiction.

4589 **§ 29.5-229. Civil penalty.**

4590 A. Any person or organization, whether permitted or qualified pursuant to this chapter or not, that (i)
 4591 conducts charitable gaming without first obtaining a permit to do so, (ii) continues to conduct such games
 4592 after revocation or suspension of such permit, or (iii) otherwise violates any provision of this chapter shall, in
 4593 addition to any other penalties provided, be subject to a civil penalty of not less than \$25,000 and not more
 4594 than \$50,000 per incident. Any civil penalties collected pursuant to this section shall be payable to the State
 4595 Treasurer for remittance to the Commission.

4596 B. Any electronic gaming manufacturer, whether permitted pursuant to this chapter or not, shall, in
 4597 addition to any other penalties provided, be subject to the penalty identified in subsection A for any violation
 4598 of any provision of this chapter.

4599 **§ 29.5-230. Criminal penalties.**

4600 A. Any person who violates the provisions of this chapter or who willfully and knowingly files, or causes
 4601 to be filed, a false application, report, or other document or who willfully and knowingly makes a false
 4602 statement, or causes a false statement to be made, on any application, report, or other document required to
 4603 be filed with or made to the Commission is guilty of a Class 1 misdemeanor.

4604 B. Each day in violation of this section shall constitute a separate offense.

4605 C. Any person who converts funds derived from any charitable gaming to his own or another's use, when
 4606 the amount of funds is less than \$1,000, is guilty of petit larceny and, when the amount of funds is \$1,000 or
 4607 more, is guilty of grand larceny. The provisions of this section shall not preclude the applicability of any
 4608 other provision of the criminal law of the Commonwealth that may apply to any course of conduct that
 4609 violates this section.

4610 **CHAPTER 3.**

4611 **CASINO GAMING.**

4612 **Article 1.**

4613 **General Provisions.**

4614 **§ 29.5-300. Definitions.**

4615 As used in this chapter, unless the context requires a different meaning:

4616 "Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to winners.

4617 "Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines,
 4618 roulette wheels, Klondike tables, Mah Jongg, electronic table games, hybrid table games, punchboards, faro
 4619 layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the aforementioned games,
 4620 and any other activity that is authorized by the Board as a wagering game or device under this chapter.

4621 "Casino gaming" or "game" includes on-premises mobile casino gaming.

4622 "Casino gaming establishment" means the premises, including the entire property located at the address
 4623 of the licensed casino, upon which lawful casino gaming is authorized and licensed as provided in this
 4624 chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

4625 "Casino gaming operator" means any person issued a license by the Commissioner to operate a casino
 4626 gaming establishment.

4627 "Cheat" means to alter the selection criteria that determine the result of a game or the amount or
 4628 frequency of payment in a game for the purpose of obtaining an advantage for one or more participants in a
 4629 game over other participants in a game.

4630 "Counter check" means an interest-free negotiable instrument for a specified amount executed by a player
 4631 and held by the casino that serves as evidence of the casino gaming patron's obligation to pay the casino and
 4632 that can be exchanged by the casino gaming patron for the specified amount in chips, tokens, credits,
 4633 electronic credits, electronic cash, or electronic cards.

4634 "Eligible host city" means any city described in § 29.5-307 in which a casino gaming establishment is
 4635 authorized to be located.

4636 "Entity" means a person that is not a natural person.

4637 "Gaming operation" means the conduct of authorized casino gaming within a casino gaming
 4638 establishment.

4639 "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, electronic
 4640 credits, electronic cash, or electronic cards by casino gaming patrons. "Gross receipts" does not include the
 4641 cash value of promotions or credits provided to and exchanged by casino gaming patrons for chips, tokens,
 4642 electronic credits, electronic cash, or electronic cards. "Gross receipts" also does not include uncollectable
 4643 counter checks.

4644 "Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an
 4645 officer or employee and who is a dependent of the officer or employee or of whom the officer or employee is a
 4646 dependent.

4647 "Individual" means a natural person.

"Licensee" or "license holder" means any person holding an operator's license under § 29.5-312.

"On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by regulations promulgated by the Board.

"Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

"Person" means an individual, partnership, joint venture, association, limited liability company, stock corporation, or nonstock corporation and includes any person that directly or indirectly controls or is under common control with another person.

"Preferred casino gaming operator" means the proposed casino gaming establishment and operator thereof submitted by an eligible host city to the Board as an applicant for licensure.

"Prepaid access instrument" means a system device that allows a casino gaming patron access to funds that have been paid in advance and can be retrieved or transferred at some point in the future through such a device. In order to transfer funds for gaming purposes, a prepaid access instrument shall be redeemed for tokens, chips, credits, electronic credits, electronic cash, or electronic cards or used in conjunction with an approved cashless wagering system or interactive gaming account.

"Principal" means any individual who solely or together with his immediate family members (i) owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other ownership interests of such entity, and any person who manages a gaming operation on behalf of a licensee.

"Professional sports" means the same as that term is defined in § 29.5-400.

"Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation, stock, or other equity interest creates control of or voice in the management operations of an entity in the manner of a security, then such interest shall be considered a security.

"Sports betting" means the same as that term is defined in § 29.5-400.

"Sports betting facility" means an area, kiosk, or device located inside a casino gaming establishment licensed pursuant to this chapter that is designated for sports betting.

"Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming equipment, devices, or supplies, or provides any management services, to a licensee.

"Voluntary exclusion program" means a program established by the Board pursuant to § 29.5-118 that allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision 1 of § 29.5-118 by placing their names on a voluntary exclusion list and following the procedures set forth by the Board.

"Youth sports" means the same as that term is defined in § 29.5-400.

§ 29.5-301. Regulation and control of casino gaming; limitation.

A. Casino gaming shall be licensed and permitted as herein provided to benefit the people of the Commonwealth. The Board is vested with authority to prescribe regulations and conditions under this chapter. The Commissioner shall retain control of all other facets of control for all casino gaming in the Commonwealth. The purposes of this chapter are to assist economic development, promote tourism, and provide for the implementation of casino gaming operations of the highest quality, honesty, and integrity and free of any corrupt, incompetent, dishonest, or unprincipled practices.

B. The conduct of casino gaming shall be limited to the qualified locations established in § 29.5-307. The Commissioner shall be limited to the issuance of a single operator's license for each such qualified location.

C. The conduct of any casino gaming and entrance to such establishment is a privilege that may be granted or denied by the Commissioner or his duly authorized representatives in his discretion in order to effectuate the purposes set forth in this chapter. Any proposed site for a casino gaming establishment shall be privately owned property subject to the local land use and property taxation authority of the eligible host city in which the casino gaming establishment is located.

§ 29.5-302. Additional powers of the Commissioner.

In addition to the powers and duties set forth in § 29.5-102, the Commissioner shall:

1. Issue permits and licenses under this chapter and supervise all gaming operations licensed under the provisions of this chapter, including all persons conducting or participating in any gaming operation. The Commissioner shall employ such persons to be present during gaming operations as are necessary to ensure that such gaming operations are conducted with order and the highest degree of integrity.

2. Issue an operator's license only to a person who meets the criteria of § 29.5-309.

3. Suspend, revoke, or refuse to renew any license or permit issued pursuant to this chapter.

4. Eject or exclude from a casino gaming establishment any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Commissioner, reflect negatively on the honesty and integrity of casino gaming or interfere with the orderly gaming

4709 operations.

4710 5. Immediately upon the receipt of a credible complaint of an alleged criminal violation of this chapter,
4711 report the complaint to the Attorney General and the Office of the Gaming Enforcement Coordinator at the
4712 Department of State Police for appropriate action.

4713 6. Inspect and investigate, and have free access to, the offices, facilities, or other places of business of any
4714 licensee or permit holder and may compel the production of any of the books, documents, records, or
4715 memoranda of any licensee or permit holder for the purpose of ensuring compliance with this chapter and
4716 Board regulations.

4717 7. Compel any person holding a license or permit pursuant to this chapter to file with the Commission
4718 such information as shall appear to the Commissioner to be necessary for the performance of the
4719 Commission's functions, including financial statements and information relative to principals and all others
4720 with any pecuniary interest in such person.

4721 8. Impose a fine or penalty not to exceed \$1 million upon any person determined, in proceedings
4722 commenced pursuant to § 29.5-305, to have violated any of the provisions of this chapter or regulations
4723 promulgated by the Board.

4724 9. Report annually to the Governor and the General Assembly on the expenses incurred in the regulation
4725 of casino gaming operations. Such annual report shall also include recommendations for changes in this
4726 chapter, as the Commissioner and Board deem necessary or desirable.

4727 10. Report immediately to the Governor and the General Assembly any matters that require immediate
4728 changes in the laws of the Commonwealth in order to prevent abuses and evasions of this chapter or the rules
4729 and regulations adopted hereunder or to rectify undesirable conditions in connection with the operation or
4730 regulation of casino gaming in the Commonwealth.

4731 **§ 29.5-303. Additional powers and duties of the Board; regulations.**

4732 In addition to the powers and duties set forth in § 29.5-104, the Board shall have the power and duty to:

4733 1. Adopt regulations regarding the conditions under which casino gaming shall be conducted in the
4734 Commonwealth and all such other regulations it deems necessary and appropriate to further the purposes of
4735 this chapter.

4736 2. Issue subpoenas for the attendance of witnesses before the Board, administer oaths, and compel
4737 production of records or other documents and testimony of such witnesses whenever in the judgment of the
4738 Board it is necessary to do so for the effectual discharge of its duties.

4739 3. Order such audits as it deems necessary and desirable.

4740 4. Provide for the withholding of the applicable amount of state and federal income tax of persons
4741 claiming a prize or payoff for winning a game and establish the thresholds for such withholdings.

4742 **§ 29.5-304. Fingerprints and background investigations.**

4743 The Commissioner, in conjunction with an accredited law-enforcement agency, shall conduct a
4744 background investigation, including a criminal history records check and fingerprinting, of the following
4745 individuals: (i) every individual applying for a license or permit pursuant to this chapter; (ii) every individual
4746 who is an officer, director, or principal of a licensee or applicant for a license and every employee of the
4747 licensee who conducts gaming operations; (iii) all security personnel of any licensee; and (iv) all permit
4748 holders and officers, directors, principals, and employees of permit holders whose duties relate to gaming
4749 operations in the Commonwealth. Each such individual shall submit his fingerprints and personal descriptive
4750 information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of
4751 Investigation for a national criminal records search and to the Department of State Police for a Virginia
4752 criminal history records check. The results of the background check and national and state criminal records
4753 check shall be returned to the Commissioner.

4754 **§ 29.5-305. Hearing and appeal.**

4755 Any person aggrieved by a refusal of the Commissioner to issue any license or permit, the suspension or
4756 revocation of a license or permit, the imposition of a fine, or any other action of the Commission may seek
4757 review of such action in accordance with Board regulations and Article 3 (§ 2.2-4018 et seq.) of the
4758 Administrative Process Act in the Circuit Court of the City of Richmond. Further appeals shall also be in
4759 accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

4760 **§ 29.5-306. Injunction.**

4761 The Commission may apply to the appropriate circuit court for an injunction against any person who has
4762 violated or may violate any provision of this chapter, Board regulation, or final decision of the Commission.
4763 The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

4764 Article 2.

4765 Eligible Host City; Certification of Preferred Casino Gaming Operator.

4766 **§ 29.5-307. Eligible host city; certification of preferred casino gaming operator.**

4767 A. The conduct of casino gaming shall be limited to the following eligible host cities:

4768 1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is exempt
4769 from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal

Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act;

4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and

5. Any city (i) in which at least 17 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2016; (ii) that had a poverty rate of at least 21 percent in 2019, according to data provided by the U.S. Census Bureau; and (iii) that had an annual unemployment rate of at least 13 percent in 2020, according to data provided by the U.S. Bureau of Labor and Statistics.

B. In selecting a preferred casino gaming operator, an eligible host city shall have considered and given substantial weight to factors such as:

1. The potential benefit and prospective revenues of the proposed casino gaming establishment.

2. The total value of the proposed casino gaming establishment.

3. The proposed capital investment and the financial health of the proposer and any proposed development partners.

4. The experience of the proposer and any development partners in the operation of a casino gaming establishment.

5. Security plans for the proposed casino gaming establishment.

6. The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such.

7. Availability of city-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the proposal.

8. The best financial interest of the city.

9. The proposer's status as a minority-owned business as defined in § 2.2-1604 or the proposer's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the proposer's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services.

C. The Commissioner shall, upon request of any eligible host city, provide a list of resources that may be of assistance in evaluating the technical merits of any proposal submitted pursuant to this section, provided that selection of the preferred casino gaming operator shall be at the city's sole discretion.

D. The eligible host city described in subdivision A 4 shall provide substantial and preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

E. An eligible host city shall promptly submit its preferred casino gaming operator to the Commission for review prior to scheduling the referendum required by § 29.5-325. An eligible host city shall include with the submission any written or electronic documentation considered as part of the criteria in subsection B, including any memorandums of understanding, incentives, development agreements, land purchase agreements, or local infrastructure agreements. The Commissioner shall conduct a preliminary review of the financial status and ability of the preferred casino gaming operator to operate and properly support ongoing operations in an eligible host city, as well as current casino operations in other states and territories. The Commissioner shall conduct such review within 45 days of receipt of the submission by the eligible host city. An eligible host city and preferred casino gaming operator shall fully cooperate with all necessary requests by the Commissioner in that regard. Upon successful preliminary review, the Commissioner shall certify approval for the eligible host city to proceed to the referendum required by § 29.5-325. The Board shall

4831 develop guidelines establishing procedures and criteria for conducting the preliminary review required by
4832 this subsection. Certification by the Commissioner to proceed to referendum shall in no way entitle the
4833 preferred casino gaming operator to approval of any application to operate a casino gaming establishment.

4834 **§ 29.5-308. Regional Improvement Commission.**

4835 There is hereby established the Regional Improvement Commission (the RIC). The membership of the RIC
4836 shall consist of one member appointed by the local governing body of each jurisdiction composing the
4837 transportation district created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) that
4838 includes the eligible host city described in subdivision A 3 of § 29.5-307. Each member shall be appointed to
4839 serve a two-year term. Notwithstanding the provisions of subdivision B 1 of § 29.5-327, for a casino gaming
4840 establishment located in the eligible host city described in subdivision A 3 of § 29.5-307, such transfer,
4841 otherwise returned to the city where it was collected, shall instead be made to the RIC. The purpose of the
4842 RIC shall be to (i) receive disbursements made to it; (ii) establish funding priorities for member localities
4843 related to improvements in the areas of education, transportation, and public safety; and (iii) make annual
4844 payments divided equally among the jurisdictions to fund the established priorities as determined by the RIC.

4845 **Article 3.**

4846 **Licenses and Supplier's Permits.**

4847 **§ 29.5-309. Operator's license required; capital investment; equity interest; transferability; fee.**

4848 A. No person shall operate a casino gaming establishment unless he has obtained an operator's license
4849 issued by the Commissioner in accordance with the provisions of this chapter and the regulations
4850 promulgated pursuant to this chapter.

4851 B. To obtain an operator's license issued under the provisions of this chapter, the applicant shall (i) make
4852 a capital investment of at least \$300 million in a casino gaming establishment, including the value of the real
4853 property upon which such establishment is located and all furnishings, fixtures, and other improvements, and
4854 (ii) possess an equity interest equal to at least 20 percent of the casino gaming establishment.

4855 C. A license issued under the provisions of this chapter shall be transferable, provided that the
4856 Commissioner has approved the proposed transfer and all licensure requirements are satisfied at the time the
4857 transfer takes effect.

4858 D. A nonrefundable fee of \$15 million shall be paid by the applicant to the Commission upon the issuance
4859 of a license and upon any subsequent transfer of a license to operate a casino gaming establishment. Such
4860 fees shall be deposited by the Commission into the Commonwealth Gaming Operations Fund established
4861 pursuant to § 29.5-119.

4862 E. No person issued a license pursuant to this chapter shall be precluded from obtaining a license for
4863 online sports betting pursuant to Chapter 4 (§ 29.5-400 et seq.) or any subsequently created online sports
4864 betting license.

4865 **§ 29.5-310. Submission of preferred casino gaming operator by eligible host city; application for
4866 operator's license; penalty.**

4867 A. If a majority of those voting in a referendum held pursuant to § 29.5-325 vote in the affirmative, the
4868 eligible host city shall certify its preferred casino gaming operator and submit such certification to the
4869 Commission within 30 days.

4870 B. Any preferred casino gaming operator desiring to operate a casino gaming establishment shall file
4871 with the Commission an application for an operator's license. Such application shall be filed at the place
4872 prescribed by the Board and shall be in such form and contain such information as prescribed by the Board,
4873 including the following:

4874 1. The name and address of such person; if a corporation, the state of its incorporation, the full name and
4875 address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to do
4876 business in the Commonwealth; if a partnership or joint venture, the name and address of each general
4877 partner thereof; if a limited liability company, the name and address of each manager thereof; or, if another
4878 entity, the name and address of each person performing duties similar to those of officers, directors, and
4879 general partners;

4880 2. The name and address of each principal and of each person who has contracted to become a principal
4881 of the applicant, including providing management services with respect to any part of gaming operations; the
4882 nature and cost of such principal's interest; and the name and address of each person who has agreed to lend
4883 money to the applicant;

4884 3. Such information as the Board considers appropriate regarding the character, background, and
4885 responsibility of the applicant and the principals, officers, and directors of the applicant;

4886 4. A description of the casino gaming establishment in which such gaming operations are to be conducted,
4887 the city where such casino gaming establishment will be located, and the applicant's capital investment plan
4888 for the site. The Board shall require such information about a casino gaming establishment and its location
4889 as it deems necessary and appropriate to determine whether it complies with the minimum standards
4890 provided in this chapter and whether gaming operations at such location will be in furtherance of the
4891 purposes of this chapter;

4892 5. Such information relating to the financial responsibility of the applicant, including the applicant's

financing plan for the casino gaming establishment, and the applicant's ability to perform under its license as the Board considers appropriate;

6. If any of the facilities necessary for the conduct of gaming operations are to be leased, the terms of such lease;

7. Evidence of compliance by the applicant with the economic development and land use plans and design review criteria of the local governing body of the city in which the casino gaming establishment is proposed to be located, including certification that the project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2;

8. Such information necessary to enable the Commissioner to review the application based upon the best financial interests of the Commonwealth;

9. Such information necessary to enable the Commissioner to authorize on-premises mobile casino gaming pursuant to this chapter;

10. Submission of the following: (i) a minority investment plan disclosing any equity interest owned by a minority individual or minority-owned business or the applicant's efforts to seek equity investment from minority individuals or minority-owned businesses and (ii) a plan for the participation of minority individuals or minority-owned businesses in the applicant's purchase of goods and services related to the casino gaming establishment. As used in this subdivision, "minority individual" and "minority-owned business" mean the same as those terms are defined in § 2.2-1604; and

11. Any other information that the Board in its discretion considers appropriate.

C. A nonrefundable application fee of \$50,000 shall be paid for each principal at the time of filing to defray the costs associated with the background investigation conducted for the Commission. If the reasonable costs of the investigation exceed the application fee, the applicant shall pay the additional amount to the Commission. The Board may establish regulations calculating the reasonable costs to the Commission in performing its functions under this chapter and allocating such costs to the applicants for licensure at the time of filing.

D. Any license application from an Indian tribe as described in subsection D of § 29.5-307 shall certify that the material terms of the relevant development agreements between the Indian tribe and any development partner have been determined in the opinion of the Office of General Counsel of the National Indian Gaming Commission after review not to deprive the Indian tribe of the sole proprietor interest in the gaming operations for purposes of federal Indian gaming law.

E. Any application filed pursuant to this chapter shall be verified by the oath or affirmation of the applicant. Any person who knowingly makes a false statement on an application is guilty of a Class 4 felony.

F. The licensed operator shall be the person primarily responsible for the gaming operations under its license and compliance of such operations with the provisions of this chapter.

G. The Commissioner may use or rely on any application, supporting documentation, or information submitted pursuant to § 29.5-402, in reviewing and verifying an application submitted pursuant to this chapter.

§ 29.5-311. Issuance of operator's license to preferred casino gaming operator; standards for licensure; temporary casino gaming allowed under certain conditions.

A. If a preferred casino gaming operator, as certified by the applicable eligible host city, submits an application that meets the standards for licensure set forth in this chapter, the Commissioner shall issue an operator's license to such preferred casino gaming operator. The Commissioner shall not consider an application from any applicant that has not been certified as a preferred casino gaming operator by an eligible host city.

B. The Commissioner may issue an operator's license to an applicant only if he finds that:

1. The applicant submits a plan for addressing responsible gaming issues, including the goals of the plan, procedures, and deadlines for implementation of the plan;

2. The applicant has established a policy requiring all license and permit holders who interact directly with the public in the casino gaming establishment to complete a training course acceptable to the Board in how to recognize and report suspected human trafficking;

3. The casino gaming establishment the applicant proposes to use on a permanent basis is or will be appropriate for gaming operations consistent with the purposes of this chapter;

4. The city where the casino gaming establishment will be located certifies that the proposed project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2;

5. Any required local infrastructure or site improvements, including necessary sewerage, water, drainage facilities, or traffic flow, are to be paid exclusively by the applicant without state or local financial assistance;

6. If the applicant is an entity, its securities are fully paid and, in the case of stock, nonassessable and have been subscribed and will be paid for only in cash or property to the exclusion of past services;

7. All principals meet the criteria of this subsection and have submitted to the jurisdiction of the courts of the Commonwealth, and all nonresident principals have designated the Commissioner as their agent for

4954 receipt of process;

4955 8. If the applicant is an entity, it has the right to purchase at fair market value the securities of, and
4956 require the resignation of, any person who is or becomes disqualified under subsection C;

4957 9. The applicant meets any other criteria established by this chapter and the Board's regulations for the
4958 granting of an operator's license;

4959 10. The applicant is qualified to do business in the Commonwealth or is subject to the jurisdiction of the
4960 courts of the Commonwealth; and

4961 11. The applicant has not previously been denied a license pursuant to subsection C.

4962 C. The Commissioner shall deny a license to an applicant if he finds that for any reason the issuance of a
4963 license to the applicant would reflect adversely on the honesty and integrity of the casino gaming industry in
4964 the Commonwealth or that the applicant, or any officer, principal, manager, or director of the applicant:

4965 1. Is or has been guilty of any illegal act, conduct, or practice in connection with gaming operations in
4966 this or any other state or has been convicted of a felony;

4967 2. Has had a license or permit to hold or conduct a gaming operation denied for cause, suspended, or
4968 revoked, in this or any other state or country, unless the license or permit was subsequently granted or
4969 reinstated;

4970 3. Has at any time during the previous five years knowingly failed to comply with the provisions of this
4971 chapter or any Board regulation;

4972 4. Has knowingly made a false statement of material fact to the Commission or has deliberately failed to
4973 disclose any information requested by the Commission;

4974 5. Has defaulted in the payment of any obligation or debt due to the Commonwealth and has not cured
4975 such default; or

4976 6. Has operated or caused to be operated a casino gaming establishment for which a license is required
4977 under this chapter without obtaining such license.

4978 D. The Commissioner shall make a determination regarding whether to issue the operator's license within
4979 12 months of the receipt of a completed application.

4980 E. The Commissioner shall be limited to the issuance of one operator's license for each eligible host city.

4981 F. If, at the time of application, the applicant has not satisfied the capital investment requirement of at
4982 least \$300 million pursuant to subsection B of § 29.5-309 but otherwise meets the standards for licensure set
4983 forth in this chapter, the Commissioner shall issue the operator's license, which, prior to satisfying the
4984 capital investment requirement, may not be used to conduct gaming other than temporary casino gaming
4985 pursuant to subsection G.

4986 G. The Commissioner may authorize casino gaming to occur on a temporary basis for a period of one
4987 year under the following conditions:

4988 1. The request to authorize casino gaming is made by a preferred casino gaming operator that has been
4989 issued a license consistent with this section.

4990 2. The preferred casino gaming operator has submitted as a part of its application for licensure a
4991 construction schedule for a casino gaming establishment that has been approved by the eligible host city and
4992 the Commissioner.

4993 3. The temporary casino gaming is to be conducted at the same site referenced in the referendum held
4994 pursuant to § 29.5-325.

4995 4. The preferred casino gaming operator has secured suppliers and employees holding the appropriate
4996 permits required by this chapter and sufficient for the routine operation of the site where the temporary
4997 casino gaming is authorized.

4998 5. A performance bond is posted in an amount acceptable to the Board.

4999 H. No portion of any facility developed with the assistance of any grants or loans provided by a
5000 redevelopment and housing authority created pursuant to § 36-4 shall be used as a casino gaming
5001 establishment.

5002 The Commissioner may renew the authorization to conduct temporary casino gaming for an additional
5003 year if he determines that the preferred casino gaming operator has made a good faith effort to comply with
5004 the approved construction schedule.

5005 I. An operator issued a license under this chapter shall not be precluded from operating a sports betting
5006 facility for individuals to participate in sports betting activities in a casino gaming establishment, which may
5007 include in-person sports betting where the bettor places a bet directly with an employee of the casino or the
5008 sports betting permit holder, or through a kiosk or device.

5009 **§ 29.5-312. Duration and form of operator's license; bond.**

5010 A. A casino gaming operator license under this chapter shall be valid for a period of 10 years from its
5011 date of issuance but shall be reviewed no less frequently than annually to determine compliance with this
5012 chapter and Board regulations. Such annual review shall include a certification by the eligible host city of
5013 the status of the operator's compliance with local ordinances and regulations. If the certification states that
5014 the operator is not in compliance, the Commissioner shall require the operator to submit a plan of

compliance, corrective action, or request for variance.

B. The Board shall establish by regulation the criteria and procedures for license renewal and for amending licenses to conform to changes in a licensee's gaming operations. Such regulations shall require the operator to submit to the Commissioner any updates or revisions to the capital investment plan provided with the initial license application pursuant to subdivision B 4 of § 29.5-310. Renewal shall not be unreasonably refused.

C. The Board shall require a bond with surety acceptable to it, and in an amount determined by it, to be sufficient to cover any indebtedness incurred by the licensee to the Commonwealth.

§ 29.5-313. Records to be kept; reports; reinvestment projection.

A. A licensed operator shall keep his books and records so as to clearly indicate the total amount of gross receipts and adjusted gross receipts.

B. The licensed operator shall furnish to the Commission reports and information as the Commission may require with respect to its activities on forms designated and supplied for such purpose by the Board.

C. Every five years the licensed operator shall submit to the Commission for review and approval a reinvestment projection related to the casino gaming establishment to cover the succeeding five-year period of operations.

§ 29.5-314. Electronic accounting and reporting requirements; annual audit of licensed gaming operations.

A. Each casino game that operates electronically shall be connected to a central monitoring and audit system established and operated by the Commission. Such system shall provide the ability to audit and account for terminal revenues and distributions in real time. The central monitoring and audit system shall collect the following information from each electronically operated casino game, as applicable: (i) cash in, (ii) cash out, (iii) points played, (iv) points won, (v) gross terminal income, (vi) net terminal income, (vii) the number of plays of the game, (viii) the amounts paid to play the game, (ix) door openings, (x) power failures, (xi) remote activations and disabling, and (xii) any other information required by Board regulations.

B. Within 90 days after the end of each fiscal year, the licensed operator shall transmit to the Commission a third-party, independent audit of the financial transactions and condition of the licensee's total operations. All audits required by this section shall conform to Board regulations.

§ 29.5-315. Supplier's permits; penalty.

A. The Commissioner may issue a supplier's permit to any person upon application and payment of a nonrefundable application fee set by the Board, a determination by the Commissioner that the applicant is eligible for a supplier's permit, and payment of a \$5,000 initial permit fee. A supplier's permit shall be renewed at a fee to be determined by the Board, not to exceed \$5,000 per year of licensure. Such fees shall be deposited by the Commission into the Commonwealth Gaming Operations Fund established pursuant to § 29.5-119. The Board shall prescribe by regulation the criteria for the issuance, duration, and renewal of supplier's permits.

B. The holder of a supplier's permit may sell or lease, or contract to sell or lease, casino gaming equipment and supplies, or provide management services, to any licensee involved in the ownership or management of gaming operations to the extent provided in the permit.

C. Gaming equipment, devices, and supplies shall not be distributed unless such equipment, devices, and supplies conform to standards adopted by the Board.

D. A person is ineligible to receive a supplier's permit if:

1. The person has been convicted of a felony under the laws of the Commonwealth or any other state or of the United States;

2. The person has submitted an application for a license under this chapter that contains false information;

3. The person is a Board member, employee of the Commission, or a member of the immediate household of a Board member or Commission employee;

4. The person is an entity in which a person described in subdivision 1, 2, or 3 is an officer, director, principal, or managerial employee;

5. The firm or corporation employs a person who participates in the management or operation of casino gaming authorized under this chapter; or

6. A prior permit issued to such person to own or operate casino gaming establishments or supply goods or services to a gaming operation under this chapter or any laws of any other jurisdiction has been revoked.

E. Any person that supplies any casino gaming equipment, devices, or supplies to a licensed gaming operation or manages any operation, including a computerized network, of a casino gaming establishment shall first obtain a supplier's permit. A supplier shall furnish to the Commission a list of all management services, equipment, devices, and supplies offered for sale or lease in connection with the games authorized under this chapter. A supplier shall keep books and records for the furnishing of casino gaming equipment, devices, and supplies to gaming operations separate and distinct from any other business that the supplier might operate. A supplier shall file a quarterly return with the Commission listing all sales and leases for

5076 which a permit is required. A supplier shall permanently affix its name to all its equipment, devices, and
 5077 supplies for gaming operations. Any supplier's equipment, devices, or supplies that are used by any person in
 5078 an unauthorized gaming operation shall be forfeited to the Commonwealth.

5079 F. A licensed operator may operate its own equipment, devices, and supplies and may utilize casino
 5080 gaming equipment, devices, and supplies at such locations as may be approved by the Commission for the
 5081 purpose of training enrollees in a school operated by the licensee to train individuals who desire to become
 5082 qualified for employment or promotion in gaming operations. The Board may promulgate regulations for the
 5083 conduct of any such schools.

5084 G. Each holder of an operator's license under this chapter shall file an annual report with the
 5085 Commission listing its inventories of casino gaming equipment, devices, and supplies related to its operations
 5086 in the Commonwealth.

5087 H. Any person who knowingly makes a false statement on an application for a supplier's permit is guilty
 5088 of a Class 4 felony.

5089 **§ 29.5-316. Denial of permit final.**

5090 The denial of a supplier's permit by the Commissioner shall be final unless appealed under § 29.5-305. A
 5091 permit may not be applied for again for a period of five years from the date of denial without the permission
 5092 of the Commissioner.

5093 **§ 29.5-317. Suspension or revocation of license or permit.**

5094 A. The Commissioner may suspend, revoke, refuse to renew, or assess a civil penalty against the holder of
 5095 a license or permit in a sum not to exceed \$100,000, after notice and a hearing. Such license or permit may,
 5096 however, be temporarily suspended by the Commissioner without prior notice, pending any prosecution,
 5097 hearing, or investigation, whether by a third party or by the Commissioner. A license may be suspended,
 5098 revoked, or refused renewal by the Commissioner for one or more of the following reasons:

5099 1. Failure to comply with, or violation of, any provision of this chapter or any regulation or condition of
 5100 the Board;

5101 2. Failure to disclose facts during the application process that indicate that such license or permit should
 5102 not have been issued;

5103 3. Conviction of a felony under the laws of the Commonwealth or any other state or of the United States
 5104 subsequent to issuance of a license or permit;

5105 4. Failure to file any return or report, to keep any records, or to pay any fees or other charges required by
 5106 this chapter;

5107 5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the integrity
 5108 of gaming operations;

5109 6. A material change, since issuance of the license or permit, with respect to any matters required to be
 5110 considered by the Commissioner under this chapter; or

5111 7. Other factors established by Board regulation.

5112 B. Such action by the Commissioner shall be final unless appealed in accordance with § 29.5-305.
 5113 Suspension or revocation of a license or permit for any violation shall not preclude criminal liability for such
 5114 violation.

5115 **§ 29.5-318. Acquisition of interest in licensee or permit holder.**

5116 The Commission shall require any person desiring to become a principal of, or other investor in, any
 5117 licensee or holder of a supplier's permit to apply to the Commissioner for approval and may demand such
 5118 information of the applicant as it finds necessary. The Commissioner shall consider such application within
 5119 60 days of its receipt, and if in his judgment the acquisition by the applicant would be detrimental to the
 5120 public interest, to the honesty and integrity of gaming operations, or to its reputation, the application shall be
 5121 denied. All reasonable costs for review by the Commissioner shall be borne by the applicant.

5122 **Article 4.**

5123 **Service Permits.**

5124 **§ 29.5-319. Service permit required.**

5125 No person shall participate in any gaming operation as a casino gaming employee or concessionaire or
 5126 employee of either or in any other occupation that the Board has determined necessary to regulate in order
 5127 to ensure the integrity of casino gaming in the Commonwealth unless such person possesses a service permit
 5128 to perform such occupation issued by the Commissioner. The Board shall prescribe by regulation the criteria
 5129 for the issuance, duration, and renewal of service permits.

5130 **§ 29.5-320. Application for service permit.**

5131 A. Any person desiring to obtain a service permit as required by this chapter shall apply on a form
 5132 prescribed by the Board. The application shall be accompanied by a fee prescribed by the Board. Such fees
 5133 shall be deposited by the Commission into the Commonwealth Gaming Operations Fund established pursuant
 5134 to § 29.5-119.

5135 B. Any application filed hereunder shall be verified by the oath or affirmation of the applicant.

5136 **§ 29.5-321. Consideration of service permit application.**

5137 A. The Commissioner shall promptly consider any application for a service permit and issue or deny such

service permit on the basis of the information in the application and all other information provided, including any investigation he considers appropriate. If an application for a service permit is approved, the Commissioner shall issue a service permit containing such information as the Board considers appropriate.

B. The Commissioner shall deny the application and refuse to issue the service permit, which denial shall be final unless an appeal is taken under § 29.5-305, if it finds that the issuance of such service permit to such applicant would not be in the best interests of the Commonwealth or would reflect negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1. Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information requested by the Commission;

2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming operations in the Commonwealth or any other state;

3. Has knowingly failed to comply with the provisions of this chapter or the regulations promulgated pursuant to this chapter;

4. Has had a service permit to engage in activity related to casino gaming denied for cause, suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or revocation is still in effect;

5. Is unqualified to perform the duties required for the service permit sought; or

6. Has been convicted of a misdemeanor or felony involving unlawful conduct of wagering, fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery, embezzlement, distribution or possession of drugs, excluding misdemeanor possession of marijuana, or any crime considered by the Commission to be detrimental to the honesty and integrity of casino gaming in the Commonwealth.

C. The Commissioner may refuse to issue a service permit if for any reason he determines the granting of such service permit is not consistent with the provisions of this chapter or its responsibilities or any regulations promulgated by any other agency of the Commonwealth.

§ 29.5-322. Suspension or revocation of service permit; civil penalty.

A. The Commissioner may suspend, revoke, refuse to renew, or assess a civil penalty against the holder of a service permit in a sum not to exceed \$10,000, after notice and a hearing. Such service permit may, however, be temporarily suspended by the Commissioner without prior notice, pending any prosecution, hearing, or investigation, whether by a third party or by the Commissioner. A service permit may be suspended, revoked, or refused renewal by the Commissioner for one or more of the following reasons:

1. Failure to comply with, or violation of, any provision of this chapter or any regulation or condition of the Board;

2. Failure to disclose facts during the application process that indicate that such service permit should not have been issued;

3. Conviction of a felony under the laws of the Commonwealth or any other state or of the United States subsequent to issuance of a service permit;

4. Failure to file any return or report, keep any record, or pay any fees or other charges required by this chapter;

5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the integrity of gaming operations;

6. A material change, since issuance of the service permit, with respect to any matters required to be considered by the Commissioner under this chapter; or

7. Other factors established by Board regulation.

B. Actions taken by the Commissioner pursuant to this section shall be final unless appealed in accordance with § 29.5-305. Suspension or revocation of a service permit for any violation shall not preclude criminal liability for such violation.

Article 5.

Conduct of Casino Gaming; Local Referendum.

§ 29.5-323. Conduct of casino gaming.

A. Casino gaming may be conducted by licensed operators, subject to the following:

1. Minimum and maximum wagers on games shall be set by Board regulations.

2. Agents of the Commission, the Department of State Police, and the local law-enforcement and fire departments may enter any casino gaming establishment and inspect such facility at any time for the purpose of determining compliance with this chapter and other applicable fire prevention and safety laws.

3. Employees of the Commission shall have the right to be present in any facilities under the control of the licensee.

4. Gaming equipment, devices, and supplies customarily used in conducting casino gaming shall be purchased or leased only from suppliers holding permits for such purpose under this chapter.

5. Persons licensed under this chapter shall permit no form of wagering on games except as permitted by this chapter.

6. Wagers may be received only from a person present at the licensed casino gaming establishment. No person present at such facility shall place or attempt to place a wager on behalf of another person who is not

5199 present at the facility.

5200 7. No person under age 21 shall be permitted to make a wager under this chapter or be present where
5201 casino gaming is being conducted. A licensee or permit holder may employ persons between the ages of 18
5202 and 21 for positions in nongaming areas and such employees may traverse the gaming floor, while on duty.

5203 8. No person shall place or accept a wager on youth sports.

5204 9. No licensee or permit holder shall accept postdated checks in payment for participation in any gaming
5205 operation. No licensee or permit holder, or any person on the premises of a casino gaming establishment,
5206 shall extend lines of credit or accept any credit card or other electronic fund transfer in payment for
5207 participation in any gaming operation. A licensee or permit holder may accept prepaid access instruments. In
5208 order to transfer funds for gaming purposes, a prepaid access instrument must be redeemed for tokens, chips,
5209 credits, electronic credits, electronic cash, or electronic cards or used in conjunction with an approved
5210 cashless wagering system or interactive gaming account. A licensee or permit holder may issue interest-free
5211 counter checks to a player provided (i) the player submits an application and (ii) the licensee or permit
5212 holder verifies funds sufficient to cover the face value of the counter check. Such counter checks shall be
5213 subject to the tax reporting requirements under state and federal law. Nothing shall preclude a player from
5214 making a wire transfer to licensees or permit holders.

5215 B. Casino gaming wagers shall be conducted only with tokens, chips, electronic credits, electronic cash,
5216 or electronic cards purchased from a licensed casino gaming operator. The conversion of cash to tokens,
5217 chips, credits, electronic credits, electronic cash, or electronic cards at a slot machine or any other casino
5218 game is permissible and does not constitute conducting a wager. Such tokens, chips, credits, electronic
5219 credits, electronic cash, or electronic cards may be used only for the purpose of (i) making wagers on games,
5220 (ii) redeeming for cash or check, or (iii) making a donation to a charitable entity granted tax-exempt status
5221 under § 501(c)(3) of the Internal Revenue Code, provided that the donated tokens, chips, credits, electronic
5222 credits, electronic cash, or electronic cards are redeemed by the same charitable entity accepting the
5223 donation. The provisions of this subsection shall not apply to sports betting in a sports betting facility, which
5224 may be conducted using cash.

5225 **§ 29.5-324. Posting of illegal gaming tip line.**

5226 Every casino gaming operator shall post in a conspicuous place in its casino gaming establishment a sign
5227 that bears the toll-free telephone number and website for the illegal gaming tip line established and
5228 administered by the Office of the Gaming Enforcement Coordinator in the Department of State Police
5229 pursuant to § 52-54 for members of the public to report concerns about, or suspected instances of, illegal
5230 gaming activities.

5231 **§ 29.5-325. Local referendum required.**

5232 A. The Commissioner shall not grant any initial license to operate a gaming operation in an eligible host
5233 city until a referendum on the question of whether casino gaming shall be permitted in such city is approved
5234 by the voters of such city.

5235 B. The governing body of any city containing an eligible host city shall petition the court, by resolution,
5236 asking that a referendum be held on the question of whether casino gaming shall be permitted within the city.
5237 The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title
5238 24.2, shall require the regular election officials of the city to open the polls and take the sense of the voters
5239 on the question as herein provided.

5240 C. The clerk of such court of record of such city shall publish notice of such election in a newspaper of
5241 general circulation in such city once a week for three consecutive weeks prior to such election.

5242 D. The regular election officers of such city shall open the polls at the various voting places in such city
5243 on the date specified in such order and conduct such election in the manner provided by law. The election
5244 shall be by ballot, which shall be prepared by the electoral board of the city and on which shall be printed
5245 the following question:

5246 "Shall casino gaming be permitted at a casino gaming establishment in (name of city and location) as
5247 may be approved by the Virginia Gaming Commission?

5248 [] Yes

5249 [] No"

5250 In the blank shall be inserted the name of the city in which such election is held and the proposed location
5251 of the casino gaming establishment. Any voter desiring to vote "Yes" shall mark in the square provided for
5252 such purpose immediately preceding the word "Yes," leaving the square immediately preceding the word
5253 "No" unmarked. Any voter desiring to vote "No" shall mark in the square provided for such purpose
5254 immediately preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked.

5255 E. The ballots shall be counted, the returns made and canvassed as in other elections, and the results
5256 certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an
5257 order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to
5258 the Commission and to the governing body of such city.

5259 F. A subsequent local referendum shall be required if a license has not been granted by the Commissioner

within five years of the court order proclaiming the results of the election.

G. The governing body of any eligible host city that holds a local referendum pursuant to this section that subsequently fails shall be prohibited from holding another local referendum on the same question for a period of three years from the date of the last referendum.

Article 6.

Taxation.

§ 29.5-326. Tax rate on adjusted gross receipts.

A. A tax on the adjusted gross receipts of each licensed operator received from games authorized under this chapter shall be imposed as follows:

1. On the first \$200 million of adjusted gross receipts of an operator each calendar year, a rate of 18 percent.

2. On the adjusted gross receipts of an operator that exceed \$200 million but do not exceed \$400 million each calendar year, a rate of 23 percent.

3. On the adjusted gross receipts of an operator that exceed \$400 million each calendar year, a rate of 30 percent.

B. All tax revenues collected pursuant to the provisions of this section shall accrue to the Gaming Proceeds Fund and be allocated as provided in § 29.5-327.

C. The taxes imposed by this section shall be paid by the licensed operator to the Commission no later than the close of the fifth day of each month for the preceding month when the adjusted gross receipts were received and shall be accompanied by forms and returns prescribed by the Board. Revenues collected pursuant to this section shall be credited to the Gaming Proceeds Fund to be appropriated as set forth in § 29.5-327. The Commissioner may suspend or revoke the license of an operator for willful failure to submit the wagering tax payment or the return within the specified time.

D. The tax imposed under this section shall not apply to the receipts of a licensed operator from sports betting, whether such receipts were generated from a sports betting facility or sports betting platform; instead, such receipts shall be taxable under § 29.5-407.

§ 29.5-327. Gaming Proceeds Fund; distribution of revenue.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Gaming Proceeds Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys required to be deposited into the Fund pursuant to this chapter shall be paid into the state treasury and credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Revenues from the Fund shall be apportioned by the Comptroller as follows:

1. The following amounts shall be distributed to the city in which they were collected by warrants of the Comptroller drawn on the Treasurer of Virginia on a quarterly basis:

a. An amount equal to a six percent tax on the first \$200 million of adjusted gross receipts;

b. An amount equal to a seven percent tax on the adjusted gross receipts that exceed \$200 million but do not exceed \$400 million; and

c. An amount equal to an eight percent tax on the adjusted gross receipts that exceed \$400 million.

2. For any casino gaming establishment operated by a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs of the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.), an amount equal to a tax of one percent on the adjusted gross receipts of such establishment shall be deposited in the Virginia Indigenous People's Trust Fund established pursuant to § 2.2-401.01.

3. Eight-tenths of one percent of the Fund shall be deposited in the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2.

4. Two-tenths of one percent of the Fund shall be deposited in the Family and Children's Trust Fund established pursuant to § 63.2-2100.

5. Any remaining revenues not apportioned pursuant to subdivisions 1 through 4 shall be deposited in the School Construction Fund established pursuant to § 22.1-140.1.

Article 7.

Prohibited Acts; Penalties.

§ 29.5-328. Illegal operation; penalty.

A. No person shall:

1. Operate casino gaming where wagering is used or to be used without a license issued by the Commissioner.

2. Operate casino gaming where wagering is permitted other than in the manner specified by this chapter.

3. Offer, promise, or give anything of value or benefit to a person who is connected with a gaming operation, including an officer or employee of a licensed operator or permit holder, pursuant to an

5321 agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the
5322 actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the
5323 outcome of a game, or to influence official action of a member of the Board, the Commissioner, a
5324 Commission employee, or a local governing body.

5325 4. Solicit or knowingly accept a promise of anything of value or benefit while the person is connected with
5326 a gaming operation, including an officer or employee of a licensed operator or permit holder, pursuant to an
5327 understanding or arrangement or with the intent that the promise or thing of value or benefit will influence
5328 the actions of the person to affect or attempt to affect the outcome of a game, or to influence official action of
5329 a member of the Board, the Commissioner, a Commission employee, or a local governing body.

5330 5. Use or possess with the intent to use a device to assist in:

5331 a. Projecting the outcome of a game;

5332 b. Keeping track of the cards played;

5333 c. Analyzing the probability of the occurrence of an event relating to a game; or

5334 d. Analyzing the strategy for playing or betting to be used in a game except as permitted by Board
5335 regulation.

5336 6. Cheat at gaming.

5337 7. Manufacture, sell, or distribute any card, chip, dice, game, or device that is intended to be used to
5338 violate any provision of this chapter.

5339 8. Alter or misrepresent the outcome of a game on which wagers have been made after the outcome is
5340 made sure but before it is revealed to the players.

5341 9. Place a bet after acquiring knowledge, not available to all players, of the outcome of the game that is
5342 the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet
5343 contingent on that outcome.

5344 10. Claim, collect, or take, or attempt to claim, collect, or take, money or anything of value in or from a
5345 game, with intent to defraud, without having made a wager contingent on winning the game or claim, collect,
5346 or take an amount of money or thing of value of greater value than the amount won.

5347 11. Use counterfeit chips or tokens in a game.

5348 12. Possess any key or device designed for the purpose of opening, entering, or affecting the operation of
5349 a game, drop box, or electronic or mechanical device connected with the game or for removing coins, tokens,
5350 chips, or other contents of a game. This subdivision does not apply to a casino gaming licensee or employee
5351 of a casino gaming licensee acting in furtherance of the employee's employment.

5352 B. Any person convicted of a violation of this section is guilty of a Class 6 felony. In addition, any person
5353 convicted of a violation of subsection A shall be barred for life from gaming operations under the jurisdiction
5354 of the Commission.

5355 **§ 29.5-329. Fraudulent use of credential; penalty.**

5356 Any person other than the lawful holder thereof who has in his possession any credential, license, or
5357 permit issued by the Commissioner, or any person who has in his possession any forged or simulated
5358 credential, license, or permit of the Commission, and who uses such credential, license, or permit for the
5359 purposes of misrepresentation, fraud, or touting, is guilty of a Class 4 felony.

5360 Any credential, license, or permit issued by the Commissioner, if used by the holder thereof for a purpose
5361 other than identification and in the performance of legitimate duties in a casino gaming establishment, shall
5362 be automatically revoked.

5363 **§ 29.5-330. Prohibition on persons younger than 21 years of age placing wagers and sports betting on
5364 youth sports; penalty.**

5365 A. No person shall wager on or conduct any wagering on the outcome of a game pursuant to the
5366 provisions of this chapter unless such person is 21 years of age or older. No person shall accept any wager
5367 from a person younger than 21 years of age.

5368 B. No person shall wager on or conduct any wagering on the outcome of a youth sports game. No person
5369 shall accept any wager from a person on a youth sports game.

5370 C. Violation of this section is a Class 1 misdemeanor.

5371 **§ 29.5-331. Conspiracies and attempts to commit violations; penalty.**

5372 A. Any person who conspires, confederates, or combines with another, within or outside the
5373 Commonwealth, to commit a felony prohibited by this chapter is guilty of a Class 6 felony.

5374 B. Any person who attempts to commit any act prohibited by this chapter is guilty of a criminal offense
5375 and shall be punished as provided in § 18.2-26, 18.2-27, or 18.2-28, as appropriate.

5376 **§ 29.5-332. Civil penalties.**

5377 Any person who conducts a gaming operation without first obtaining a license to do so, or who continues
5378 to conduct such games after revocation of his license, in addition to other penalties provided, shall be subject
5379 to a civil penalty assessed by the Commission equal to the amount of gross receipts derived from wagering on
5380 games, whether unauthorized or authorized, conducted on the day, as well as confiscation and forfeiture of
5381 all casino gaming equipment, devices, and supplies used in the conduct of unauthorized games. Any civil

5382 penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general
5383 fund.

5384 **§ 29.5-333. Use of the phrase "Virginia is for Bettors" prohibited; civil penalty.**

5385 A. No licensee, or any affiliate thereof, shall use the phrase "Virginia is for Bettors" in an advertisement
5386 in association with its product or service. Any licensee, or affiliate thereof, that violates this section shall be
5387 subject to a civil penalty of not more than \$50,000. The Commissioner shall enforce the provisions of this
5388 section.

5389 B. All civil penalties collected pursuant to this section shall accrue to the general fund.

5390 Article 8.

5391 On-Premises Mobile Casino Gaming.

5392 **§ 29.5-334. Federal law applicable.**

5393 On-premises mobile casino gaming shall be subject to the provisions of, and preempted and superseded
5394 by, any applicable federal law.

5395 **§ 29.5-335. Authorized on-premises mobile casino gaming.**

5396 On-premises mobile casino gaming is prohibited except when offered by a casino gaming operator to
5397 individuals who participate in on-premises mobile casino gaming on the premises of the casino gaming
5398 establishment. Any casino gaming operator that offers on-premises mobile casino gaming shall comply with
5399 any regulations promulgated by the Board related to on-premises mobile casino gaming.

5400 **§ 29.5-336. Location of primary on-premises mobile casino gaming operation.**

5401 A. A casino gaming operator's primary on-premises mobile casino gaming operation, including facilities,
5402 equipment, and personnel who are directly engaged in the conduct of on-premises mobile casino gaming,
5403 shall be located within a restricted area on the premises of the casino gaming establishment. Backup
5404 equipment used on a temporary basis pursuant to regulations promulgated by the Board to conduct
5405 on-premises mobile casino gaming may, with the approval of the Commissioner, be located outside the
5406 territorial limits of a casino gaming establishment.

5407 B. Facilities used to conduct and support on-premises mobile casino gaming shall:

5408 1. Be arranged in a manner promoting optimum security;

5409 2. Include a closed circuit visual monitoring system according to specifications approved by the Board,
5410 with access on the premises to the system or its signal provided to the Commission;

5411 3. Not be designed in any way that might interfere with the ability of the Commission to supervise
5412 on-premises mobile casino gaming operations; and

5413 4. Comply in all respects with regulations of the Board pertaining thereto.

5414 **§ 29.5-337. On-premises mobile casino gaming accounts.**

5415 A. A casino gaming operator may offer on-premises mobile casino gaming only to an individual who has
5416 established an on-premises mobile casino gaming account and uses such account to place wagers as follows:

5417 1. Any wager shall be placed directly with the casino gaming operator by the account holder;

5418 2. The casino gaming operator shall verify the account holder's physical presence on the premises of the
5419 casino gaming establishment; and

5420 3. The account holder shall provide the casino licensee with the correct authentication information for
5421 access to the wagering account.

5422 B. A casino gaming operator shall not accept a wager in an amount in excess of funds on deposit in the
5423 account of the individual placing the wager.

5424 **§ 29.5-338. Disposition of inactive, dormant accounts.**

5425 All amounts remaining in on-premises mobile casino gaming accounts inactive or dormant for such
5426 period and under such conditions as established by regulation by the Board shall be closed. Any funds
5427 remaining in the account at such time shall be paid 50 percent to the casino gaming operator and 50 percent
5428 to the general fund. Before closing an account pursuant to this section, the casino gaming operator shall
5429 attempt to contact the account holder by mail, phone, and electronic mail.

5430 **§ 29.5-339. Assistance to people with gambling problem.**

5431 A. In order to assist those persons who may have a gambling problem, a casino gaming operator shall:

5432 1. Cause the words "If you or someone you know has a gambling problem and wants help, call 1-800
5433 -GAMBLER," or some comparable language approved by the Department, which language shall include the
5434 words "gambling problem" and "call 1-800 GAMBLER," to be displayed prominently at log-on and log-off
5435 times to any person visiting or logged onto on-premises mobile casino gaming; and

5436 2. Provide a mechanism by which an account holder may establish the following controls on wagering
5437 activity through the wagering account:

5438 a. A limit on the amount of money deposited within a specified period of time and the length of time the
5439 account holder will be unable to participate in gaming if the holder reaches the established deposit limit; and

5440 b. A temporary suspension of gaming through the account for any number of hours or days.

5441 B. The casino gaming operator shall not send gaming-related electronic mail to an account holder while
5442 gaming through his account is suspended, if the suspension is for at least 72 hours. The casino gaming

operator shall provide a mechanism by which an account holder may change these controls, except that, while gaming through the wagering account is suspended, the account holder may not change gaming controls until the suspension expires, but the account holder shall continue to have access to the account and shall be permitted to withdraw funds from the account upon proper application therefor.

§ 29.5-340. Offering of on-premises mobile casino gaming without approval; penalties.

Any person who offers on-premises mobile casino gaming in violation of this chapter or regulations promulgated pursuant to this chapter is guilty of a Class 6 felony and subject to a fine of not more than \$25,000 and, in the case of a person other than a natural person, to a fine of not more than \$100,000.

§ 29.5-341. Tampering with equipment; penalties.

A. Any person who knowingly tampers with software, computers, or other equipment used to conduct on-premises mobile casino gaming to alter the odds or the payout of a game or disables the game from operating according to the rules of the game as promulgated by the Board is guilty of a Class 5 felony and subject to a fine of not more than \$50,000 and, in the case of a person other than a natural person, to a fine of not more than \$200,000.

B. In addition to the penalties provided in subsection A, an employee of the casino gaming operator who violates this section shall have his permit revoked and shall be subject to such further penalty as the Commission deems appropriate.

C. In addition to the penalties provided in subsection A, a casino gaming operator that violates this section shall have its license to conduct casino gaming suspended for a period determined by the Commissioner and shall be subject to such further penalty as the Commission deems appropriate.

§ 29.5-342. Tampering affecting odds, payout; penalties.

A. Any person who knowingly offers or allows to be offered any on-premises mobile casino game that has been tampered with in a way that affects the odds or the payout of a game or disables the game from operating according to the rules of the game as promulgated by the Board is guilty of a Class 5 felony and subject to a fine of not more than \$50,000 and, in the case of a person other than a natural person, to a fine of not more than \$200,000.

B. In addition to the penalties provided in subsection A, an employee of the casino gaming operator who violates this section shall have his permit suspended for a period of not less than 30 days.

C. In addition to the penalties provided in subsection A, a casino gaming operator that violates this section shall have its license to conduct casino gaming suspended for a period of not less than 30 days.

§ 29.5-343. Facilities permitted to conduct on-premises mobile casino gaming; violations, penalties.

No person shall make its premises available for on-premises mobile casino gaming or advertise that its premises may be used for such purpose, other than a casino gaming operator that (i) has located all of its equipment used to conduct on-premises mobile casino gaming, including computers, servers, monitoring rooms, and hubs, on the premises of its casino gaming establishment and (ii) that offers on-site mobile casino gaming only to individuals who participate in such gaming on the premises of the casino gaming establishment. Any person that is determined by the Commission to have violated the provisions of this section shall be subject to a penalty of \$1,000 per player per day for making its premises available for on-premises mobile casino gaming and of \$10,000 per violation for advertising that its premises may be used for such purpose.

§ 29.5-344. Taxation.

Any gross receipts from on-premises mobile casino gaming shall be included in a casino gaming operator's adjusted gross receipts and subject to taxation pursuant to the provisions of §§ 29.5-326 and 29.5-327.

**CHAPTER 4.
SPORTS BETTING.**

**Article I.
General Provisions.**

§ 29.5-400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Adjusted gross revenue" means gross revenue minus:

1. All cash and the cash value of merchandise paid out as winnings to bettors, and the value of all bonuses or promotions provided to patrons as an incentive to place or as a result of their having placed Internet sports betting wagers;

2. Uncollectible gaming receivables, which shall not exceed two percent, or a different percentage as determined by the Board pursuant to § 29.5-104, of gross revenue minus all cash paid out as winnings to bettors;

3. If the permit holder is a significant infrastructure limited licensee, as defined in § 29.5-601, any funds paid into the horsemen's purse account pursuant to the provisions of subdivision 13 of § 29.5-604; and

4. All excise taxes on sports betting paid pursuant to federal law.

"Amateur sports" means any sports or athletic event that is not professional sports, college sports,

5504 Virginia college sports, or youth sports. "Amateur sports" includes domestic, international, and Olympic
 5505 sports or athletic events. "Amateur sports" does not include charitable gaming, as defined in § 29.5-200;
 5506 fantasy contests, as defined in § 29.5-500; or horse racing, as defined in § 29.5-601.

5507 "College sports" means an athletic event (i) in which at least one participant is a team from a public or
 5508 private institution of higher education, regardless of where such institution is located, and (ii) that does not
 5509 include a team from a Virginia public or private institution of higher education.

5510 "Covered persons" means athletes; umpires, referees, and officials; personnel associated with clubs,
 5511 teams, leagues, and athletic associations; medical professionals and athletic trainers who provide services to
 5512 athletes and players; and the immediate family members and associates of such persons.

5513 "Gross revenue" means the total of all cash, property, or any other form of remuneration, whether
 5514 collected or not, received by a permittee from its sports betting operations.

5515 "Major league sports franchise" means a professional baseball, basketball, football, hockey, or soccer
 5516 team that is at the highest-level league of play for its respective sport.

5517 "Motor sports facility" means an outdoor motor sports facility that hosts a National Association for Stock
 5518 Car Auto Racing (NASCAR) national touring race.

5519 "Official league data" means statistics, results, outcomes, and other data relating to a professional sports
 5520 event obtained by a permit holder under an agreement with a sports governing body or with an entity
 5521 expressly authorized by a sports governing body for determining the outcome of tier 2 bets.

5522 "Permit holder" means a person to which the Commissioner issues a permit pursuant to §§ 29.5-402 and
 5523 29.5-403.

5524 "Personal biometric data" means any information about an athlete that is derived from his DNA, heart
 5525 rate, blood pressure, perspiration rate, internal or external body temperature, hormone levels, glucose levels,
 5526 hydration levels, vitamin levels, bone density, muscle density, or sleep patterns, or other information as may
 5527 be prescribed by the Board by regulation.

5528 "Principal" means any individual who solely or together with his immediate family members (i) owns or
 5529 controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a permit
 5530 holder or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other
 5531 ownership interests of such entity. "Principal" includes any individual who is employed in a managerial
 5532 capacity for a sports betting platform or sports betting facility on behalf of a permit holder.

5533 "Professional sports" means an athletic event involving at least two human competitors who receive
 5534 compensation, in excess of their expenses, for participating in such event. "Professional sports" does not
 5535 include charitable gaming, as defined in § 29.5-200; fantasy contests, as defined in § 29.5-500; or horse
 5536 racing, as defined in § 29.5-601.

5537 "Prohibited conduct" means any statement, action, or other communication intended to influence,
 5538 manipulate, or control a betting outcome of a sports event or of any individual occurrence or performance in
 5539 a sports event in exchange for financial gain or to avoid financial or physical harm. "Prohibited conduct"
 5540 includes statements, actions, and communications made to a covered person by a third party. "Prohibited
 5541 conduct" does not include statements, actions, or communications made or sanctioned by a sports team or
 5542 sports governing body.

5543 "Proposition bet" means a bet on an individual action, statistic, occurrence, or non-occurrence to be
 5544 determined during an athletic event and includes any such action, statistic, occurrence, or non-occurrence
 5545 that does not directly affect the final outcome of the athletic event to which it relates.

5546 "Sports betting" means placing wagers on professional sports, college sports, amateur sports, sporting
 5547 events, or any other event approved by the Commissioner, and any portion thereof, and includes placing
 5548 wagers related to the individual performance statistics of athletes in such sports and events. "Sports betting"
 5549 includes any system or method of wagering approved by the Commissioner, including single-game bets,
 5550 teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets,
 5551 proposition bets, and straight bets. "Sports betting" does not include participating in charitable gaming
 5552 authorized by Chapter 2 (§ 29.5-200 et seq.); participating in fantasy contests authorized by Chapter 5 (§
 5553 29.5-500 et seq.); wagering on horse racing, historical horse racing, or simulcast horse racing authorized by
 5554 Chapter 6 (§ 29.5-600 et seq.); or participating in any lottery game authorized under Subtitle II (§ 29.5-700
 5555 et seq.). "Sports betting" does not include placing a wager on a college sports event in which a Virginia
 5556 public or private institution of higher education is a participant.

5557 "Sports betting facility" means an area, kiosk, or device located inside a casino gaming establishment
 5558 licensed pursuant to Chapter 3 (§ 29.5-300 et seq.) that is designated for sports betting.

5559 "Sports betting permit" means a permit to operate a sports betting platform or sports betting facility
 5560 issued pursuant to the provisions of §§ 29.5-402, 29.5-403, and 29.5-404.

5561 "Sports betting platform" means a website, app, or other platform accessible via the Internet or mobile,
 5562 wireless, or similar communications technology that sports bettors use to participate in sports betting.

5563 "Sports betting program" means the program established by the Board to allow sports betting as
 5564 described in this chapter.

5565 "Sports bettor" means a person physically located in Virginia who participates in sports betting.

5566 "Sports event" or "sporting event" means professional sports, college sports, amateur sports, and any
5567 athletic event, motor race event, electronic sports event, competitive video game event, or any other event
5568 approved by the Commissioner.

5569 "Sports governing body" means an organization, headquartered in the United States, that prescribes rules
5570 and enforces codes of conduct with respect to a professional sports or college sports event and the
5571 participants therein. "Sports governing body" includes a designee of the sports governing body.

5572 "Stadium" means the physical facility that is the primary location at which a major league sports
5573 franchise hosts athletic events and any appurtenant facilities.

5574 "Tier 1 bet" means a bet that is placed using the Internet and that is not a tier 2 bet.

5575 "Tier 2 bet" means a bet that is placed using the Internet and that is placed after the event it concerns has
5576 started.

5577 "Virginia college sports" means an athletic event in which at least one participant is a team from a
5578 Virginia public or private institution of higher education.

5579 "Youth sports" means an athletic event (i) involving a majority of participants under age 18 or (ii) in
5580 which at least one participant is a team from a public or private elementary, middle, or secondary school,
5581 regardless of where such school is located. However, if an athletic event meets the definition of college sports
5582 or professional sports, such event shall not be considered youth sports regardless of the age of the
5583 participants. An international athletic event organized by the International Olympic Committee shall not be
5584 considered to be youth sports, regardless of the age of the participants.

5585 **§ 29.5-401. Additional powers and duties of the Commissioner; reporting.**

5586 In addition to the powers and duties set forth in § 29.5-102:

5587 A. The Commissioner may:

5588 1. Require bond or other surety satisfactory to the Commissioner from permit holders in such amount as
5589 provided in the rules and regulations of the Board adopted under this chapter;

5590 2. Suspend, revoke, or refuse to renew any permit issued pursuant to this chapter or the rules and
5591 regulations adopted under this chapter; and

5592 3. Enter into contracts for the operation of the sports betting program, and enter into contracts with other
5593 states related to sports betting, provided that a contract awarded or entered into by the Commissioner shall
5594 not be assigned by the holder thereof except by specific approval of the Commissioner; and

5595 B. The Commissioner shall:

5596 1. Certify monthly to the State Comptroller and the Board a full and complete statement of sports betting
5597 revenues and expenses for the previous month;

5598 2. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate Committee
5599 on Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the
5600 total sports betting revenues and expenses for the previous month and make an annual report, which shall
5601 include a full and complete statement of sports betting revenues and expenses, to the Governor and the
5602 General Assembly, including recommendations for changes in this chapter as the Commissioner and Board
5603 deem prudent;

5604 3. In accordance with sports betting program regulations, approve methods for sports bettors to fund
5605 sports betting accounts, including automated clearing house payments, credit cards, debit cards, wire
5606 transfers, and any other method that the Board determines is appropriate for sports betting; and

5607 4. Report immediately to the Governor and the General Assembly any matters that require immediate
5608 changes in the laws of the Commonwealth in order to prevent abuses and evasions of this chapter or the rules
5609 and regulations adopted under this chapter or to rectify undesirable conditions in connection with the
5610 administration or operation of the sports betting program.

5611 Article 2.

5612 Permits.

5613 **§ 29.5-402. Application for a sports betting permit; penalty.**

5614 A. An applicant for a sports betting permit shall:

5615 1. Submit an application to the Commission, on forms prescribed by the Board, containing the
5616 information prescribed in subsection B; and

5617 2. Pay to the Commission a nonrefundable fee of \$50,000 for each principal at the time of filing to defray
5618 the costs associated with the background investigations conducted by the Commission. If the reasonable costs
5619 of the investigation exceed the application fee, the applicant shall pay the additional amount to the
5620 Commission. The Board may establish regulations calculating the reasonable costs to the Commission in
5621 performing its functions under this chapter and allocating such costs to the applicants for licensure at the
5622 time of filing. The fees for each principal and any additional investigation costs paid to the Commission shall
5623 be deposited into the Commonwealth Gaming Operations Fund established pursuant to § 29.5-119.

5624 B. An application for a sports betting permit shall include the following information:

5625 1. The applicant's background in sports betting;

5626 2. The applicant's experience in wagering activities in other jurisdictions, including the applicant's

history and reputation of integrity and compliance;

3. The applicant's proposed internal controls, including controls to ensure that no prohibited or voluntarily excluded person will be able to participate in sports betting;

4. The applicant's history of working to prevent compulsive gambling, including training programs for its employees;

5. If applicable, any supporting documentation necessary to establish eligibility for substantial and preferred consideration pursuant to the provisions of this section;

6. The applicant's proposed procedures to detect and report suspicious or illegal betting activity; and

7. Any other information the Board deems necessary.

C. The Commission shall conduct a background investigation on the applicant. The background investigation shall include a credit history check, a tax record check, and a criminal history records check.

D. 1. The Commissioner shall not issue any permit pursuant to this chapter until the Board has established a consumer protection program and published a consumer protection bill of rights pursuant to § 29.5-104.

2. The Commissioner shall issue no fewer than four and no more than 12 permits pursuant to this section; however, if an insufficient number of applicants apply for the Commissioner to satisfy the minimum, this provision shall not be interpreted to direct the Commissioner to issue a permit to an unqualified applicant. A permit shall not count toward the minimum or maximum if it (i) is issued pursuant to subdivision 4 or 5 to a major league sports franchise or to the operator of a facility; (ii) is issued pursuant to subdivision 6 to an applicant that operates or intends to operate a casino gaming establishment; or (iii) is revoked, expires, or otherwise becomes not effective.

3. In issuing permits to operate sports betting platforms and sports betting facilities, the Commissioner shall consider the following factors:

a. The contents of the applicant's application as required by subsection B;

b. The extent to which the applicant demonstrates past experience, financial viability, compliance with applicable laws and regulations, and success with sports betting operations in other states;

c. The extent to which the applicant will be able to meet the duties of a permit holder, as specified in § 29.5-404;

d. Whether the applicant has demonstrated to the Commission that it has made serious, good-faith efforts to solicit and interview a reasonable number of investors that are minority individuals, as defined in § 2.2-1604;

e. The amount of adjusted gross revenue and associated tax revenue that an applicant is expected to generate;

f. The effect of issuing an additional permit on the amount of gross revenue and associated tax revenue generated by all existing permit holders, considered in the aggregate; and

g. Any other factor the Board considers relevant.

4. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Commissioner shall give substantial and preferred consideration to any applicant that is a major league sports franchise headquartered in the Commonwealth that remitted personal state income tax withholdings based on taxable wages in the Commonwealth in excess of \$200 million for the 2019 taxable year. Any permit holder granted a permit pursuant to this subdivision shall receive substantial and preferred consideration of its first, second, and third applications for renewal pursuant to the provisions of § 29.5-403; however, such permit holder shall not receive substantial and preferred consideration of its fourth and subsequent applications for renewal. Any permit granted pursuant to this subdivision shall expire if the permit holder ceases to maintain its headquarters in the Commonwealth.

5. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Commissioner shall give substantial and preferred consideration to any applicant that is a major league sports franchise that plays five or more regular season games per year at a facility in the Commonwealth or that is the operator of a facility in the Commonwealth where a major league sports franchise plays five or more regular season games per year; however, the Commissioner shall give such substantial and preferred consideration only if the applicant (i) is headquartered in the Commonwealth, (ii) has an annualized payroll for taxable wages in the Commonwealth that is in excess of \$10 million over the 90-day period prior to the application date, and (iii) the total number of individuals working at the facility in the Commonwealth where the major league sports franchise plays five or more regular season games is in excess of 100.

6. In issuing permits to operate sports betting platforms and sports betting facilities, the Commissioner shall give substantial and preferred consideration to any applicant that (i) has made or intends to make a capital investment of at least \$300 million in a casino gaming establishment, including the value of the real property upon which such establishment is located and all furnishings, fixtures, and other improvements; (ii) has had its name submitted as a preferred casino gaming operator to the Commissioner by an eligible host city; and (iii) has been certified by the Commissioner to proceed to a local referendum on whether casino gaming will be allowed in the locality in which the applicant intends to operate a casino gaming

5688 establishment.

5689 7. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Commissioner shall
5690 give substantial and preferred consideration to any applicant that demonstrates in its application (i) a
5691 description of any equity interest owned by minority individuals or minority-owned businesses, (ii) a detailed
5692 plan to achieve increased minority equity investment, (iii) a description of all efforts made to seek equity
5693 investment from minority individuals or minority-owned businesses, or (iv) a plan detailing efforts made to
5694 solicit participation of minority individuals or minority-owned businesses in the applicant's purchase of
5695 goods and services related to the sports betting platform or to provide assistance to a historically
5696 disadvantaged community or historically black colleges and universities located within the Commonwealth.
5697 As used in this subdivision, "historically black colleges and universities," "minority individual," and
5698 "minority-owned business" mean the same as those terms are defined in § 2.2-1604.

5699 8. In a manner as may be required by Board regulation, any entity that applies pursuant to subdivision 4,
5700 5, 6, or 7 may demonstrate compliance with the requirements of an application, the duties of a permit holder,
5701 and any other provision of this chapter through the use of a partner, subcontractor, or other affiliate of the
5702 applicant.

5703 E. The Commissioner shall make a determination on an initial application for a sports betting permit
5704 within 90 days of receipt. The Commissioner's action shall be final unless appealed in accordance with §
5705 29.5-104.

5706 F. The following shall be grounds for denial of a permit or renewal of a permit:

5707 1. The Commissioner reasonably believes the applicant will be unable to satisfy the duties of a permit
5708 holder as described in subsection A of § 29.5-404;

5709 2. The Commissioner reasonably believes that the applicant or its directors lack good character, honesty,
5710 or integrity;

5711 3. The Commissioner reasonably believes that the applicant's prior activities, criminal record, reputation,
5712 or associations are likely to (i) pose a threat to the public interest, (ii) impede the regulation of sports betting,
5713 or (iii) promote unfair or illegal activities in the conduct of sports betting;

5714 4. The applicant or its directors knowingly make a false statement of material fact or deliberately fail to
5715 disclose information requested by the Commissioner;

5716 5. The applicant or its directors knowingly fail to comply with the provisions of this chapter or any
5717 requirements of the Commissioner;

5718 6. The applicant or its directors were convicted of a felony, a crime of moral turpitude, or any criminal
5719 offense involving dishonesty or breach of trust within the 10 years prior to the submission date of the permit
5720 application;

5721 7. The applicant's license, registration, or permit to conduct a sports betting operation issued by any
5722 other jurisdiction has been suspended or revoked;

5723 8. The applicant defaults in payment of any obligation or debt due to the Commonwealth; or

5724 9. The applicant's application is incomplete.

5725 G. The Commissioner shall have the discretion to waive any of the grounds for denial of a permit or
5726 renewal of a permit if he determines that denial would limit the number of applicants or permit holders in a
5727 manner contrary to the best interests of the Commonwealth.

5728 H. Prior to issuance of a permit, each permit holder shall either (i) be bonded by a surety company
5729 entitled to do business in the Commonwealth in such amount and penalty as may be prescribed by the
5730 regulations of the Board or (ii) provide other surety, letter of credit, or reserve as may be satisfactory to the
5731 Commissioner. Such surety shall be prescribed by Board regulations and shall not exceed a reasonable
5732 amount.

5733 I. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or
5734 knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application
5735 pursuant to this chapter is guilty of a Class 1 misdemeanor.

5736 J. In addition to the fee required pursuant to subdivision A 2, any applicant to which the Commissioner
5737 issues a permit shall pay a nonrefundable fee of \$250,000 to the Commission prior to the issuance of such
5738 permit. Such fees shall be deposited by the Commission into the Commonwealth Gaming Operations Fund
5739 established pursuant to § 29.5-119.

5740 **§ 29.5-403. Renewals of permits.**

5741 A. A permit issued pursuant to § 29.5-402 shall be valid for three years from the date issued.

5742 B. At least 60 days before the expiration of a permit, the permit holder shall submit a renewal application,
5743 on forms prescribed by the Board, with a nonrefundable renewal fee of \$200,000. Such fees shall be
5744 deposited into the Commonwealth Gaming Operations Fund established pursuant to § 29.5-119.

5745 C. The Commissioner may deny a permit renewal if he finds grounds for denial as described in subsection
5746 F of § 29.5-402. The Commissioner's action shall be final unless appealed in accordance with § 29.5-104.

5747 D. The Commissioner shall make a determination on an application for a renewal of a sports betting
5748 permit within 60 days of receipt. The Commissioner's action shall be final unless appealed in accordance

5749 with § 29.5-104.

5750 **§ 29.5-404. Duties of permit holders.**

5751 A. A permit holder shall ensure that its sports betting operation takes reasonable measures to:

5752 1. Ensure that only persons physically located in Virginia are able to place bets through its sports betting
5753 platform, if applicable;

5754 2. Protect the confidential information of bettors using its sports betting platform or placing bets at its
5755 sports betting facility;

5756 3. Prevent betting on events that are prohibited by § 29.5-409, underage betting as prohibited by §
5757 29.5-410, and bets by persons who are prohibited from sports betting by § 29.5-411;

5758 4. Allow persons to restrict themselves from placing bets with the permit holder, including sharing, at the
5759 person's request, his request for self-exclusion with the Commission for the sole purpose of disseminating the
5760 request to other permit holders;

5761 5. Establish procedures to detect suspicious or illegal betting activity, including measures to immediately
5762 report such activity to the Commission;

5763 6. Provide for the issuance of applicable tax forms to persons who meet the reporting threshold for
5764 income from sports betting; and

5765 7. If applicable, allow sports bettors to establish and fund sports betting accounts over the Internet on a
5766 sports betting platform, which may be funded through methods including automated clearing house
5767 payments, credit cards, debit cards, wire transfers, or any other method approved by the Commissioner
5768 under § 29.5-401.

5769 B. A permit holder shall maintain records on:

5770 1. All bets, including the bettor's personal information, the amount and type of bet, the time and location
5771 of the bet, and the outcome of the bet; and

5772 2. Suspicious or illegal betting activity.

5773 C. A permit holder shall disclose the records described in subsection B to the Commission upon request
5774 and shall maintain such records for at least three years after the related sports event occurs.

5775 D. 1. If a sports governing body notifies the Commission that real-time information-sharing for bets
5776 placed on its sporting events is necessary and desirable, permit holders shall, as soon as is commercially
5777 reasonable, share the information required to be retained pursuant to subdivision B 1 of § 29.5-404 with the
5778 sports governing body or its designee with respect to bets on its sporting events. The information shared
5779 pursuant to this subsection shall be shared pseudonymously and shall not include personal information
5780 associated with any bettor. A permit holder shall not be required to share any information that is required to
5781 be kept confidential under federal or state law.

5782 2. A sports governing body shall use information shared pursuant to this subsection only for the purpose
5783 of integrity monitoring and shall not use such information for any commercial purpose. A sports governing
5784 body shall provide for security measures with respect to such information so as to prevent unauthorized
5785 access and distribution.

5786 E. In advertising its sports betting operations, a permit holder shall ensure that its advertisements:

5787 1. Do not target persons under the age of 21;

5788 2. Disclose the identity of the permit holder;

5789 3. Provide information about or links to resources related to gambling addiction; and

5790 4. Are not misleading to a reasonable person.

5791 F. A permit holder shall not sublicense, convey, concede, or otherwise transfer its permit to a third party
5792 unless granted approval by the Commissioner. The Commissioner shall charge a nonrefundable fee of
5793 \$200,000 for a permit transfer. Such fees shall be deposited into the Commonwealth Gaming Operations
5794 Fund established pursuant to § 29.5-119.

5795 G. 1. A permit holder may operate its sports betting platform under a brand other than its own but is
5796 prohibited from holding itself out to the public as a sports betting operation under more than one brand, and
5797 a permit holder shall conspicuously display its utilized brand to sports bettors; however, if a permit holder is
5798 a major league sports franchise, it shall not be required to associate the name of its sports betting platform
5799 with the name of the major league sports franchise and shall be allowed to hold its sports betting platform
5800 out to the public under a separate brand name.

5801 2. A permit holder is prohibited from cooperatively marketing its sports betting platform with any
5802 business issued a license pursuant to the provisions of Title 4.1. This prohibition shall not apply to any motor
5803 sports facility, major league sports franchise, or operator of a facility issued a permit pursuant to the
5804 provisions of subdivision D 4 or D 5 of § 29.5-402, provided that such motor sports facility, major league
5805 sports franchise, or operator of a facility shall be authorized to cooperatively market only on the premises of
5806 its stadium. If casino gaming is authorized under the laws of the Commonwealth and a casino gaming
5807 operator is licensed by the Commissioner as a permit holder, the prohibition in this subdivision shall not
5808 apply to such operator, provided that such operator shall be authorized to cooperatively market only on the
5809 premises of its casino gaming establishment. A permit holder shall not be allowed an exemption from the

5810 prohibition in this subdivision unless (i) such permit holder complies with any applicable local zoning
5811 ordinances and (ii) the local governing body approves by ordinance cooperative marketing with respect to
5812 the permit holder's stadium or casino gaming establishment.

5813 H. A permit holder shall not purchase or use any personal biometric data unless the permit holder has
5814 received written permission from the athlete's exclusive bargaining representative.

5815 I. Permit holders shall at all times maintain cash reserves in amounts to be established by Board
5816 regulation.

5817 **§ 29.5-405. Suspension and revocation of permits; civil penalties.**

5818 If the Commissioner determines that a permit holder has violated this chapter, he may, with at least 15
5819 days' notice and a hearing, (i) suspend or revoke the permit holder's permit and (ii) impose a monetary
5820 penalty of not more than \$1,000 for each violation per day of this chapter. The Commission shall enforce
5821 civil penalties under this section and shall deposit all collected penalties to the general fund. The
5822 Commissioner's action shall be final unless appealed in accordance with § 29.5-104.

5823 **§ 29.5-406. Use of official league data.**

5824 A. A permit holder may use any data source for determining the result of a tier 1 bet.

5825 B. A sports governing body may notify the Commission that it desires permit holders to use official league
5826 data to settle tier 2 bets. A notification under this subsection shall be made according to forms and
5827 procedures prescribed by the Board. The Commissioner shall notify each permit holder of the sports
5828 governing body's notification within five days after the Commission's receipt of the notification. If a sports
5829 governing body does not notify the Commission of its desire to supply official league data, a permit holder
5830 may use any data source for determining the result of a tier 2 bet on a professional sports event of the league
5831 governed by the sports governing body.

5832 C. Within 60 days after the Commissioner notifies each permit holder as required under subsection B,
5833 permit holders shall use only official league data to determine the results of tier 2 bets on professional sports
5834 events of the league governed by the sports governing body, unless any of the following apply:

5835 1. The sports governing body is unable to provide a feed, on commercially reasonable terms, of official
5836 league data to determine the results of a tier 2 bets, in which case permit holders may use any data source for
5837 determining the results of tier 2 bets until the data feed becomes available on commercially reasonable terms.

5838 2. A permit holder demonstrates to the Commission that the sports governing body has not provided or
5839 offered to provide a feed of official league data to such permit holder on commercially reasonable terms,
5840 according to criteria identified in subsection D.

5841 D. The Commissioner shall consider the following information in determining whether a sports governing
5842 body has provided or offered to provide a feed of official league data on commercially reasonable terms:

5843 1. The availability of a sports governing body's official league data for tier 2 bets from more than one
5844 authorized source;

5845 2. Market information regarding the purchase, in Virginia and in other states, by permit holders of data
5846 from all authorized sources;

5847 3. The nature and quantity of the data, including the quality and complexity of the process used for
5848 collecting the data; and

5849 4. Any other information the Commissioner deems relevant.

5850 E. During any time period in which the Commissioner is determining whether official league data is
5851 available on commercially reasonable terms pursuant to the provisions of subsections C and D, a permit
5852 holder may use any data source for determining the results of any tier 2 bets. The Commissioner shall make a
5853 determination under subsections C and D within 120 days after a permit holder notifies the Commission that
5854 it desires to demonstrate that a sports governing body has not provided or offered to provide a feed of official
5855 league data to the permit holder on commercially reasonable terms.

5856 Article 3.

5857 Taxation.

5858 **§ 29.5-407. Tax on adjusted gross revenue.**

5859 A. There shall be imposed a tax of 15 percent on a permit holder's adjusted gross revenue.

5860 B. The tax imposed pursuant to this section is due monthly to the Commission, and the permit holder shall
5861 remit it on or before the twentieth day of the next succeeding calendar month. If the permit holder's
5862 accounting necessitates corrections to a previously remitted tax, the permit holder shall document such
5863 corrections when it pays the following month's taxes.

5864 C. If the permit holder's adjusted gross revenue for a month is a negative number, the permit holder may
5865 carry over the negative amount to a return filed for a subsequent month and deduct such amount from its tax
5866 liability for such month, provided that such amount shall not be carried over and deducted against tax
5867 liability in any month that is more than 12 months later than the month in which such amount was accrued.

5868 **§ 29.5-408. Distribution of tax revenue.**

5869 A. The Commission shall allocate 2.5 percent of the tax revenue collected pursuant to § 29.5-407 to the
5870 Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2.

5871 B. The Commission shall allocate the remaining 97.5 percent of the tax revenue collected pursuant to §

29.5-407 to the general fund.

Article 4.

Prohibited Acts; Penalties.

§ 29.5-409. Events on which betting is prohibited; penalty.

- A. 1. No person shall place or accept a bet on youth sports.
2. No person shall place or accept a proposition bet on college sports.
3. No person shall place or accept a bet on Virginia college sports.

B. 1. A sports governing body may notify the Commission that it desires to restrict, limit, or prohibit sports betting on its sporting events by providing notice in accordance with requirements prescribed by the Board. A sports governing body also may request to restrict the types of bets that may be offered. Notwithstanding § 29.5-400, for purposes of this section, "sports governing body" includes any organization that is not headquartered in the United States and that otherwise meets the definition of "sports governing body."

2. For any request made pursuant to subdivision 1, the requester shall bear the burden of establishing to the satisfaction of the Commissioner that the relevant betting or other activity poses a significant and unreasonable integrity risk. The Commissioner shall seek input from affected permit holders before making a determination on such request.

3. If the Commissioner denies a request made pursuant to subdivision 1, the Commissioner shall give the requester notice and the right to be heard and offer proof in opposition to such determination in accordance with regulations established by the Board. If the Commissioner grants a request, the Board shall promulgate by regulation such restrictions, limitations, or prohibitions as may be requested.

4. A permit holder shall not offer or take any bets in violation of regulations promulgated by the Board pursuant to this subsection.

C. The prohibitions in subdivisions A 1 and A 3 shall be limited to the single game or match in which a youth sports or Virginia college sports team is a participant. The prohibitions shall not be construed to prohibit betting on other games in a tournament or multigame event in which a youth sports or Virginia college sports team participates, so long as such other games do not have a participant that is a youth sports or Virginia college sports team.

D. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 29.5-410. Underage betting prohibited; penalty.

A. No person shall knowingly accept or redeem a sports bet by, or knowingly offer to accept or redeem a sports bet on behalf of, a person under the age of 21 years.

B. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 29.5-411. Persons prohibited from sports betting; penalty.

A. The following persons shall be prohibited from sports betting:

1. The Commissioner and any Board member, officer, or employee of the Commission;
2. Any permit holder;

3. Any director, officer, owner, or employee of a permit holder and any relative living in the same household as such persons; and

4. Any officer or employee of any entity working directly on a contract with the Commission related to sports betting.

B. The persons described in subdivision A 3 shall be prohibited from sports betting only with respect to the related permit holder, but shall not be prohibited from placing sports bets with other permit holders.

C. Any competitor, coach, trainer, employee, or owner of a team in a professional or college sports event, or any referee for a professional or college sports event, shall be prohibited from placing a bet on any event in a league in which such person participates. In determining which persons are prohibited from placing wagers under this subsection, a permit holder shall use publicly available information and any lists of persons that a sports governing body may provide to the Commission.

D. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 29.5-412. Operation and advertising of unpermitted facilities prohibited; penalty.

A. No person, except for a permit holder authorized pursuant to the provisions of this chapter, shall make its premises available for placing sports bets using the Internet or advertise that its premises may be used for such purpose.

B. The Commissioner may impose a monetary penalty for each violation of this section. For a person determined to have made its premises available for placing sports bets using the Internet, the penalty shall not exceed \$1,000 per day per individual who places a sports bet. For a person determined to have advertised that its premises may be used for such purpose, the penalty shall not exceed \$10,000 per violation.

§ 29.5-413. Use of the phrase "Virginia is for Bettors" prohibited; civil penalty.

A. No permit holder, or any affiliate thereof, shall use the phrase "Virginia is for Bettors" in an advertisement in association with its product or service. Any permit holder, or affiliate thereof, that violates this section shall be subject to a civil penalty of not more than \$50,000. The Commissioner shall enforce the

5933 provisions of this section.

5934 B. All civil penalties collected pursuant to this section shall accrue to the general fund.

5935 **§ 29.5-414. Reporting and investigating prohibited conduct.**

5936 A. The Commission shall establish a hotline or other method of communication that allows any person to
5937 confidentially report information about prohibited conduct to the Commission.

5938 B. The Commission shall investigate all reasonable allegations of prohibited conduct by a permit holder.
5939 The Commission shall refer credible allegations of prohibited conduct by any person to the appropriate
5940 law-enforcement entity.

5941 C. The Commission shall maintain the confidentiality of the identity of any reporting person unless such
5942 person authorizes disclosure of his identity or until such time as the allegation of prohibited conduct is
5943 referred to law enforcement. If an allegation of prohibited conduct is referred to law enforcement, the
5944 Commission shall disclose a reporting person's identity only to the applicable law-enforcement agency. The
5945 identity of a reporting person shall be excluded from the provisions of § 2.2-3705.7.

5946 D. If the Commission receives a complaint of prohibited conduct by an athlete, the Commission shall
5947 notify the appropriate sports governing body of the athlete to review the complaint.

5948 E. The Commission and permit holders shall cooperate with investigations conducted by sports governing
5949 bodies or law-enforcement agencies. Such cooperation shall include providing or facilitating the provision of
5950 account-level betting information and audio or video files relating to persons placing wagers.

5951 **§ 29.5-415. Required direct notification to the Commission and to sports governing bodies.**

5952 A. A permit holder shall, as soon as is commercially reasonable, report to the Commission any
5953 information relating to:

5954 1. Criminal or disciplinary proceedings commenced against the permit holder in connection with its
5955 operations in the Commonwealth or in any other jurisdiction;

5956 2. Abnormal betting activity or patterns that may indicate a risk to the integrity of a bet or wager;

5957 3. Any potential breach of a sports governing body's rules and codes of conduct pertaining to sports
5958 betting, to the extent that such rules and codes of conduct are provided to and known by the permit holder;

5959 4. Any conduct that may alter the outcome of an athletic event for purposes of financial gain, including
5960 match fixing; and

5961 5. Suspicious or illegal wagering activities, including using funds derived from illegal activity to place
5962 bets, using bets to conceal or launder funds derived from illegal activity, using agents to place bets, and
5963 using false identification to place bets.

5964 B. A permit holder shall, as soon as is commercially practicable, report the information described in
5965 subdivisions A 2, 3, and 4 to any sports governing body that may be affected by the activities described in
5966 subdivisions A 2, 3, and 4.

5967 **§ 29.5-416. Liquidity pools.**

5968 The Board may promulgate rules authorizing permit holders to offset loss and manage risk, directly or
5969 with a third party approved by the Commissioner, through the use of a liquidity pool in Virginia or another
5970 jurisdiction so long as such permit holder, or an affiliate of such permit holder, is licensed by such
5971 jurisdiction to operate a sports betting business. However, a permit holder's use of a liquidity pool shall not
5972 eliminate its duty to ensure that it has sufficient funds available to pay bettors.

5973 **§ 29.5-417. Intermediate routing of electronic data.**

5974 All sports betting shall be initiated and received within Virginia unless otherwise permitted by federal
5975 law. Consistent with the intent of the United States Congress as expressed in the Unlawful Internet Gambling
5976 Enforcement Act, 31 U.S.C. § 5361 et seq., the intermediate routing of electronic data relating to lawful
5977 intrastate sports betting authorized under this chapter shall not determine the location in which such bet is
5978 initiated and received.

5979 CHAPTER 5.

5980 FANTASY CONTESTS.

5981 **§ 29.5-500. Definitions.**

5982 As used in this chapter, unless the context requires otherwise:

5983 "Confidential information" means information related to the play of a fantasy contest by fantasy contest
5984 players obtained as a result of or by virtue of a person's employment.

5985 "Entry fee" means cash or cash equivalent that is required to be paid by a fantasy contest participant to a
5986 fantasy contest operator in order to participate in a fantasy contest.

5987 "Fantasy contest" includes any online fantasy or simulated game or contest with an entry fee in which (i)
5988 the value of all prizes and awards offered to winning participants is established and made known to the
5989 participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the
5990 participants and shall be determined by accumulated statistical results of the performance of individuals,
5991 including athletes in the case of sports events; and (iii) no winning outcome is based on the score, point
5992 spread, or any performance of any single actual team or combination of teams or solely on any single
5993 performance of an individual athlete or player in any single actual event.

5994 "Fantasy contest operator" or "operator" means a person or entity that offers fantasy contests for a cash

5995 prize to members of the public.

5996 "Fantasy contest player" or "player" means a person who participates in a fantasy contest offered by a
5997 fantasy contest operator.

5998 "Principal stockholder" means any person who individually or in concert with his spouse and immediate
5999 family members beneficially owns or controls, directly or indirectly, 15 percent or more of the equity
6000 ownership of a fantasy contest operator or who in concert with his spouse and immediate family members has
6001 the power to vote or cause the vote of 15 percent or more of the equity ownership of any such operator.

6002 **§ 29.5-501. Registration of fantasy contest operators required; application for registration; issuance of**
6003 **registration certificate; penalty.**

6004 A. No fantasy contest operator shall offer any fantasy contest in the Commonwealth without first being
6005 registered with the Commission. Applications for registration shall be on forms prescribed by the Board. Any
6006 registration issued by the Commissioner shall be valid for one year from the date of issuance.

6007 B. The application for registration submitted by a fantasy contest operator shall contain the following
6008 information:

6009 1. The name and principal address of the applicant; if a corporation, the state of its incorporation, the full
6010 name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to
6011 do business in the Commonwealth; if a partnership or joint venture, the name and address of each officer
6012 thereof;

6013 2. The address of any offices of the applicant in the Commonwealth and its designated agent for process
6014 within the Commonwealth. If no such agent is designated, the applicant shall be deemed to have designated
6015 the Commissioner. If the operator does not maintain an office, the name and address of the person having
6016 custody of its financial records;

6017 3. The place where and the date when the applicant was legally established and the form of its
6018 organization;

6019 4. The names and addresses of the officers, directors, trustees, and principal salaried executive staff
6020 officer;

6021 5. The name and address of each principal stockholder or member of such corporation; and

6022 6. Such information as the Board deems necessary to ensure compliance with the provisions of this
6023 chapter.

6024 C. Every registration filed pursuant to this chapter shall be accompanied by a nonrefundable, initial
6025 application fee set by the Board.

6026 D. As a condition of registration, a fantasy contest operator shall submit evidence satisfactory to the
6027 Board that the operator has established and will implement procedures for fantasy contests that:

6028 1. Prevent him or his employees and relatives living in the same household as the operator from
6029 competing in any public fantasy contest offered by such operator in which the operator offers a cash prize;

6030 2. Prevent the sharing of confidential information that could affect fantasy contest play with third parties
6031 until the information is made publicly available;

6032 3. Verify that any fantasy contest player is 18 years of age or older;

6033 4. Ensure that players who are the subject of a fantasy contest are restricted from entering a fantasy
6034 contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in
6035 which such players are participants;

6036 5. Allow individuals to restrict themselves from entering a fantasy contest upon request and take
6037 reasonable steps to prevent those individuals from entering the operator's fantasy contests;

6038 6. Disclose the number of entries a single fantasy contest player may submit to each fantasy contest and
6039 take reasonable steps to prevent such players from submitting more than the allowable number; and

6040 7. Segregate player funds from operational funds in separate accounts and maintain a reserve in the form
6041 of cash, cash equivalents, irrevocable letter of credit, bond, or a combination thereof in an amount sufficient
6042 to pay all prizes and awards offered to winning participants.

6043 E. If the registration forms are filed online using a website approved by the Commissioner, the operator
6044 shall follow the procedures on that website for signing the forms.

6045 F. Any operator that allows its registration to lapse, without requesting an extension of time to file, shall
6046 be required to resubmit an initial registration. An extension may be granted by the Commissioner upon
6047 receipt of a written request.

6048 **§ 29.5-502. Issuance of registration; denial of same.**

6049 A. The Commissioner shall consider all applications for registration and shall issue a valid registration to
6050 an applicant that meets the criteria set forth in this chapter.

6051 B. The Commissioner shall deny registration to any applicant unless it finds that:

6052 1. If the corporation is a stock corporation, such stock is fully paid and nonassessable and has been
6053 subscribed and paid for only in cash or property to the exclusion of past services and, if the corporation is a
6054 nonstock corporation, that there are at least five members;

6055 2. All principal stockholders or members have submitted to the jurisdiction of the courts of the

Commonwealth for the purposes of this chapter, and all nonresident principal stockholders or members have designated the Commissioner as their agent for receipt of process;

3. The applicant's articles of incorporation provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire membership interest of any stockholder or require the resignation of any member who is or becomes unqualified for such position under subsection C; and

4. The applicant meets the criteria established by the Board for the granting of registration.

C. The Commissioner may deny registration to an applicant if he finds that the applicant, or any officer, partner, principal stockholder, or director of the applicant:

1. Has knowingly made a false statement of material fact or has deliberately failed to disclose any information requested;

2. Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any fantasy contest in this or any other state or has been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust within the 10 years prior to the date of application for registration;

3. Has at any time knowingly failed to comply with the provisions of this chapter or of any requirements of the Board;

4. Has had a registration or permit to hold or conduct fantasy contests denied for just cause, suspended, or revoked in any other state or country;

5. Has legally defaulted in the payment of any obligation or debt due to the Commonwealth; or

6. Is not qualified to do business in the Commonwealth or is not subject to the jurisdiction of the courts of the Commonwealth.

D. Any operator applying for registration or renewal of a registration may operate during the application period unless the Commissioner has reasonable cause to believe that such operator is or may be in violation of the provisions of this chapter and the Commissioner requires such operator to suspend the operation of any fantasy contest until registration or renewal of registration is issued.

E. The Commissioner shall issue such registration within 60 days of receipt of the application for registration. If the registration is not issued, the Commissioner shall provide the operator with specific justification for not issuing such registration.

§ 29.5-503. Independent audit required; submission to Commission.

A registered operator shall (i) annually contract with a certified public accountant to conduct an independent audit, consistent with the standards accepted by the Board of Accountancy; (ii) annually contract with a testing laboratory recognized by the Commission to verify compliance with the provisions of subsection D of § 29.5-501; and (iii) submit to the Commission a copy of the (a) audit report and (b) report of the testing laboratory as required by clause (ii).

§ 29.5-504. Powers and duties of the Board and the Commission.

A. The Commission shall have all powers and duties necessary to carry out the provisions of this chapter. The Board may establish procedures deemed necessary to carry out the provisions of this chapter.

B. Whenever it appears to the Commission that any person has violated any provision of this chapter, it may apply to the appropriate circuit court for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

C. Whenever the Commission has reasonable cause to believe that a violation of this chapter may have occurred, the Commission, upon its own motion or upon complaint of any person, may investigate any fantasy contest operator to determine whether such operator has violated the provisions of this chapter. In the conduct of such investigation, the Commission may:

1. Require or permit any person to file a statement in writing, under oath or otherwise as the Commission determines, as to all facts and circumstances concerning the matter to be investigated; and

2. Administer oaths or affirmations and, upon its own motion or upon request of any party, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangibles and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

D. Any proceedings or hearings by the Commission under this chapter, where witnesses are subpoenaed and their attendance is required for evidence to be taken or any matter is to be produced to ascertain material evidence, shall take place within the City of Richmond.

E. Upon failure to obey a subpoena and upon reasonable notice to all persons affected thereby, the Commission may apply to the Circuit Court of the City of Richmond for an order imposing punishment for contempt of the subpoena or compelling compliance.

§ 29.5-505. Suspension or revocation of registration.

A. After a hearing with 15 days' notice, the Commissioner may suspend or revoke any registration or impose on such operator a monetary penalty of not more than \$1,000 for each violation of this chapter, not to

exceed \$50,000, in any case where a violation of this chapter has been shown by a preponderance of the evidence. The Commissioner may revoke a registration if he finds that facts not known by him at the time he considered the application indicate that such registration should not have been issued.

B. The Commissioner may summarily suspend any registration for a period of not more than seven days pending a hearing and final determination by the Commission if the Commissioner determines that a violation of this chapter has occurred and emergency action is required to protect the public health, safety, and welfare. The Commission shall (i) schedule a hearing within seven business days after the registration is summarily suspended and (ii) notify the registered operator not less than five business days before the hearing of the date, time, and place of the hearing.

C. If any such registration is suspended or revoked, the Commissioner shall state his reasons for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with § 29.5-506. Suspension or revocation of a registration issued by the Commissioner for any violation shall not preclude civil liability for such violation.

§ 29.5-506. Hearing and appeal.

Any person aggrieved by a denial of the Commissioner to issue a registration, the suspension or revocation of a registration, the imposition of a fine, or any other action of the Commission may seek review of such action in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 29.5-507. Fees and charges.

All fees, charges, and monetary penalties collected by the Commission as provided in this chapter shall be paid into a special fund of the state treasury. Such funds shall be used to finance the administration and operation of this chapter.

§ 29.5-508. Commission to adjust fees; certain transfer of money collected prohibited.

A. Nongeneral funds generated by fees collected in accordance with this chapter on behalf of the Commission and accounted for and deposited into a special fund by the Commissioner shall be held exclusively to cover the expenses of the Commission in administering this chapter and shall not be transferred to any other agency.

B. Following the close of any biennium, when the account for the Commission maintained under this chapter shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the Commission, it shall revise the fees levied by it for registration and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

§ 29.5-509. Public inspection of information filed with the Commission; charges for production.

A. Except as provided in subsection B, registrations required to be filed under this chapter shall be open to the public for inspection at such time and under such conditions as the Board may prescribe. A charge not exceeding \$1 per page may be made for any copy of such documents as may be furnished to any person by the Commission.

B. Reports, data, or documents submitted to the Commission pursuant to the audit requirements of § 29.5-503 and records submitted to the Commission as part of an application for registration or renewal that contain information about the character or financial responsibility of the operator or its principal stockholders shall be deemed confidential and shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 29.5-510. Registration not endorsement.

No registered operator shall use or exploit the fact of registration under this chapter so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the Commonwealth.

§ 29.5-511. Acquisition of interest in fantasy contest operator.

A. If any person acquires actual control of a registered operator, such person shall register with the Commission in accordance with § 29.5-501.

B. Where any such acquisition of control is without prior approval of the Commissioner, the Commissioner may suspend any registration it has issued to such operator, order compliance with this section, or take such other action as may be appropriate within the authority of the Commissioner.

§ 29.5-512. Civil penalty.

In addition to the provisions of § 29.5-505, any person, firm, corporation, association, agent, or employee who knowingly violates any procedure implemented under subsection D of § 29.5-501 or any other provision of this chapter shall be liable for a civil penalty of not more than \$1,000 for each such violation. Such amount shall be recovered in a civil action brought by the Commission and be paid into the Literary Fund.

§ 29.5-513. Fantasy contests conducted under this chapter not illegal gambling.

A. Nothing contained in Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 shall be applicable to a fantasy contest conducted in accordance with this chapter. The award of any prize money for any fantasy contest shall not be deemed to be part of any gaming contract within the purview of § 11-14.

B. This section shall not apply to any sports betting or related activity that is lawful under Chapter 4 (§

29.5-400 et seq.), which shall be regulated pursuant to such chapter.

§ 29.5-514. Liability imposed by other laws not decreased.

Except as provided in § 29.5-513, nothing contained in this chapter shall be construed as making lawful any act or omission that is now unlawful, or as decreasing the liability, civil or criminal, of any person, imposed by existing laws.

CHAPTER 6.

LIVE HORSE RACING, HISTORICAL HORSE RACING, AND SIMULCAST HORSE RACING WITH PARI-MUTUEL WAGERING.

Article 1.

General Provisions.

§ 29.5-600. Control of live horse racing, historical horse racing, and simulcast horse racing with pari-mutuel wagering.

A. Horse racing with pari-mutuel wagering licensed pursuant to this chapter is permitted in the Commonwealth for the promotion, sustenance, and growth of a native industry, in a manner consistent with the health, safety, and welfare of the people. The Virginia Gaming Commission is vested with (i) plenary power and control of all historical horse racing and simulcast horse racing with pari-mutuel wagering in the Commonwealth and (ii) power to prescribe regulations and conditions under which live horse racing with pari-mutuel wagering shall be conducted, with the advice and in consultation with the Virginia Racing Commission established pursuant to § 29.5-602, so as to maintain horse racing in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled practices and to maintain in such racing complete honesty and integrity. The Virginia Gaming Commission shall encourage participation by local individuals and businesses in those activities associated with horse racing.

B. The conduct of any horse racing with pari-mutuel wagering, participation in such horse racing or wagering, and entrance to any place where such racing or wagering is conducted is a privilege that may be granted or denied by the Commission or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter.

C. The award of any prize money for any pari-mutuel wager placed at a racetrack or satellite facility licensed by the Commission shall not be construed as a part of any gaming contract within the purview of § 11-14.

D. This section shall not apply to any sports betting or related activity that is lawful under Chapter 3 (§ 29.5-300 et seq.) or 4 (§ 29.5-400 et seq.), which shall be regulated pursuant to such chapters.

§ 29.5-601. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advance deposit account wagering" means a method of pari-mutuel wagering conducted in the Commonwealth that is permissible under the Interstate Horseracing Act, 15 U.S.C. § 3001 et seq., and in which an individual may establish an account with an entity, licensed by the Commission, to place pari-mutuel wagers in person or electronically.

"Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of \$0.10.

"Commission" or "Gaming Commission" means the Virginia Gaming Commission established pursuant to § 29.5-101.

"Dependent" means a son, daughter, father, mother, brother, sister, or other person, whether or not related by blood or marriage, if such person receives from an officer or employee more than one-half of his financial support.

"Drug" means the same as that term is defined in § 54.1-3401. The Board shall, by regulation, define and designate those drugs the use of which is prohibited or restricted.

"Enclosure" means all areas of the property of a track to which admission can be obtained only by payment of an admission fee or upon presentation of authorized credentials, and any additional areas designated by the Racing Commission.

"Handle" means the total amount of all pari-mutuel wagering sales excluding refunds and cancellations.

"Historical horse racing" means a form of horse racing that creates pari-mutuel pools from wagers placed on previously conducted horse races and is hosted at (i) a racetrack owned or operated by a significant infrastructure limited licensee or (ii) a satellite facility that is owned or operated by (a) a significant infrastructure limited licensee or (b) the nonprofit industry stakeholder organization recognized by the Commission and licensed to own or operate such satellite facility.

"Horse racing" or "live horse racing" means a competition on a set course involving a race between horses on which pari-mutuel wagering is permitted.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Licensee" includes any person holding an owner's or operator's license pursuant to this chapter.

"Member" includes any person designated a member of a nonstock corporation, and any person who by

6241 means of a pecuniary or other interest in such corporation exercises the power of a member.

6242 "Pari-mutuel wagering" means the system of wagering on horse races in which those who wager on
 6243 horses that finish in the position or positions for which wagers are taken share in the total amounts wagered,
 6244 plus any amounts provided by a licensee, less deductions required or permitted by law and includes
 6245 pari-mutuel wagering on historical horse racing and simulcast horse racing originating within the
 6246 Commonwealth or from any other jurisdiction.

6247 "Participant" means any person who (i) has an ownership interest in any horse entered to race in the
 6248 Commonwealth or who acts as the trainer, jockey, or driver of any horse entered to race in the
 6249 Commonwealth or (ii) takes part in any horse racing subject to the jurisdiction of the Commission or in the
 6250 conduct of a race meeting or pari-mutuel wagering there, including a horse owner, trainer, jockey, or driver,
 6251 groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof,
 6252 track employee, or other position the Commission deems necessary to regulate to ensure the integrity of
 6253 horse racing in Virginia.

6254 "Permit holder" includes any person holding a permit to participate in any horse racing subject to the
 6255 jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel wagering thereon as
 6256 provided in § 29.5-628.

6257 "Person" means any individual, group of individuals, firm, company, corporation, partnership, business,
 6258 trust, association, or other legal entity.

6259 "Pool" means the amount wagered during a race meeting or during a specified period of a race meeting.

6260 "Principal stockholder" means any person who individually or in concert with his spouse and immediate
 6261 family members, beneficially owns or controls, directly or indirectly, five percent or more of the stock of any
 6262 person that is a licensee, or who in concert with his spouse and immediate family members, has the power to
 6263 vote or cause the vote of five percent or more of any such stock. However, "principal stockholder" shall not
 6264 include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, which holds in
 6265 inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or
 6266 indirectly, a license from the Commission.

6267 "Race meeting" means the whole consecutive period of time during which horse racing with pari-mutuel
 6268 wagering is conducted by a licensee.

6269 "Racetrack" means an outdoor course located in the Commonwealth that is laid out for horse racing and
 6270 is licensed by the Commission.

6271 "Racing Commission" means the Virginia Racing Commission established pursuant to § 29.5-602.

6272 "Recognized majority horsemen's group" means the organization recognized by the Racing Commission
 6273 as the representative of the majority of owners and trainers racing at race meetings subject to the Gaming
 6274 Commission's jurisdiction.

6275 "Retainage" means the total amount deducted from the pari-mutuel wagering pool for (i) a license fee to
 6276 the Commission and localities, (ii) the licensee, (iii) purse money for the participants, (iv) the Virginia
 6277 Breeders Fund, and (v) certain enumerated organizations as required or permitted by law, regulation, or
 6278 contract approved by the Commission.

6279 "Satellite facility" means all areas of the property at which simulcast horse racing is received for the
 6280 purposes of pari-mutuel wagering, and any additional areas designated by the Commission.

6281 "Significant infrastructure facility" means a horse racing facility that has been approved by a local
 6282 referendum pursuant to § 29.5-632 and has a minimum racing infrastructure consisting of (i) a one-mile dirt
 6283 track for flat racing, (ii) a seven-eighths-mile turf course for flat or jump racing, (iii) covered seating for no
 6284 fewer than 500 persons, and (iv) barns with no fewer than 400 permanent stalls.

6285 "Significant infrastructure limited licensee" means a person who owns or operates a significant
 6286 infrastructure facility and holds a limited license under § 29.5-616.

6287 "Simulcast horse racing" means the simultaneous transmission of the audio or video portion, or both, of
 6288 horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or
 6289 satellite facility, regardless of state of licensure, whether such races originate within the Commonwealth or
 6290 any other jurisdiction, by satellite communication devices, television cables, telephone lines, or any other
 6291 means for the purposes of conducting pari-mutuel wagering.

6292 "Steward" means a racing official, duly appointed by the Commission, with powers and duties prescribed
 6293 by Board regulations.

6294 "Stock" includes all classes of stock, partnership interest, membership interest, or similar ownership
 6295 interest of an applicant or licensee, and any debt or other obligation of such person or an affiliated person if
 6296 the Commission finds that the holder of such interest or stock derives therefrom such control of or voice in
 6297 the operation of the applicant or licensee that he should be deemed an owner of stock.

6298 "Virginia Breeders Fund" means the fund established to foster the industry of breeding race horses in the
 6299 Commonwealth.

6300 **§ 29.5-602. Virginia Racing Commission established; purpose; membership; compensation; duties.**

6301 A. The Virginia Racing Commission is established as an advisory board in state government for the

6302 purpose of advising the Virginia Gaming Commission on all aspects of the live horse racing industry in the
6303 Commonwealth. The Racing Commission shall have a total membership of five nonlegislative citizen
6304 members to be appointed by the Governor, subject to confirmation by the General Assembly. Nonlegislative
6305 citizen members shall be citizens of the Commonwealth.

6306 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
6307 Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

6308 After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of five
6309 years.

6310 The Racing Commission shall elect a chairman and vice-chairman from among its membership. A
6311 majority of the members shall constitute a quorum. The meetings of the Racing Commission shall be held at
6312 the call of the chairman or whenever the majority of the members so request.

6313 Members shall receive such compensation for the performance of their duties as provided in § 2.2-2813.
6314 All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of
6315 their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of
6316 the members shall be provided by the Virginia Gaming Commission.

6317 B. The Racing Commission shall have the following powers and duties:

6318 1. Advise the Virginia Gaming Commission on the conduct of live horse racing in the Commonwealth,
6319 including consulting with the Commission on the promulgation of all rules and regulations related to the live
6320 horse racing industry;

6321 2. Recommend policy and legislative changes to the Commission regarding horse racing, licensure and
6322 permitting, upkeep of racetracks and stable maintenance, or other matters related to the horse racing
6323 industry;

6324 3. Advise on other matters related to horse racing that the Commission may request or the Racing
6325 Commission may deem necessary; and

6326 4. Keep a complete and accurate record of its proceedings. A copy of such record and any other public
6327 records not exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall
6328 be available for public inspection and copying during regular office hours at the Commission.

6329 **§ 29.5-603. Financial interests of Racing Commission members and family members prohibited.**

6330 No member of the Racing Commission, and no spouse or immediate family member of any such member
6331 shall have any financial interest, direct or indirect, in (i) any horse racetrack, satellite facility, or operation
6332 incident thereto subject to the provisions of this chapter; (ii) any entity that has submitted an application for
6333 a license pursuant to this chapter; (iii) the operation of any such racetrack or satellite facility within the
6334 Commonwealth; or (iv) the operation of any wagering authorized under this chapter. No member of the
6335 Racing Commission, and no spouse or immediate family member of any such member shall (a) participate as
6336 owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of the Gaming
6337 Commission; (b) have any pecuniary interest in the purse or prize contested for in any such race; or (c) make
6338 any contribution to a candidate for office or office holders on the local or state level, or cause a contribution
6339 to be made on their behalf.

6340 **§ 29.5-604. Powers and duties of the Commission.**

6341 A. The Virginia Gaming Commission shall have all powers and duties necessary to carry out the
6342 provisions of this chapter. Such powers and duties may be executed by the Virginia Gaming Commission
6343 Board, and when in regard to live horse racing, shall be executed in consultation and with the advice of the
6344 Virginia Racing Commission pursuant to the provisions of § 29.5-600.

6345 B. The powers and duties of the Gaming Commission shall include the following:

6346 1. The Commission is vested with jurisdiction and supervision over all horse racing, historical horse
6347 racing, and simulcast horse racing licensed under the provisions of this chapter including all persons
6348 conducting, participating in, or attending any race meeting. It shall employ such persons to be present at
6349 race meetings as are necessary to ensure that they are conducted with order and the highest degree of
6350 integrity. It may eject or exclude from the enclosure or from any part of such enclosure any person, whether
6351 or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the
6352 opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly
6353 conduct of horse racing.

6354 2. The Commission, its representatives, and employees shall visit, investigate, and have free access to the
6355 office, track, facilities, satellite facilities, or other places of business of any licensee or permit holder, and
6356 may compel the production of any of the books, documents, records, or memoranda of any licensee or permit
6357 holder for the purpose of satisfying itself that this chapter and its regulations are strictly complied with. In
6358 addition, the Commission may require any person granted a permit by the Commissioner and shall require
6359 any person licensed by the Commissioner, the recognized majority horsemen's group, and the nonprofit
6360 industry stakeholder organization recognized by the Commission under this chapter to produce an annual
6361 balance sheet and operating statement prepared by a certified public accountant approved by the
6362 Commission. The Commission may require the production of any contract to which such person is or may be

a party.

3. The Board shall promulgate regulations and conditions under which horse racing, historical horse racing, and simulcast horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter, including a requirement that licensees post, in a conspicuous place in every place where pari-mutuel wagering is conducted, (i) a sign that bears a toll-free telephone number for "Gamblers Anonymous" or other organization that provides assistance to compulsive gamblers and (ii) a sign that bears the toll-free number and website for the illegal gaming tip line established and administered by the Office of the Gaming Enforcement Coordinator in the Department of State Police pursuant to § 52-54 for members of the public to report concerns about, or suspected instances of, illegal gaming activities. Such regulations shall include provisions for affirmative action to assure participation by minority persons in contracts granted by the Commission and its licensees. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any horse racetrack. Such regulations may include penalties for violations. The regulations shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

4. The Board shall promulgate regulations and conditions under which simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter. Such regulations shall include provisions that all simulcast horse racing shall comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.) and shall require the holder of a license to schedule no more than 125 live racing days in the Commonwealth each calendar year; however, the Racing Commission shall have the authority to alter the required number of live racing days in the event of force majeure. Such regulations shall authorize up to 10 satellite facilities and restrict majority ownership of satellite facilities to an entity licensed by the Commissioner that is a significant infrastructure limited licensee, or if by August 1, 2015, there is no such licensee or a pending application for such license, then the nonprofit industry stakeholder organization recognized by the Commission may be granted licenses to own or operate satellite facilities. If, however, after the issuance of a license to own or operate a satellite facility to such nonprofit industry stakeholder organization, the Commissioner grants a license to a significant infrastructure limited licensee pursuant to § 29.5-616, then such limited licensee may own or operate the remaining available satellite facilities authorized in accordance with this subdivision. In no event shall the Commission authorize any such entities to own or operate more than a combined total of 10 satellite facilities. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any satellite facility. Except as authorized pursuant to subdivision 5, wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility. For purposes of this subdivision, "force majeure" means an event or events reasonably beyond the ability of the Racing Commission to anticipate and control. "Force majeure" includes acts of God, incidences of terrorism, war or riots, labor strikes or civil disturbances, floods, earthquakes, fire, explosions, epidemics, hurricanes, tornadoes, and governmental actions and restrictions.

5. The Board shall promulgate regulations and conditions regulating and controlling advance deposit account wagering. Such regulations shall include (i) standards, qualifications, and procedures for the issuance of a license to an entity for the operation of pari-mutuel wagering in the Commonwealth, except that the Commissioner shall not issue a license to, and shall revoke the license of, an entity that, either directly or through an entity under common control with it, withholds the sale at fair market value to a licensee of simulcast horse racing signals that such entity or an entity under common control with it sells to other racetracks, satellite facilities, or advance deposit account wagering providers located in or outside of the Commonwealth; (ii) provisions regarding access to books, records, and memoranda, and submission to investigations and audits, as authorized by subdivisions 2 and 10; and (iii) provisions regarding the collection of all revenues due to the Commonwealth from the placing of such wagers. No pari-mutuel wager may be made on or with any computer owned or leased by the Commonwealth, or any of its subdivisions, or at any public elementary or secondary school or institution of higher education. The Commission also shall ensure that, except for this method of pari-mutuel wagering, all wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

Nothing in this subdivision shall be construed to limit the Commission's authority as set forth elsewhere in this section.

6. The Board may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Board, it is necessary to do so for the effectual discharge of its duties.

7. The Board may compel any person holding a license or permit to file with the Commission such data as shall appear to the Board to be necessary for the performance of its duties including financial statements and information relative to stockholders and all others with any pecuniary interest in such person. It may prescribe the manner in which books and records of such persons shall be kept.

8. The Commission shall report annually on or before March 1 to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Commission.

9. The Commission may order such audits, in addition to those required by § 29.5-610, as it deems

6425 necessary and desirable.

6426 10. The Commission, shall upon the receipt of a complaint of an alleged criminal violation of this chapter,
6427 immediately report the complaint to the Attorney General and the Office of the Gaming Enforcement
6428 Coordinator at the Department of State Police pursuant to § 52-54 for appropriate action.

6429 11. The Commission shall provide for the withholding of the applicable amount of state and federal
6430 income tax of persons claiming a prize or pay-off for a winning wager and shall establish the thresholds for
6431 such withholdings.

6432 12. The Commission, its representatives, and employees may, within the enclosure, stable, or other facility
6433 related to the conduct of horse racing, and during regular or usual business hours, subject any (i) permit
6434 holder to personal inspections, including alcohol and drug testing for illegal drugs, inspections of personal
6435 property, and inspections of other property or premises under the control of such permit holder and (ii) horse
6436 eligible to race at a race meeting licensed by the Commission to testing for substances foreign to the natural
6437 horse within the racetrack enclosure or other place where such horse is kept. Any item, document, or record
6438 indicative of a violation of any provision of this chapter or Board regulations may be seized as evidence of
6439 such violation. All permit holders consent to the searches and seizures authorized by this subdivision,
6440 including breath, blood, and urine sampling for alcohol and illegal drugs, by accepting the permit issued by
6441 the Commissioner. The Commissioner may revoke or suspend the permit of any person who fails or refuses to
6442 comply with this subdivision or any rules of the Commission. Board regulations in effect on July 1, 1998,
6443 shall continue in full force and effect until modified by the Board in accordance with law.

6444 13. The Commission shall require the existence of a contract between each licensee and the recognized
6445 majority horsemen's group for that licensee. Such contract shall be subject to the approval of the Board,
6446 which shall have the power to approve or disapprove any of its items, including the provisions regarding
6447 purses and prizes. Such contracts shall provide that on pools generated by wagering on simulcast horse
6448 racing from outside the Commonwealth, (i) for the first \$75 million of the total pari-mutuel handle for each
6449 breed, the licensee shall deposit funds at the minimum rate of five percent in the horsemen's purse account;
6450 (ii) for any amount in excess of \$75 million but less than \$150 million of the total pari-mutuel handle for each
6451 breed, the licensee shall deposit funds at the minimum rate of six percent in the horsemen's purse account;
6452 and (iii) for amounts in excess of \$150 million for each breed, the licensee shall deposit funds at the minimum
6453 rate of seven percent in the horsemen's purse account. Such deposits shall be made in the horsemen's purse
6454 accounts of the breed that generated the pools and such deposits shall be made within five days from the date
6455 on which the licensee receives wagers. In the absence of the required contract between the licensee and the
6456 recognized majority horsemen's group, the Board may permit wagering to proceed on simulcast horse racing
6457 from outside of the Commonwealth, provided that the licensee deposits into the Horse Racing Operations
6458 Fund created pursuant to § 29.5-606 an amount equal to the minimum percentage of the total pari-mutuel
6459 handles as required in clauses (i), (ii), and (iii) or such lesser amount as the Board may approve. The
6460 deposits shall be made within five days from the date on which the licensee receives wagers. Once a contract
6461 between the licensee and the recognized majority horsemen's group is executed and approved by the Board,
6462 the Commission shall transfer these funds to the licensee and the horsemen's purse accounts.

6463 14. Notwithstanding the provisions of § 29.5-632, the Commissioner may grant provisional limited
6464 licenses or provisional unlimited licenses to own or operate racetracks or satellite facilities to an applicant
6465 prior to the applicant securing the approval through the local referendum required by § 29.5-632. The
6466 provisional licenses issued by the Commissioner shall only become effective upon the approval of the
6467 racetrack or satellite wagering facilities in a referendum conducted pursuant to § 29.5-632 in the jurisdiction
6468 in which the racetrack or satellite wagering facility is to be located.

6469 15. The Board shall promulgate regulations requiring, for each calendar year, any significant
6470 infrastructure limited licensee that offers pari-mutuel wagering on historical horse racing to hold at least one
6471 live Thoroughbred horse racing day, consisting of not less than eight races per day, for every 100 historical
6472 horse racing terminals installed at its significant infrastructure facility together with any satellite facility
6473 owned, operated, controlled, managed, or otherwise directly or indirectly affiliated with such licensee. The
6474 regulations shall require any such significant infrastructure limited licensee that holds more than one live
6475 Thoroughbred horse racing day in accordance with the provisions of this subdivision to hold at least one of
6476 those racing days on a weekend. The number of historical horse racing terminals installed at a significant
6477 infrastructure facility shall be calculated as of December 31 of the calendar year in question; however, only
6478 historical horse racing terminals that are fully operational shall be included in such calculation.

6479 § 29.5-605. Staff; stewards.

6480 A. The Commission shall appoint such employees as it deems essential to perform its duties under this
6481 chapter, who shall possess such authority and perform such duties as the Commission shall prescribe or
6482 delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants,
6483 guards, and such other employees deemed by the Commission to be necessary for the supervision and the
6484 proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by
6485 the Commission.

6486 B. The stewards appointed by the Executive Secretary in accordance with § 29.5-105 shall act as racing

officials to oversee the conduct of (i) horse racing at licensed racetracks and (ii) simulcast horse racing at satellite facilities. The stewards shall have the authority to interpret and enforce the Board's regulations and to decide all questions of horse racing and simulcast horse racing not specifically covered by the regulations of the Board. Nothing in this subsection shall limit the authority of the Commission to carry out the provisions of this chapter and to exercise control of horse racing as set forth in this chapter, including the power to review all decisions and rulings of the stewards.

§ 29.5-606. Horse Racing Operations Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Horse Racing Operations Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys and revenues received by the Virginia Gaming Commission pursuant to the provisions of this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the operation and administration of this chapter by the Virginia Gaming Commission. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

§ 29.5-607. Fingerprints and background investigations; investigations from other states.

A. The Commission shall fingerprint and require a background investigation, including a criminal history record information check, conducted by a representative of a law-enforcement agency of the Commonwealth or federal government of the following persons: (i) every person licensed to hold race meetings within the Commonwealth; (ii) every person who is an officer, director, or principal stockholder of a corporation that holds such a license, and every employee of the holder of any such license whose duties relate to the horse racing business in the Commonwealth; (iii) all security personnel of any license holder; (iv) members and employees of the Virginia Gaming Commission; (v) all permit holders, owners, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarians, and employees of any licensee or permit holder; and (vi) any person who actively participates in the horse racing activities of any licensee or permit holder.

B. Notwithstanding the provisions of subsection A, the Board may (i) by regulation, establish a procedure to recognize a license or permit issued by another state in which horse racing is authorized when the Board, in its discretion, determines that (a) the laws or requirements of the licensing authority for such state governing fingerprinting and background investigations are substantially the same as required under this chapter and Board regulations and (b) the applicant has not been convicted of an offense as provided in subsection C of § 29.5-630 and (ii) waive the requirements for fingerprinting and background investigations for permit holders participating in (a) horse racing in nonsecure areas or (b) nonracing activities.

§ 29.5-608. Hearing and appeal.

Any person aggrieved by (i) a refusal of the Commissioner to issue any license or permit, (ii) the suspension or revocation of a license or permit, (iii) the imposition of a fine, or (iv) any other action of the Commission or Board pursuant to this chapter, may seek review of such action in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act in the Circuit Court of the City of Richmond, and any further appeals shall also be in accordance with such article.

§ 29.5-609. Injunction.

Whenever it appears to the Commission that any person has violated or may violate any provision of this chapter, any Board regulation, or final decision of the Commission, it may apply to the appropriate circuit court for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

§ 29.5-610. Audit required.

A regular post-audit shall be conducted of all accounts and transactions of the Commission. An audit of a fiscal and compliance nature of the accounts and transactions of the Commission shall be conducted by the Auditor of Public Accounts as determined necessary by the Auditor of Public Accounts. The cost of the audit and post-audit examinations shall be paid by the Commission.

§ 29.5-611. Virginia Breeders Fund.

There is hereby created within the State Treasury the Virginia Breeders Fund, referred to in this section as "the Fund," which Fund, together with the interest thereon, shall be administered in whole or in part by the Commission or by an entity designated by the Commission. The cost of administering and promoting the Fund shall be deducted from the Fund, and the balance shall be disbursed by the Commission or designated entity to the breeders of Virginia-bred horses that finish first, second, or third in races at race meetings designated by the Commission, to the owners of Virginia sires of Virginia-bred horses that finish first, second, or third in races at race meetings designated by the Commission, to the owners of Virginia-bred horses that win or earn purse money in nonrestricted races at racetracks in Virginia licensed by the Commission, to the owners of Virginia-bred horses that win races at race meetings designated by the Commission, and for purses for races restricted to Virginia-bred or Virginia-sired horses or both at race

meetings designated by the Commission. To assist the Commission in establishing this awards and incentive program to foster the industry of breeding racehorses in Virginia, the Board shall appoint an advisory committee composed of two members from each of the registered breed associations representing each breed of horse participating in the Fund program, one member representing the owners and operators of racetracks, and one member representing all of the meets sanctioned by the National Steeplechase Association.

Article 2.

Live Horseracing Compact.

§ 29.5-612. Live Horseracing Compact; form of compact.

The Live Horseracing Compact is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I. Purposes.

§ 1. Purposes.

The purposes of this compact are to:

1. Establish uniform requirements among the party states for the licensing of participants in live horse racing with pari-mutuel wagering, and ensure that all such participants who are licensed pursuant to this compact meet a uniform minimum standard of honesty and integrity.

2. Facilitate the growth of the horse racing industry in each party state and nationwide by simplifying the process for licensing participants in live racing, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts live horse racing with pari-mutuel wagering.

3. Authorize the Virginia Gaming Commission to participate in this compact.

4. Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and nongovernmental persons to carry out the purposes of this compact.

5. Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investigation and other state and local law-enforcement agencies.

ARTICLE II. Definitions.

§ 2. Definitions.

"Compact committee" means the organization of officials from the party states that is authorized and empowered by this compact to carry out the purposes of this compact.

"Official" means the appointed, elected, designated, or otherwise duly selected representative of a racing commission or the equivalent thereof in a party state who represents that party state as a member of the compact committee.

"Participants in live racing" means participants in live horse racing with pari-mutuel wagering in the party states.

"Party state" means each state that has enacted this compact.

"State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States.

ARTICLE III. Entry into Force, Eligible Parties, and Withdrawal.

§ 3. Entry into force.

This compact shall come into force when enacted by any four states. Thereafter, this compact shall become effective as to any other state upon (i) that state's enactment of this compact and (ii) the affirmative vote of a majority of the officials on the compact committee as provided in § 8.

§ 4. States eligible to join compact.

Any state that has adopted or authorized horse racing with pari-mutuel wagering shall be eligible to become party to this compact.

§ 5. Withdrawal from compact and impact thereof on force and effect of compact.

Any party state may withdraw from this compact by enacting a statute repealing this compact, but no such withdrawal shall become effective until the head of the executive branch of the withdrawing state has given notice in writing of such withdrawal to the head of the executive branch of all other party states. If as a result of withdrawals participation in this compact decreases to less than three party states, this compact no longer shall be in force and effect unless and until there are at least three or more party states again participating in this compact.

ARTICLE IV. Compact Committee.

§ 6. Compact committee established.

There is hereby created an interstate governmental entity to be known as the "compact committee," which shall be composed of one official from the racing commission or its equivalent in each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the party state he represents. Pursuant to the laws of his party state, each official shall have the assistance of his state's racing commission or the equivalent thereof in considering issues related to licensing of participants in live racing and in

fulfilling his responsibilities as the representative from his state to the compact committee. If an official is unable to perform any duty in connection with the powers and duties of the compact committee, the racing commission or equivalent thereof from his state shall designate an alternate who shall serve in his place and represent the party state as its official on the compact committee until that racing commission or equivalent thereof determines that the original representative official is able once again to perform his duties as that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the affected state's racing commission or equivalent thereof to the compact committee as the committee's bylaws may provide.

§ 7. Powers and duties of compact committee.

In order to carry out the purposes of this compact, the compact committee is hereby granted the power and duty to:

1. Determine which categories of participants in live racing, including but not limited to owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians, and farriers, and which categories of equivalent participants in live racing with pari-mutuel wagering authorized in two or more of the party states, should be licensed by the committee, and establish the requirements for the initial licensure of applicants in each such category, the term of the license for each category, and the requirements for renewal of licenses in each category, provided, however, that with regard to requests for criminal records on the issuance or renewal of a license, the compact committee shall determine for each category of participants in live racing which licensure requirements for that category are, in its judgment, the most restrictive licensure requirements of any party state for that category and shall adopt licensure requirements for that category that are, in its judgment, comparable to those most restrictive requirements.

2. Investigate applicants for a license from the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal history record information from the Federal Bureau of Investigation and relevant state and local law-enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law-enforcement agencies of other countries, necessary to determine whether a license should be issued under the licensure requirements established by the committee as provided in subdivision 1. Only officials on, and employees of, the compact committee may receive and review such criminal history record information, and those officials and employees may use that information only for the purposes of this compact. No such official or employee may disclose or disseminate such information to any person or entity other than another official or employee of the compact committee. The fingerprints of each applicant for a license from the compact committee shall be taken by the compact committee, its employees, or its designee and, pursuant to Public Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau, or an association of state officials regulating pari-mutuel wagering designated by the Attorney General of the United States, for submission to the Federal Bureau of Investigation for a criminal history records check. Such fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law-enforcement agency.

3. Issue licenses to, and renew the licenses of, participants in live racing listed in subdivision 1 who are found by the committee to have met the licensure and renewal requirements established by the committee. The compact committee shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that it will not be able to process his application further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and to be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established pursuant to subdivision 1.

4. Enter into contracts or agreements with governmental agencies and with nongovernmental persons to provide personal services for its activities and such other services as may be necessary to effectuate the purposes of this compact.

5. Create, appoint, and abolish those offices, employments, and positions, including an executive director, as it deems necessary for the purposes of this compact, prescribe their powers, duties, and qualifications, hire persons to fill those offices, employments, and positions, and provide for the removal, term, tenure, compensation, fringe benefits, retirement benefits, and other conditions of employment of its officers, employees, and other positions.

6. Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation, or other entity.

7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or in other similar manner, in furtherance of the purposes of this compact.

8. Charge a fee to each applicant for an initial license or renewal of a license.

9. Receive other funds through gifts, grants, and appropriations.

§ 8. Voting requirements.

A. Each official shall be entitled to one vote on the compact committee.

6671 B. All action taken by the compact committee with regard to the addition of party states as provided in §
6672 3, the licensure of participants in live racing, and the receipt and disbursement of funds shall require a
6673 majority vote of the total number of officials, or their alternates, on the committee. All other action by the
6674 compact committee shall require a majority vote of those officials, or their alternates, present and voting.

6675 C. No action of the compact committee may be taken unless a quorum is present. A majority of the
6676 officials, or their alternates, on the compact committee shall constitute a quorum.

6677 § 9. Administration and management.

6678 A. The compact committee shall elect annually from among its members a chairman, a vice-chairman,
6679 and a secretary/treasurer.

6680 B. The compact committee shall adopt bylaws for the conduct of its business by a two-thirds vote of the
6681 total number of officials, or their alternates, on the committee at that time and shall have the power by the
6682 same vote to amend and rescind such bylaws. The committee shall publish its bylaws in convenient form and
6683 shall file a copy thereof and a copy of any amendments thereto with the secretary of state or equivalent
6684 agency of each of the party states.

6685 C. The compact committee may delegate the day-to-day management and administration of its duties and
6686 responsibilities to an executive director and his support staff.

6687 D. Employees of the compact committee shall be considered governmental employees.

6688 § 10. Immunity from liability for performance of official responsibilities and duties.

6689 No official of a party state or employee of the compact committee shall be held personally liable for any
6690 good faith act or omission that occurs during the performance and within the scope of his responsibilities and
6691 duties under this compact.

6692 ARTICLE V. Rights and Responsibilities of Each Party State.

6693 § 11. Rights and responsibilities of each party state.

6694 A. By enacting this compact, each party state:

6695 1. Agrees (i) to accept the decisions of the compact committee regarding the issuance of compact
6696 committee licenses to participants in live racing pursuant to the committee's licensure requirements and (ii)
6697 to reimburse or otherwise pay the expenses of its official representative on the compact committee or his
6698 alternate.

6699 2. Agrees not to treat a notification to an applicant by the compact committee under subdivision 3 of § 7
6700 that the compact committee will not be able to process his application further as the denial of a license, or to
6701 penalize such an applicant in any other way based solely on such a decision by the compact committee.

6702 3. Reserves the right (i) to charge a fee for the use of a compact committee license in that state; (ii) to
6703 apply its own standards in determining whether, on the facts of a particular case, a compact committee
6704 license should be suspended or revoked; (iii) to apply its own standards in determining licensure eligibility,
6705 under the laws of that party state, for categories of participants in live racing that the compact committee
6706 determines not to license and for individual participants in live racing who do not meet the licensure
6707 requirements of the compact committee; and (iv) to establish its own licensure standards for the licensure of
6708 nonracing employees at horse racetracks and employees at separate satellite wagering facilities. Any party
6709 state that suspends or revokes a compact committee license shall, through its racing commission or the
6710 equivalent thereof or otherwise, promptly notify the compact committee of that suspension or revocation.

6711 B. No party state shall be held liable for the debts or other financial obligations incurred by the compact
6712 committee.

6713 ARTICLE VI. Construction and Severability.

6714 § 12. Construction and severability.

6715 This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact
6716 shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be
6717 contrary to the Constitution of the United States or of any party state, or the applicability of this compact to
6718 any government, agency, person, or circumstance is held invalid, the validity of the remainder of this
6719 compact and the applicability thereof to any government, agency, person, or circumstance shall not be
6720 affected thereby. If all or some portion of this compact is held to be contrary to the constitution of any party
6721 state, the compact shall remain in full force and effect as to the remaining party states and in full force and
6722 effect as to the state affected as to all severable matters.

6723 § 29.5-613. Compact Committee members.

6724 The Governor shall appoint one official to represent the Commonwealth on the Compact Committee for a
6725 term of four years. No official shall serve more than three consecutive terms. A vacancy shall be filled by the
6726 Governor for the unexpired term.

6727 § 29.5-614. Cooperation of departments, agencies, and officers of the Commonwealth.

6728 All departments, agencies, and officers of the Commonwealth and its political subdivisions are hereby
6729 authorized to cooperate with the Compact Committee in furtherance of any of its activities pursuant to the
6730 Compact.

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6732

§ 29.5-615. Owner's and operator's license required.

A. No person shall construct, establish, or own a satellite facility where pari-mutuel wagering is permitted unless he has obtained an owner's license issued by the Commissioner in accordance with the provisions of this chapter.

B. No person shall operate pari-mutuel wagering with his knowledge or acquiescence unless he has obtained an operator's license issued by the Commissioner in accordance with the provisions of this chapter.

C. No person to whom an owner's or operator's license has been issued nor any officer, director, partner, or spouse or immediate family member thereof shall make any contribution to any candidate for public office or public office holder at the local or state level.

D. No license issued under the provisions of this chapter shall be transferable.

§ 29.5-616. Limited licenses; transfer of meet; taxation; authority to issue; limitations.

A. Notwithstanding the provisions of § 29.5-615 or 29.5-618 but subject to such regulations and criteria as it may prescribe, the Commission is authorized to issue limited licenses, provided such licenses shall permit any holder to conduct a race meeting or meetings for a period not to exceed 14 days in any calendar year, or in the case of a significant infrastructure limited licensee, 75 days in any calendar year.

B. The Commission may at any time, in its discretion, authorize any organization or association licensed under this section to transfer its race meeting or meetings from its own track or place for holding races to the track or place for holding races of any other organization or association licensed under this chapter upon the payment of any and all appropriate license fees. No such authority to transfer shall be granted without the express consent of the organization or association owning or leasing the track to which such transfer is made.

C. For any such meeting the licensee shall retain and pay from the pool the tax as provided in Article 5 (§ 29.5-633 et seq.).

§ 29.5-617. Application for owner's license; penalty.

A. Any person desiring to construct or own a satellite facility where pari-mutuel wagering is permitted shall file with the Commission an application for an owner's license. Such application shall be filed at the time and place, and in such form and containing such information, as prescribed by the Board with the following:

1. The name and address of such person; if a corporation, the state of its incorporation, and the full name and address of each officer and director thereof, and if a foreign corporation, whether it is qualified to do business in the Commonwealth; if a partnership or joint venture, the name and address of each officer thereof;

2. The name and address of each stockholder or member of such corporation, or each partner of such partnership or joint venture, and of each person who has contracted for a pecuniary interest in the applicant where pari-mutuel wagering will be conducted, whether such interest is an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant;

3. Such information as the Board deems appropriate regarding the character, background, and responsibility of the applicant and the members, partners, stockholders, officers, and directors of the applicant;

4. The location and description of the place where such person proposes to hold such wagering, including the name of any county, city, or town in which any property of such satellite facility is or will be located. The Board shall require such information about the location of such satellite facility as it deems necessary and appropriate to determine whether it complies with the minimum standards provided in this chapter, and whether the conduct of pari-mutuel wagering at such location would be in the best interests of the people of the Commonwealth;

5. Such information relating to the financial responsibility of the applicant as the Board deems appropriate;

6. If any of the facilities necessary for the conduct of pari-mutuel wagering are to be leased, the terms of such lease; and

7. Any other information that the Board, in its discretion, deems appropriate.

B. Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and accompanied by a nonrefundable application fee as prescribed by the Board.

C. Any person who knowingly makes a false statement to the Board for the purposes of obtaining a license under this chapter is guilty of a Class 4 felony.

§ 29.5-618. Issuance of owner's license.

A. The Commissioner shall consider all applications for an owner's license and may grant a valid owner's license to applicants who meet the criteria set forth in this chapter and established by the Board. The Commissioner shall deny a license to any applicant unless he finds that the applicant's facilities are or will be appropriate for the finest quality of racing.

B. The Commissioner shall deny a license to an applicant if he finds that (i) for any reason, the issuance

6794 of a license to the applicant would not be in the interest of the people of the Commonwealth or the horse
6795 racing industry in the Commonwealth or would reflect adversely on the honesty and integrity of the horse
6796 racing industry in the Commonwealth or (ii) that the applicant, or any officer, partner, principal stockholder,
6797 or director of the applicant:

6798 1. Has knowingly made a false statement of material fact or has deliberately failed to disclose any
6799 information requested;

6800 2. Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection
6801 with any horse racing in this or any other state, or has been convicted of a felony;

6802 3. Has at any time knowingly failed to comply with the provisions of this chapter or of any regulations of
6803 the Board;

6804 4. Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended,
6805 or revoked in any other state or country;

6806 5. Has legally defaulted in the payment of any obligation or debt due to the Commonwealth;

6807 6. Has constructed or caused to be constructed a racetrack or satellite facility for which a license was
6808 required under § 29.5-617 without obtaining such license, or has deviated substantially, without the
6809 permission of the Commissioner, from the plans and specifications submitted to the Commission; or

6810 7. Is not qualified to do business in the Commonwealth or is not subject to the jurisdiction of the courts of
6811 the Commonwealth.

6812 C. The Commissioner shall deny a license to any applicant unless he finds:

6813 1. That, if the corporation is a stock corporation, that such stock is fully paid and nonassessable, has been
6814 subscribed and paid for only in cash or property to the exclusion of past services, and, if the corporation is a
6815 nonstock corporation, that there are at least 20 members;

6816 2. That all principal stockholders or members have submitted to the jurisdiction of the courts of the
6817 Commonwealth, and all nonresident principal stockholders or members have designated the Executive
6818 Secretary as their agent for receipt of process;

6819 3. That the applicant's articles of incorporation provide that the corporation may, on vote of a majority of
6820 the stockholders or members, purchase at fair market value the entire membership interest of any stockholder
6821 or require the resignation of any member who is or becomes unqualified for such position under § 29.5-620;
6822 and

6823 4. That the applicant meets the criteria established by the Board for the granting of an owner's license.

6824 **§ 29.5-619. Licensing of owners or operators of certain pari-mutuel facilities.**

6825 A. Notwithstanding the provisions of § 29.5-632, the Commissioner may grant a license, for a duration to
6826 be determined by the Board, to the owner or operator of a facility for the purpose of conducting pari-mutuel
6827 wagering on (i) Thoroughbred and standard bred race meetings and (ii) simulcast horse racing at that
6828 facility in conjunction with the race meetings for a period not to exceed 14 days in any calendar year,
6829 provided that, prior to making application for such license, (a) the facility has been approved by the Board
6830 and (b) the owner or operator of such facility has been granted tax-exempt status under § 501(c)(3) or (4) of
6831 the Internal Revenue Code.

6832 B. In deciding whether to grant any license pursuant to this section, the Commissioner shall consider (i)
6833 the results of, circumstances surrounding, and issues involved in any referendum conducted under the
6834 provisions of § 29.5-632 and (ii) whether the Commissioner had previously granted a license to such facility,
6835 owner, or operator.

6836 C. In no event shall the Commissioner issue more than 12 licenses in a calendar year pursuant to this
6837 section.

6838 **§ 29.5-620. Refusal of owner's license.**

6839 No owner's license or renewal thereof shall be granted to any corporation if the Commissioner finds that
6840 any principal stockholder of such stock corporation, or any member of such nonstock corporation:

6841 1. Is or has been guilty of any illegal, corrupt, or fraudulent act, conduct, or practice in connection with
6842 horse racing in this or any other state, or has knowingly failed to comply with the provisions of this chapter
6843 or Board regulations;

6844 2. Has had a license or permit to hold or conduct a race meeting denied for cause, suspended, or revoked
6845 in any other state or country; or

6846 3. Has at any time during the previous five years knowingly failed to comply with the provisions of this
6847 chapter or any Board regulations.

6848 **§ 29.5-621. Duration, form of owner's license; bond.**

6849 A license issued under § 29.5-618 shall be for the period set by the Board, not to be less than 20 years,
6850 but shall be reviewed annually. The Board shall designate on the license the duration of such license, the
6851 location of such satellite facility or proposed satellite facility and such other information as it deems proper.
6852 The Board shall establish criteria and procedures for license renewal.

6853 The Board shall require (i) a bond with surety or (ii) a letter of credit, acceptable to the Board, and in an
6854 amount determined by it, to be sufficient to cover any indebtedness incurred by the licensee to the

Commonwealth.

§ 29.5-622. Application for operator's license.

A. Any person desiring to operate a satellite facility shall file with the Commission an application for an operator's license. Such application may be made in conjunction with an application for an owner's license, if appropriate, and shall be filed at the time and place, and in such form and containing such information, as prescribed by the Board, including all information prescribed for an owner's license under § 29.5-617.

B. Any application filed pursuant to this section shall be verified by the oath or affirmation of an officer of the applicant and accompanied by a nonrefundable application fee as prescribed by the Board.

§ 29.5-623. Issuance of operator's license.

The Commissioner shall promptly consider any application for an operator's license and grant a valid operator's license to applicants who meet the criteria set forth in this chapter and established by the Board. The Commissioner shall deny a license to any applicant, unless he finds:

1. That such applicant is a corporation organized under Title 13.1 or comparable law of another state, and qualified to do business in the Commonwealth;

2. That, if the corporation is a stock corporation, all principal stockholders have submitted to the jurisdiction of the courts of the Commonwealth and all nonresident principal stockholders have designated the Executive Secretary as their agent for process, and further, that an application shall also contain information as required by § 29.5-617;

3. That the applicant's articles of incorporation provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire membership interest of any stockholder, or require the resignation of any member, who is or becomes unqualified for such position under § 29.5-620;

4. That the applicant would be qualified for a license to own such satellite facility under the provisions of §§ 29.5-618 and 29.5-620;

5. That the applicant has made provisions satisfactory to the Board for the detection and prosecution of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any race meeting or pari-mutuel wagering, that the applicant has made provision for membership in the Thoroughbred Racing Association or other equivalent applicable association, and that the applicant shall utilize the services of the Thoroughbred Racing Protective Bureau or any other protective agency acceptable to the Commission and with the approval of the Racing Commission; and

6. That the applicant has met the criteria established by the Board for the granting of an operator's license.

§ 29.5-624. Duration, form of operator's license; bond.

A license issued under § 29.5-623 shall be for a period of 20 years from the date of issuance, but shall be reviewed annually. The Board may, as it deems appropriate, change at the beginning of any year the dates on which the licensee is authorized to conduct pari-mutuel wagering. An applicant for renewal of a license may omit any information that in the opinion of the Commission is already available to it. The Board shall establish criteria and procedures for license renewal.

Any license issued under § 29.5-623 shall designate on its face (i) the type or types of pari-mutuel wagering for which it is issued, (ii) the location of the satellite facility where such wagering is to be conducted, (iii) the period during which such license is in effect, and (iv) such other information as the Board deems proper.

The Board shall require a bond with surety acceptable to it, and in an amount determined by it to be sufficient to cover any indebtedness incurred by such licensee during the days allotted for racing.

§ 29.5-625. Denial of license final.

The denial of an owner's or operator's license by the Commissioner shall be final unless appealed under § 29.5-608.

§ 29.5-626. Suspension or revocation of license final.

A. After a hearing with 15 days' notice, the Commissioner may (i) suspend or revoke any license or (ii) fine the holder of such license a sum not to exceed \$100,000 in any case where he has reason to believe that any provision of this chapter, or any regulation or condition of the Board, has not been complied with or has been violated. The Commissioner may revoke a license if he finds that facts not known by him at the time he considered the application indicate that such license should not have been issued.

B. The Commissioner shall revoke any license issued under § 29.5-623 for the operation of a satellite facility if the licensee, within one year of issuance of the satellite facility license, fails to conduct (i) live racing at a racetrack licensed pursuant to § 29.5-623 or (ii) the live racing days assigned to the licensee by the Racing Commission without the permission of the Racing Commission.

C. The Commissioner may summarily suspend any license for a period of not more than 90 days pending a hearing and final determination by the Board if he determines that emergency action is required to protect the public health, safety, and welfare including revenues due the Commonwealth, localities, and the horsemen's purse account. The Board shall (i) schedule a hearing within 14 business days after the license is

6916 summarily suspended and (ii) notify the licensee not less than five business days before the hearing of the
6917 date, time, and place of the hearing.

6918 *D. Deliberations of the Board pursuant to this section shall be conducted pursuant to the provisions of the*
6919 *Virginia Freedom of Information Act (§ 2.2-3700 et seq.). If any such license is suspended or revoked, the*
6920 *Commissioner shall state his reasons for doing so, which shall be entered of record. Such action shall be*
6921 *final unless appealed in accordance with § 29.5-608. Suspension or revocation of a license by the*
6922 *Commissioner for any violation shall not preclude criminal liability for such violation.*

6923 **§ 29.5-627. Acquisition of interest in licensee.**

6924 *A. The Commission shall require any person desiring to become a partner, member, or principal*
6925 *stockholder of any licensee to apply to the Commission for such approval and may demand such information*
6926 *of the applicant as it finds necessary. The Commissioner shall consider such application forthwith and shall*
6927 *approve or deny the application within 60 days of receipt. The Commissioner shall approve an application*
6928 *that meets the criteria set forth in this chapter. The Commissioner shall deny an application if in his judgment*
6929 *the acquisition by the applicant would be detrimental to the public interest or to the honesty, integrity, and*
6930 *reputation of horse racing. The Commissioner shall approve an application to acquire actual control of a*
6931 *licensee only if he finds that the applicant meets the criteria set forth in subsection B.*

6932 *B. If an applicant proposes to acquire actual control of a licensee, such person shall, pursuant to*
6933 *subsection A, submit to the Commission (i) its proposal for the future operation of any existing or planned*
6934 *satellite facility owned or operated by the licensee, (ii) such additional information as it desires, and (iii)*
6935 *such information as may be required by the Board to assure the Commissioner that the licensee, under the*
6936 *actual control of such person, will have the experience, expertise, financial responsibility, and commitment to*
6937 *comply with (a) the provisions of this chapter, (b) Board regulations and orders, (c) the requirements for the*
6938 *continued operation of the licensee pursuant to the terms and conditions in effect on the date of the*
6939 *application of all licenses held by the licensee, (d) any existing contract with a recognized majority*
6940 *horseman's group, and (e) any proposal submitted to the Commission by such person. The provisions of this*
6941 *subsection shall apply regardless of whether the control acquired is direct or indirect or whether its*
6942 *acquisition is accomplished individually or in concert with others.*

6943 *C. Any such acquisition of control without prior approval of the Commissioner shall be voidable by the*
6944 *Commission and, in such instance, the Commissioner may revoke any license he has issued to such licensee,*
6945 *order compliance with this section, or take such other action as may be appropriate within his authority.*

6946 **§ 29.5-628. Permit required; exception.**

6947 *A. No participant shall engage in any horse racing subject to the jurisdiction of the Commission or in the*
6948 *conduct of a race meeting or pari-mutuel wagering thereon, including as a horse owner, trainer, jockey,*
6949 *exercise rider, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or*
6950 *employee thereof, track employee, or other position the Commission deems necessary to regulate to ensure*
6951 *the integrity of horse racing in Virginia, unless such person (i) possesses a permit therefor from the*
6952 *Commission and (ii) complies with the provisions of this chapter and all Board regulations. No permit issued*
6953 *under the provisions of this chapter shall be transferable.*

6954 *B. The Commissioner may waive the permit requirement for any person who possesses a valid permit or*
6955 *license to participate in the conduct of horse racing in another racing jurisdiction and participates in horse*
6956 *racing in Virginia on nonconsecutive racing days.*

6957 *C. Once a horse is entered to run in Virginia, all participants shall come under the jurisdiction of the*
6958 *Commission and its stewards and shall be subject to regulations of the Board and sanctions it or its stewards*
6959 *may impose.*

6960 **§ 29.5-629. Application for permit.**

6961 *Any person desiring to obtain a permit as required by this chapter shall submit an application on a form,*
6962 *and accompanied by a fee, as prescribed by the Board and verified by the oath or affirmation of the*
6963 *applicant.*

6964 **§ 29.5-630. Consideration of application.**

6965 *A. The Commissioner shall promptly consider any application for a permit and issue or deny such permit*
6966 *based on the information in the application and all other information before him, including any investigation*
6967 *he deems appropriate. If an application for a permit is approved, the Commissioner shall issue a permit,*
6968 *which shall contain such information as the Board deems appropriate. Such permit shall be valid for one*
6969 *year; however, the permit of a licensee's employee shall expire automatically when such permit holder leaves*
6970 *the employment of the licensee or at the end of one year, whichever occurs first. The licensee shall promptly*
6971 *notify the Commission when a permit holder leaves the employment of the licensee. The Board shall establish*
6972 *criteria and procedures for permit renewal.*

6973 *B. The Commissioner shall deny the application and refuse to issue the permit, which denial shall be final*
6974 *unless an appeal is taken under § 29.5-608, if he finds that the issuance of such permit to such applicant (i)*
6975 *would not be in the interests of the people of the Commonwealth or the horse racing industry of the*
6976 *Commonwealth, or would reflect on the honesty and integrity of the horse racing industry in the*

Commonwealth, or (ii) that the applicant:

1. Has knowingly made a false statement of a material fact in the application, or has deliberately failed to disclose any information requested by the Commission;

2. Is or has been found guilty of any corrupt or fraudulent practice or conduct in connection with horse racing in this or any other state;

3. Has knowingly failed to comply with the provisions of this chapter or the regulations of the Board;

4. Has had a permit to engage in activity related to horse racing denied for just cause, suspended, or revoked in any other state, and such denial, suspension, or revocation is still in effect; or

5. Is unqualified to perform the duties required for the permit sought.

C. The Commissioner shall deny the application and refuse to issue the permit if, within the five years immediately preceding the date of the application for the permit sought, the applicant has been convicted of a crime involving the unlawful conduct of wagering, fraudulent use of a credential, unlawful transmission of information, touting, bribery, or administration or possession of drugs or any felony considered by the Commission to be detrimental to horse racing in the Commonwealth; the denial shall be final unless an appeal is taken under § 29.5-608. Additionally, the Commissioner may deny the application and refuse to issue any permit if the applicant has been convicted of any such crime committed prior to the five years immediately preceding the date of his application.

D. The Commissioner may refuse to issue the permit if for any reason he feels the granting of such permit is not consistent with the provisions of this chapter or his responsibilities hereunder.

§ 29.5-631. Suspension or revocation of permit; fine.

A. The Commissioner, acting by and through his stewards or at a Board meeting at which a quorum is present, may (i) suspend or revoke a permit issued under this chapter or fine the holder of such permit a sum not to exceed \$10,000 or (ii) suspend a permit issued by this chapter and fine the holder of such permit a sum not to exceed \$10,000 after a hearing for which proper notice has been given to the permittee, in any case where it determines by a preponderance of the evidence that any provision of this chapter, or any regulation or condition of the Board, has not been complied with or has been violated. The Commissioner may revoke such permit, after such hearing, if he finds that facts not known by him at the time he was considering the application indicate that such permit should not have been issued. Deliberations of the Commission under this section shall be conducted pursuant to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). If any permit is suspended or revoked, the Commissioner shall state his reasons for doing so, which shall be entered of record. Such action shall be final unless an appeal is taken in accordance with § 29.5-608. Suspension or revocation of a permit by the Commissioner for any violation shall not preclude criminal liability for such violation.

B. The Commissioner, acting by and through his stewards, or at a Board meeting at which a quorum is present, may summarily suspend the permit of a person for a period of not more than 90 days pending a hearing and final determination by the Commissioner or his stewards, if the Commissioner or his stewards determine the protection of the integrity of horse racing requires emergency action. The Commissioner or his stewards shall (i) schedule a hearing within 14 business days after the permit is summarily suspended and (ii) notify the permit holder, not less than five business days before the hearing, of the date, time, and place of the hearing.

Article 4.

Local referendum.

§ 29.5-632. Local referendum required.

The Commissioner shall not grant any initial license to construct, establish, operate, or own a racetrack or satellite facility until a referendum approving the question is held in each county, city, or town in which such racetrack or satellite facility is to be located, in the following manner:

1. A petition, signed by five percent of the qualified voters of such county, city, or town shall be filed with the circuit court of such county, city, or town asking that a referendum be held on the question, "Shall pari-mutuel wagering be permitted at a licensed racetrack in (name of such county, city, or town) on live horse racing at, and on simulcast horse racing transmitted from another jurisdiction to, the licensed racetrack on such days as may be approved by the Virginia Gaming Commission in accordance with Chapter 6 (§ 29.5-600 et seq.) of Title 29.5 of the Code of Virginia?" In addition, or in the alternative, such petition may ask that a referendum be held on the question, "Shall pari-mutuel wagering be permitted in _____ (the name of such county, city, or town) at satellite facilities in accordance with Chapter 6 (§ 29.5-600 et seq.) of Title 29.5 of the Code of Virginia?"

2. Following the filing of such petition, the court shall, by order of record entered in accordance with § 24.2-684.1, require the regular election officers of such county, city, or town to cause a special election to be held to take the sense of the qualified voters on the question. Such election shall be on a day designated by order of such court, but shall not be later than the next general election unless such general election is within 60 days of the date of the entry of such order, nor shall it be held on a date designated as a primary election.

3. The clerk of such court of record of such county, city, or town shall publish notice of such election in a

7038 newspaper of general circulation in such county, city, or town once a week for three consecutive weeks prior
7039 to such election.

7040 4. The regular election officers of such county or city shall open the polls at the various voting places in
7041 such county or city on the date specified in such order and conduct such election in the manner provided by
7042 law. The election shall be by ballot, which shall be prepared by the electoral board of the county, city, or
7043 town and on which shall be printed either or both of the following questions:

7044 "Shall pari-mutuel wagering be permitted at a licensed racetrack in _____ on live horse
7045 racing at, and on simulcast horse racing transmitted from another jurisdiction to, the licensed racetrack on
7046 such days as may be approved by the Virginia Gaming Commission in accordance with Chapter 6 (§
7047 29.5-600 et seq.) of Title 29.5 of the Code of Virginia?

7048 [] Yes

7049 [] No"

7050 "Shall pari-mutuel wagering be permitted in _____ at satellite facilities in accordance with
7051 Chapter 6 (§ 29.5-600 et seq.) of Title 29.5 of the Code of Virginia?

7052 [] Yes

7053 [] No"

7054 In the blank shall be inserted the name of the county, city, or town in which such election is held. Any
7055 voter desiring to vote "Yes" shall mark a check mark () or a cross mark (x or +) or a line (-) in the square
7056 provided for such purpose immediately preceding the word "Yes," leaving the square immediately preceding
7057 the word "No" unmarked. Any voter desiring to vote "No" shall mark a check mark () or a cross mark (x or
7058 +) or a line (-) in the square provided for such purpose immediately preceding the word "No," leaving the
7059 square immediately preceding the word "Yes" unmarked.

7060 The ballots shall be counted, the returns made and canvassed as in other elections, and the results
7061 certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an
7062 order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to
7063 the Commission and to the governing body of such county, city, or town.

7064 No such referendum as described above shall be held more often than every three years in the same
7065 county, city, or town.

7066 A subsequent local referendum shall be required if a license has not been granted by the Commission
7067 within five years of the court order proclaiming the results of the election. "Town," for purposes of this
7068 section, means any town with a population of 5,000 or more.

7069 Article 5.

7070 Taxation; Retainage; Distribution.

7071 § 29.5-633. Taxation and retainage generally.

7072 A. Moneys payable to the Commonwealth shall be deposited in the general fund. Gross receipts for
7073 license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not include pari-mutuel
7074 wagering pools and license taxes authorized by this article.

7075 B. All payments by the licensee to the Commonwealth or any locality shall be made within five days from
7076 the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia
7077 Breeders Fund shall be made to the Commission within five days from the date on which such wagers are
7078 received by the licensee. All payments by the licensee to the Virginia-Maryland Regional College of
7079 Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the
7080 Virginia Thoroughbred Association shall be made by the first day of each quarter of the calendar year. All
7081 payments made under this article shall be used in support of the policy of the Commonwealth to sustain and
7082 promote the growth of a native industry.

7083 C. If a satellite facility is located in more than one locality, any amount a licensee is required to pay
7084 under this article to the locality in which the satellite facility is located shall be prorated in equal shares
7085 among those localities.

7086 D. Any contractual agreement between a licensee and other entities concerning the distribution of the
7087 remaining portion of the retainage under subsections B through G of § 29.5-635 and subsections A and B of
7088 § 29.5-636 shall be subject to the approval of the Board.

7089 E. The recognized majority horsemen's group racing at a licensed race meeting may, subject to the
7090 approval of the Board, withdraw for administrative costs associated with serving the interests of the
7091 horsemen an amount not to exceed two percent of the amount in the horsemen's account.

7092 F. The legitimate breakage from each pari-mutuel pool for live, historical, and simulcast horse racing
7093 shall be distributed as follows:

7094 1. Seventy percent to be retained by the licensee to be used for capital improvements that are subject to
7095 approval of the Board; and

7096 2. Thirty percent to be deposited in the Racing Benevolence Fund, administered jointly by the licensee and
7097 the recognized majority horsemen's group racing at a licensed race meeting, to be disbursed with the
7098 approval of the Board for gambling addiction and substance abuse counseling, recreational, educational, or

7099 other related programs.

7100 **§ 29.5-634. Percentage retained; tax; live horse racing.**

7101 A. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the
7102 Commonwealth involving win, place, and show wagering, the licensee shall retain a percentage amount
7103 approved by the Board as jointly requested by a recognized majority horsemen's group and a licensee and
7104 the legitimate breakage, out of which shall be paid 1.25 percent to be distributed as follows: 1.0 percent to
7105 the Commonwealth as a license tax and 0.25 percent to the locality in which the racetrack is located. The
7106 remainder of the retainage shall be paid as provided in subsection C, provided, however, that if the
7107 percentage amount approved by the Board is other than 18 percent, the amounts provided in subdivisions C
7108 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

7109 B. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing
7110 conducted within the Commonwealth involving win, place, and show wagering, the licensee shall retain a
7111 percentage amount approved by the Board as jointly requested by a recognized majority horsemen's group
7112 and a licensee and the legitimate breakage, out of which shall be paid 1.25 percent to be distributed as
7113 follows: 0.75 percent to the Commonwealth as a license tax, 0.25 percent to the locality in which the satellite
7114 facility is located, and 0.25 percent to the locality in which the racetrack is located. The remainder of the
7115 retainage shall be paid as provided in subsection C, provided, however, that if the percentage amount
7116 approved by the Board is other than 18 percent, the amounts provided in subdivisions C 1, 2, and 3 shall be
7117 adjusted by the proportion that the approved percentage amount bears to 18 percent.

7118 C. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on
7119 live horse racing conducted within the Commonwealth involving win, place, and show wagering, the licensee
7120 shall retain a percentage amount approved by the Board as jointly requested by a recognized majority
7121 horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

- 7122 1. Eight percent as purses or prizes to the participants in such race meeting;
- 7123 2. Seven and one-half percent and all of the breakage and the proceeds of pari-mutuel tickets unredeemed
7124 180 days from the date on which the race was conducted, to the operator;
- 7125 3. One percent to the Virginia Breeders Fund;
- 7126 4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
- 7127 5. Five one-hundredths percent to the Virginia Horse Center Foundation;
- 7128 6. Five one-hundredths percent to the Virginia Horse Industry Board; and
- 7129 7. The remainder as appropriate under subsection A or B.

7130 D. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within
7131 the Commonwealth involving wagering other than win, place, and show wagering, the licensee shall retain a
7132 percentage amount approved by the Board as jointly requested by a recognized majority horsemen's group
7133 and a licensee and the legitimate breakage, out of which shall be paid 2.75 percent to be distributed as
7134 follows: 2.25 percent to the Commonwealth as a license tax, and 0.5 percent to the locality in which the
7135 racetrack is located. The remainder of the retainage shall be paid as provided in subsection F, provided,
7136 however, that if the percentage amount approved by the Board is other than 22 percent, the amounts
7137 provided in subdivisions F 1, 2, and 3 shall be adjusted by the proportion that the approved percentage
7138 amount bears to 22 percent.

7139 E. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing
7140 conducted within the Commonwealth involving wagering other than win, place, and show wagering, the
7141 licensee shall retain a percentage amount approved by the Board as jointly requested by a recognized
7142 majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid 2.75
7143 percent to be distributed as follows: 1.75 percent to the Commonwealth as a license tax, 0.5 percent to the
7144 locality in which the satellite facility is located, and 0.5 percent to the locality in which the racetrack is
7145 located. The remainder of the retainage shall be paid as provided in subsection F, provided, however, that if
7146 the percentage amount approved by the Board is other than 22 percent, the amounts provided in subdivisions
7147 F 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

7148 F. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live
7149 horse racing conducted within the Commonwealth involving wagering other than win, place, and show
7150 wagering, the licensee shall retain a percentage amount approved by the Board as jointly requested by a
7151 recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

- 7152 1. Nine percent as purses or prizes to the participants in such race meeting;
- 7153 2. Nine percent and the proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which
7154 the race was conducted, to the operator;
- 7155 3. One percent to the Virginia Breeders Fund;
- 7156 4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
- 7157 5. Five one-hundredths percent to the Virginia Horse Center Foundation;
- 7158 6. Five one-hundredths percent to the Virginia Horse Industry Board; and
- 7159 7. The remainder as appropriate under subsection D or E.

7160 **§ 29.5-635. Percentage retained; tax; simulcast horse racing.**

7161 A. On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside
 7162 the Commonwealth, the licensee may, with the approval of the Board, commingle pools with the racetrack
 7163 where the transmission emanates or establish separate pools for wagering within the Commonwealth. All
 7164 simulcast horse racing in this subsection must comply with the Interstate Horse Racing Act of 1978 (15
 7165 U.S.C. § 3001 et seq.).

7166 B. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted
 7167 from jurisdictions outside the Commonwealth involving win, place, and show wagering, the licensee shall
 7168 retain 1.25 percent of such pool to be distributed as follows: 0.75 percent to the Commonwealth as a license
 7169 tax and 0.5 percent to the Virginia locality in which the racetrack is located.

7170 C. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse
 7171 racing transmitted from jurisdictions outside the Commonwealth involving win, place, and show wagering,
 7172 the licensee shall retain 1.25 percent of such pool to be distributed as follows: 0.75 percent to the
 7173 Commonwealth as a license tax, 0.25 percent to the locality in which the satellite facility is located, and 0.25
 7174 percent to the Virginia locality in which the racetrack is located.

7175 D. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on
 7176 simulcast horse racing transmitted from jurisdictions outside the Commonwealth involving win, place, and
 7177 show wagering, the licensee shall retain 1.3 percent of such pool to be distributed as follows:

- 7178 1. One percent of the pool to the Virginia Breeders Fund;
- 7179 2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
- 7180 3. Five one-hundredths percent to the Virginia Horse Center Foundation;
- 7181 4. Five one-hundredths percent to the Virginia Horse Industry Board; and
- 7182 5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding
 7183 in the Commonwealth.

7184 E. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted
 7185 from jurisdictions outside the Commonwealth involving wagering other than win, place, and show wagering,
 7186 the licensee shall retain 2.75 percent of such pool to be distributed as follows: 1.75 percent to the
 7187 Commonwealth as a license tax and 1.0 percent to the Virginia locality in which the racetrack is located.

7188 F. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse
 7189 racing transmitted from jurisdictions outside the Commonwealth involving wagering other than win, place,
 7190 and show wagering, the licensee shall retain 2.75 percent of such pool to be distributed as follows: 1.75
 7191 percent to the Commonwealth as a license tax, 0.5 percent to the locality in which the satellite facility is
 7192 located, and 0.5 percent to the Virginia locality in which the racetrack is located.

7193 G. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on
 7194 simulcast horse racing transmitted from jurisdictions outside the Commonwealth involving wagering other
 7195 than win, place, and show wagering, the licensee shall retain 1.3 percent of such pool to be distributed as
 7196 follows:

- 7197 1. One percent of the pool to the Virginia Breeders Fund;
- 7198 2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
- 7199 3. Five one-hundredths percent to the Virginia Horse Center Foundation;
- 7200 4. Five one-hundredths percent to the Virginia Horse Industry Board; and
- 7201 5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding
 7202 in the Commonwealth.

7203 **§ 29.5-636. Percentage retained; tax; historical horse racing.**

7204 A. On pari-mutuel pools generated by wagering on historical horse racing on the first 3,000 terminals
 7205 authorized, the licensee shall retain 1.25 percent of such pool to be distributed as follows:

- 7206 1. a. If generated at a racetrack, 0.5 percent to the locality in which the racetrack is located; or
- 7207 b. If generated at a satellite facility, 0.25 percent to the locality in which the satellite facility is located
 7208 and 0.25 percent to the Virginia locality in which the racetrack is located;

7209 2. To the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2, 0.01
 7210 percent;

7211 3. To the (i) Virginia Breeders Fund, (ii) Virginia-Maryland Regional College of Veterinary Medicine for
 7212 its equine programs, (iii) Virginia Horse Center Foundation, and (iv) Virginia Horse Industry Board, 0.025
 7213 percent each; and

7214 4. The remainder to the Commonwealth as a license tax.

7215 B. On pari-mutuel pools generated by wagering on historical horse racing on the 2,000 terminals
 7216 authorized by the seventh enactment of Chapters 1197 and 1248 of the Acts of Assembly of 2020, the licensee
 7217 shall retain 1.6 percent of such pool to be distributed as follows:

- 7218 1. a. If generated at a racetrack, 0.64 percent to the locality in which the racetrack is located; or
- 7219 b. If generated at a satellite facility, 0.32 percent to the locality in which the satellite facility is located
 7220 and 0.32 percent to the Virginia locality in which the racetrack is located;

7221 2. To the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2, 0.01

7222 percent;

7223 3. To the (i) Virginia Breeders Fund, (ii) Virginia-Maryland Regional College of Veterinary Medicine for
7224 its equine programs, (iii) Virginia Horse Center Foundation, and (iv) Virginia Horse Industry Board, 0.025
7225 percent each; and

7226 4. The remainder to the Commonwealth as a license tax.

7227 **§ 29.5-637. Advance deposit account wagering revenues; distribution.**

7228 A. Notwithstanding the provisions of this article, the allocation of revenue from advance deposit account
7229 wagering shall include (i) a licensee fee of 1.5 percent paid to the Commission; (ii) an additional fee equal to
7230 one percent of all wagers made within the Commonwealth placed through an advance deposit account
7231 wagering licensee, which shall be paid to the Virginia Breeders Fund, and (iii) an additional fee equal to
7232 nine percent of all wagers made within the Commonwealth placed through an advance deposit account
7233 wagering licensee, out of which shall be paid:

7234 1. Four percent to a nonprofit industry stakeholder organization recognized by the Board to include the
7235 recognized majority horsemen's group, a breeder's organization, and a licensed track operator for the
7236 purpose of promoting, sustaining, and advancing horse racing within the Commonwealth; and

7237 2. Five percent to representatives of the recognized majority horsemen's group by breed to be used for
7238 purse funds at races conducted in the Commonwealth, unless otherwise authorized by the Board.

7239 Notwithstanding the foregoing, if the advance deposit account wagering licensee is a significant
7240 infrastructure limited licensee, the additional fee equal to nine percent of the wagers placed through such
7241 advance deposit account wagering licensee since November 1, 2014, shall instead be retained by such
7242 licensee for operational expenses, including defraying the costs of live racing.

7243 B. The Board-recognized nonprofit industry stakeholder organization shall make distributions from fees
7244 received from advance deposit wagering to organizations within the Commonwealth providing care for
7245 retired race horses, the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse
7246 Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association in the
7247 percentages of wagering handles set forth in subsections D and G of § 29.5-635, and shall make a
7248 distribution of thirty-five one-hundredths of one percent of all wagers made within the Commonwealth placed
7249 through such advance deposit account wagering licensee to the locality where live racing licensed by the
7250 Commission occurred prior to January 1, 2012, and beginning January 1, 2020, to the locality or localities
7251 where such live racing occurs to be shared in a ratio of the number of such annual live races in a locality to
7252 the total number of such annual live races in the Commonwealth. Distributions under this section from the
7253 Board-recognized nonprofit stakeholder organization to the foregoing entities and locality or localities, when
7254 added to the distributions to such entities and locality or localities under this article, shall be capped at the
7255 sum necessary to equal distributions made in the 2013 calendar year to each entity under this article, and
7256 shall be capped at the sum necessary to equal \$400,000 for a locality or localities.

7257 C. Any additional distribution of fees received from advance deposit account licensees by the Board
7258 -recognized nonprofit industry stakeholder organization shall be approved by the Board.

7259 **§ 29.5-638. Admissions tax.**

7260 The governing body of any county or city may by ordinance impose a tax on any licensee hereunder to
7261 conduct a race meeting at a track located solely in such county or city of \$0.25 on the admission of each
7262 person on each day except those holding a valid permit under this chapter and actually employed at such
7263 track in the capacity for which such permit was issued. The licensee may collect such amount from the ticket
7264 holder in addition to the amount charged for the ticket of admission.

7265 If such track or its enclosure is located in two or in three localities, each locality may impose a tax
7266 pursuant to this section of twelve and one-half cents or eight and one-third cents per person, respectively.

7267 Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not
7268 include the admissions tax imposed under this section.

7269 Article 6.

7270 Prohibited Acts; Penalties.

7271 **§ 29.5-639. Unlawful conduct of wagering; penalty.**

7272 Any person not licensed pursuant to this chapter who conducts (i) pari-mutuel wagering or (ii) horse
7273 racing on which wagering is conducted with his knowledge or consent is guilty of a Class 4 felony.

7274 **§ 29.5-640. Fraudulent use of credential; penalty.**

7275 A. Any person who has in his possession (i) any credential, license, or permit issued by the Commissioner
7276 other than the lawful holder thereof or (ii) a forged or simulated credential, license, or permit of the
7277 Commission, and uses such credential, license, or permit for the purpose of misrepresentation, fraud, or
7278 touting is guilty of a Class 4 felony.

7279 B. Any credential, license, or permit issued by the Commissioner shall be automatically revoked if used by
7280 the holder thereof for a purpose other than identification and in the performance of legitimate duties on a
7281 racetrack or within a satellite facility, whether so used on or off a racetrack or satellite facility.

7282 **§ 29.5-641. Unlawful transmission of information; penalty.**

7283 A. Any person who knowingly transmits information as to the progress or results of a horse race, or

7284 information as to wagers, betting odds, post or off times, or jockey changes in any race by any means
7285 whatsoever for the purposes of carrying on illegal gambling operations as defined in § 18.2-325, or to a
7286 person engaged in illegal gambling operations is guilty of a Class 4 felony.

7287 B. This section shall not be construed to prohibit (i) a newspaper from printing such results or
7288 information as news or (ii) any television or radio station from telecasting or broadcasting such results or
7289 information as news.

7290 C. This section shall not be so construed as to place in jeopardy any common carrier or its agents
7291 performing operations within the scope of a public franchise or any gambling operation authorized by law.

7292 **§ 29.5-642. Touting; penalty.**

7293 Any person who (i) knowingly and designedly by false representation persuades, procures, or causes, or
7294 attempts to persuade, procure, or cause, another person to wager on a horse in a race to be run in the
7295 Commonwealth or elsewhere, and upon which money is wagered in the Commonwealth, and (ii) asks or
7296 demands compensation as a reward for information or purported information given in such case is guilty of a
7297 Class 1 misdemeanor.

7298 **§ 29.5-643. Bribing of a jockey, driver, or other participant; penalty.**

7299 Any person who gives, promises, or offers to any jockey, driver, groom, or any person participating in any
7300 race meeting, including owners of racetracks and their employees, stewards, trainers, judges, starters, and
7301 special policemen, any valuable thing with intent to influence him to attempt to lose or cause to be lost a
7302 horse race in which such person is taking part or expects to take part, or has any duty or connection, or who,
7303 being either jockey, driver, groom, or participant in a race meeting, solicits or accepts any valuable thing to
7304 influence him to lose or cause to be lost a horse race in which he is taking part, or expects to take part, or
7305 has any duty or connection, is guilty of a Class 4 felony.

7306 **§ 29.5-644. Prohibited acts, administration of drugs, etc.; penalty.**

7307 A. Any person who, with the intent to defraud, acts to alter the outcome of a race by (i) the administration
7308 of any substance foreign to the natural horse, except those substances specifically permitted by the
7309 regulations of the Board, or (ii) the use of any device, electrical or otherwise, except those specifically
7310 permitted by the regulations of the Board, is guilty of a Class 4 felony.

7311 B. Any person who, with the intent to defraud, influences or conspires with another to alter the outcome of
7312 a race by (i) the administration of any substance foreign to the natural horse, except those substances
7313 specifically permitted by the regulations of the Board, or (ii) the use of any device, electrical or otherwise,
7314 except those specifically permitted by the regulations of the Board, is guilty of a Class 4 felony.

7315 C. Any person who (i) administers any substance foreign to the natural horse, except those substances
7316 specifically permitted by the regulations of the Board, when the horse is entered to start or (ii) at any time,
7317 exposes any substance foreign to the natural horse with the intent of impeding or increasing the speed,
7318 endurance, health, or condition of a horse, is guilty of a Class 4 felony.

7319 **§ 29.5-645. Possessing drugs; penalty.**

7320 A. Except those drugs permitted by regulation of the Board, no person shall possess or transport any drug
7321 within the racing enclosure without a bona fide veterinarian's prescription with a complete statement of uses
7322 and purposes on the container. A copy of such prescription shall be filed with the stewards.

7323 B. Any person knowingly violating the provisions of this section relating to the legal possession of drugs
7324 is guilty of a Class 1 misdemeanor.

7325 C. The provisions of the Drug Control Act (§ 54.1-3400 et seq.) shall apply in situations where drugs
7326 regulated by the Act are within the racing enclosure.

7327 **§ 29.5-646. Racing under false name; penalty.**

7328 Any person who knowingly (i) enters or races any horse in any running or harness race under any name
7329 or designation other than the name or designation assigned to such horse by and registered with the Jockey
7330 Club, the United States Trotting Association, the American Quarter Horse Association, or other applicable
7331 association or (ii) instigates, engages in, or in any way furthers any act by which any horse is entered or
7332 raced in any running or trotting race under any name or designation other than the name or designation duly
7333 assigned by and registered with the Jockey Club, the United States Trotting Association, the American
7334 Quarter Horse Association, or other applicable association, is guilty of a Class 4 felony.

7335 **§ 29.5-647. Prohibition on underage pari-mutuel wagering; penalty.**

7336 A. No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the
7337 provisions of this chapter unless such person is 18 years of age or older.

7338 B. No person shall accept any wager from a minor.

7339 C. No person shall be admitted into a satellite facility if such person is under 18 years of age unless
7340 accompanied by a parent or legal guardian.

7341 D. No person under 21 years of age shall use any electronic gaming terminal or other electronic device in
7342 a satellite facility to wager on or conduct any wagering on historical horse racing.

7343 E. Violation of this section shall be a Class 1 misdemeanor.

7344 **§ 29.5-648. Conspiracies and attempts to commit violations; penalty.**

7345 A. Any person who conspires, confederates, or combines with another, either within or outside of the

Commonwealth, to commit a felony prohibited by this chapter is guilty of a Class 4 felony.

B. Any person who attempts to commit any act prohibited by this chapter shall be guilty of a criminal offense and punished as provided in either § 18.2-26, 18.2-27, or 18.2-28, as appropriate.

SUBTITLE II.

VIRGINIA LOTTERY.

CHAPTER 7.

GENERAL PROVISIONS.

§ 29.5-700. Short title.

This subtitle shall be known and may be cited as the "Virginia Lottery Law."

§ 29.5-701. Establishment of state lottery.

This subtitle establishes a lottery to be operated by the Commonwealth to produce revenue consonant with the probity of the Commonwealth and the general welfare of its people, to be used for the public purpose as provided in Article X, Section 7-A of the Constitution of Virginia.

§ 29.5-702. Definitions.

As used in this subtitle, unless the context requires a different meaning:

"Board" means the Virginia Lottery Board established by this subtitle.

"Department" means the independent agency responsible for the administration of the Virginia Lottery pursuant to this subtitle.

"Director" means the Director of the Virginia Lottery.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this subtitle.

"Ticket courier service" means a third-party service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside of the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

§ 29.5-703. Virginia Lottery established.

Notwithstanding the provisions of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 or any other provision of law, there is hereby established as an independent agency of the Commonwealth, exclusive of the legislative, executive, or judicial branches of government, the Virginia Lottery, which shall include a Director and a Virginia Lottery Board for the purpose of operating a state lottery.

§ 29.5-704. Membership of Board; appointment; terms; vacancies; removal; expenses.

A. The Board shall consist of five members, all of whom shall be citizens and residents of the Commonwealth and all of whom shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by a majority of the members elected to each house of the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Prior to the appointment of any Board members, the Governor shall consider the political affiliation and the geographic residence of the Board members. The members shall be appointed for terms of five years. The members shall annually elect one member as chairman of the Board.

B. Any vacancy on the Board occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original term.

C. The members of the Board shall receive such compensation as provided in § 2.2-2813, shall be subject to the requirements of such section, and shall be allowed reasonable expenses incurred in the performance of their official duties.

D. Before entering upon the discharge of their duties, the members of the Board shall take an oath that they will faithfully and honestly execute the duties of the office during their continuance therein and they shall give bond in such amount as may be fixed by the Governor, conditioned upon the faithful discharge of their duties. The premium on such bond shall be paid out of the Virginia Lottery Fund.

§ 29.5-705. Appointment, qualifications, and salary of Director.

A. The Department shall be under the immediate supervision and direction of a Director, who shall be a person of good reputation, particularly as to honesty and integrity, and shall be subject to a thorough background investigation conducted by the Department of State Police prior to appointment. The Director shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by a majority of the members elected to each house of the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. The Director shall receive a salary as provided in the general appropriation act.

B. The Director shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

C. Before entering upon the discharge of his duties, the Director shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein and shall give bond in such amount as may be fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on such bond shall be paid out of the Virginia Lottery Fund.

§ 29.5-706. Powers of the Director.

7408 A. The Director shall supervise and administer the operation of the lottery in accordance with the
7409 provisions of this subtitle and with the rules and regulations promulgated hereunder.

7410 B. The Director shall also:

7411 1. Employ such deputy directors, professional, technical and clerical assistants, and other employees as
7412 may be required to carry out the functions and duties of the Department.

7413 2. Act as secretary and executive officer of the Board.

7414 3. Require bond or other surety satisfactory to the Director from licensed agents as provided in
7415 subsection E of § 29.5-709 and Department employees with access to Department funds or lottery funds, in
7416 such amount as provided in the rules and regulations of the Board. The Director may also require bond from
7417 other employees as he deems necessary.

7418 4. Confer regularly, but not less than four times each year, with the Board on the operation and
7419 administration of the lottery; make available for inspection by the Board, upon request, all books, records,
7420 files, and other information and documents of the Department; and advise the Board and recommend such
7421 matters as he deems necessary and advisable to improve the operation and administration of the lottery.

7422 5. Suspend, revoke, or refuse to renew any license issued pursuant to this chapter or the rules and
7423 regulations adopted hereunder.

7424 6. Enter into contracts for the operation of the lottery, or any part thereof, for the promotion of the lottery
7425 and into interstate and international lottery contracts with other states and nations. A contract awarded or
7426 entered into by the Director shall not be assigned by the holder thereof except by specific approval of the
7427 Director.

7428 7. Certify monthly to the State Comptroller and the Board a full and complete statement of lottery
7429 revenues, prize disbursements, and other expenses for the preceding month.

7430 8. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate Committee
7431 on Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the
7432 total lottery revenues, prize disbursements, and other expenses for the preceding month and make an annual
7433 report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other
7434 expenses to the Governor and the General Assembly.

7435 9. Report immediately to the Governor and the General Assembly any matters that require immediate
7436 changes in the laws of the Commonwealth in order to prevent abuses and evasions of this subtitle or the rules
7437 and regulations adopted hereunder or to rectify undesirable conditions in connection with the administration
7438 or operation of the lottery.

7439 10. Notify prize winners and appropriate state and federal agencies of the payment of prizes in excess of
7440 \$600 in the manner required by the lottery rules and regulations.

7441 11. Provide for the withholding of the applicable amount of state and federal income tax of persons
7442 claiming a prize for a winning ticket in excess of \$5,001.

7443 12. Participate in the Problem Gambling Treatment and Support Advisory Committee established
7444 pursuant to § 37.2-304 by the Department of Behavioral Health and Developmental Services to enable
7445 collaboration among prevention and treatment providers and operators of legal gaming in the
7446 Commonwealth on efforts to reduce the negative effects of problem gambling.

7447 C. The Director and the director of security or investigators appointed by the Director shall be vested
7448 with the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and
7449 to investigate violations of the statutes and regulations that the Director is required to enforce.

7450 D. The Director may authorize temporary bonus or incentive programs for payments to licensed sales
7451 agents that he determines will be cost effective and support increased sales of lottery products.

7452 **§ 29.5-707. Powers of the Board.**

7453 A. The Board shall have the power to adopt regulations governing the establishment and operation of a
7454 lottery pursuant to this subtitle. The regulations governing the establishment and operation of the lottery
7455 shall be promulgated by the Board after consultation with the Director. Such regulations shall be in
7456 accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The regulations shall provide for all
7457 matters necessary or desirable for the efficient, honest, and economical operation and administration of the
7458 lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or
7459 shares. The regulations, which may be amended, repealed, or supplemented as necessary, shall include the
7460 following:

7461 1. The type or types of lottery or game to be conducted in accordance with § 29.5-701.

7462 2. The price or prices of tickets or shares in the lottery.

7463 3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of
7464 the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii)
7465 returned to the Commonwealth as net revenues.

7466 4. The manner of selecting the winning tickets or shares.

7467 5. The manner of payment of prizes to the holders of winning tickets or shares.

7468 6. The frequency of the drawings or selections of winning tickets or shares without limitation.

7469 7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.

8. The method to be used in selling tickets or shares, including the sale of tickets or shares over the Internet.

9. The advertisement of the lottery in accordance with the provisions of subsection E of § 29.5-717.

10. The licensing of agents to sell tickets or shares who will best serve the public convenience and promote the sale of tickets or shares. No person under the age of 18 shall be licensed as an agent. A licensed agent may employ a person who is 16 years of age or older to sell or otherwise vend tickets at the agent's place of business so long as the employee is supervised in the selling or vending of tickets by the manager or supervisor in charge at the location where the tickets are being sold. Employment of such person shall be in compliance with Chapter 5 (§ 40.1-78 et seq.) of Title 40.1.

11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public. Notwithstanding the provisions of this subdivision, the Board shall not be required to approve temporary bonus or incentive programs for payments to licensed sales agents.

12. Apportionment of the total revenues accruing from the sale of tickets or shares and from all other sources and establishment of the amount of the special reserve fund as provided in § 58.1-4022.

13. Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery.

The Department shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2; however, the Board shall promulgate regulations, after consultation with the Director, relative to departmental procurement that include standards of ethics for procurement consistent with the provisions of Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 and that ensure that departmental procurement will be based on competitive principles.

The Board shall have the power to advise and recommend, but shall have no power to veto or modify, administrative decisions of the Director. However, the Board shall have the power to accept, modify, or reject any revenue projections before such projections are forwarded to the Governor.

B. The Board shall carry on a continuous study and investigation of the lottery throughout the Commonwealth to:

1. Ascertain any defects of this subtitle or the regulations issued hereunder that cause abuses in the administration and operation of the lottery and any evasions of such provisions.

2. Formulate, with the Director, recommendations for changes in this subtitle and the regulations promulgated hereunder to prevent such abuses and evasions.

3. Guard against the use of this subtitle and the regulations promulgated hereunder as a subterfuge for organized crime and illegal gambling.

4. Ensure that this law and the regulations of the Board are in such form and are so administered as to serve the true purpose of this subtitle.

C. The Board shall make a continuous study and investigation of (i) the operation and the administration of similar laws that may be in effect in other states or countries, (ii) any literature on the subject that may be published or available, (iii) any federal laws that may affect the operation of the lottery, and (iv) the reaction of Virginia citizens to the potential features of the lottery with a view to recommending or effecting changes that will serve the purpose of this subtitle.

D. The Board shall hear and decide an appeal of any denial by the Director of the licensing or revocation of a license of a lottery agent pursuant to subdivision A 10 and to subdivision B 5 of § 29.5-706.

E. The Board shall have the authority to initiate procedures for the planning, acquisition, and construction of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3 (§ 2.2-1819 et seq.) of Chapter 18 of Title 2.2.

§ 29.5-708. Employees of the Department; background investigations of employees.

All persons employed by the Department shall be fingerprinted before, and as a condition of, employment. These fingerprints shall be submitted to the Federal Bureau of Investigation for a national criminal records search and to the Department of State Police for a Virginia criminal history records search. All board members, officers, and employees of any vendor of lottery online or instant ticket goods or services working directly on a contract with the Department for such goods or services shall be fingerprinted, and such fingerprints shall be submitted to the Federal Bureau of Investigation for a national criminal records search conducted by the chief security officer of the Department. A background investigation shall be conducted by the chief security officer of the Department on every applicant prior to employment by the Department. However, all division directors of the Department and employees of the Department performing duties primarily related to security matters shall be subject to a background investigation report conducted by the Department of State Police prior to employment by the Department. The Department of State Police shall be reimbursed by the Virginia Lottery for the cost of investigations conducted pursuant to this section or § 29.5-705. No person who has been convicted of a felony, bookmaking, or other forms of illegal gambling, or of a crime involving moral turpitude shall be employed by the Department or on contracts with vendors described in this section.

§ 29.5-709. Licensing of lottery sales agents; penalty.

7532 A. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in
7533 business primarily as a lottery sales agent. Before issuing such license, the Director shall consider such
7534 factors as (i) the financial responsibility and security of the person and his business or activity; (ii) the
7535 accessibility of his place of business or activity to the public; (iii) the sufficiency of existing licensees to serve
7536 the public convenience; and (iv) the volume of expected sales.

7537 B. For the purposes of this section, the term "person" means an individual, association, partnership,
7538 corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or
7539 any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise,
7540 and any combination of individuals. "Person" also means all departments, commissions, agencies, and
7541 instrumentalities of the Commonwealth, including counties, cities, municipalities, agencies, and
7542 instrumentalities thereof.

7543 C. The chief security officer of the Department shall conduct a background investigation, to include a
7544 Virginia criminal history records search, and fingerprints that shall be submitted to the Federal Bureau of
7545 Investigation if the Director deems a national criminal records search necessary, on applicants for licensure
7546 as lottery sales agents. The Director may refuse to issue a license to operate as an agent to sell lottery tickets
7547 or shares to any person who has been (i) convicted of a crime involving moral turpitude, (ii) convicted of
7548 bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or misrepresentation in any
7549 connection, (iv) convicted of a felony, or (v) engaged in conduct prejudicial to public confidence in the
7550 Lottery. The Director may refuse to grant a license or may suspend, revoke, or refuse to renew a license
7551 issued pursuant to this subtitle to a partnership or corporation, if he determines that any general or limited
7552 partner, or officer or director of such partnership or corporation has been (a) convicted of a crime involving
7553 moral turpitude, (b) convicted of bookmaking or other forms of illegal gambling, (c) found guilty of any fraud
7554 or misrepresentation in any connection, (d) convicted of a felony, or (e) engaged in conduct prejudicial to
7555 public confidence in the Lottery. Whoever knowingly and willfully falsifies, conceals, or misrepresents a
7556 material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in
7557 any application for licensure to the Department for lottery sales agent is guilty of a Class 1 misdemeanor.

7558 D. In the event an applicant is a former lottery sales agent whose license was suspended, revoked, or
7559 refused renewal pursuant to this section or § 29.5-712, no application for a new license to sell lottery tickets
7560 or shares shall be considered for a minimum period of 90 days following the suspension, revocation, or
7561 refusal to renew.

7562 E. Prior to issuance of a license, every lottery sales agent shall either (i) be bonded by a surety company
7563 entitled to do business in the Commonwealth in such amount and penalty as may be prescribed by the
7564 regulations of the Department or (ii) provide such other surety as may be satisfactory to the Director,
7565 payable to the Virginia Lottery and conditioned upon the faithful performance of his duties.

7566 F. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the
7567 regulations of the Department.

7568 **§ 29.5-710. Authority of persons licensed as lottery sales agents; annual fee.**

7569 A. Notwithstanding any other provision of law, any person licensed as provided in this subtitle is hereby
7570 authorized to act as a lottery sales agent.

7571 B. The rules and regulations of the Department shall provide for an initial licensing fee and an annual
7572 license review fee to be collected from each lottery sales agent. Such fee, as promulgated by rule and
7573 regulation of the Board, shall be designed to recover all or such portion of the installation and annual
7574 operational costs borne by the Department in providing services to the agent.

7575 **§ 29.5-711. Meaning of "gross receipts."**

7576 A. Notwithstanding the provisions of Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 or § 29.5-812 relating
7577 to local license taxes, the term "gross receipts" as used in Chapter 37 shall include only the compensation
7578 actually paid to a licensed sales agent as provided by rule or regulation adopted by the Board consistent with
7579 the provisions of subdivision A 11 of § 29.5-707.

7580 B. Unless otherwise provided by contract, any person licensed as a lottery agent who makes rental
7581 payments for the business premises on which state lottery tickets are sold on the basis of retail sales shall
7582 have that portion of rental payment based on sales of state lottery tickets or shares computed on the basis of
7583 the compensation received as a lottery agent from the Virginia Lottery.

7584 **§ 29.5-712. Suspension and revocation of licenses.**

7585 The Director may suspend, revoke, or refuse to renew, after notice and a hearing, any license issued
7586 pursuant to this subtitle. Such license may, however, be temporarily suspended by the Director without prior
7587 notice, pending any prosecution, hearing, or investigation, whether by a third party or by the Director. A
7588 license may be suspended, revoked, or refused renewal by the Director for one or more of the following
7589 reasons:

- 7590 1. Failure to properly account for lottery tickets received or the proceeds of the sale of lottery tickets;
- 7591 2. Failure to file a bond if required by the Director or to comply with instructions and rules and
7592 regulations of the Department concerning the licensed activity, especially with regard to the prompt payment

7593 of claims;

7594 3. Conviction of any offense referenced in subsection C of § 29.5-709 subsequent to licensure;

7595 4. Failure to file any return or report, to keep records, or to pay any fees or other charges required by this
7596 subtitle;

7597 5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the
7598 Commonwealth lottery;

7599 6. If the number of lottery tickets sold by the lottery sales agent is insufficient to meet administrative costs
7600 and public convenience is adequately served by other licensees;

7601 7. A material change, since issuance of the license, with respect to any matters required to be considered
7602 by the Director under this subtitle; or

7603 8. Other factors established by Department regulation.

7604 **§ 29.5-713. Prohibited actions; penalty.**

7605 Any person who wrongfully and fraudulently uses, disposes of, conceals, or embezzles any public money
7606 or funds associated with the operation of the lottery is guilty of a Class 3 felony. Any person who wrongfully
7607 and fraudulently tampers with any equipment or machinery used in the operation of the lottery is guilty of a
7608 Class 3 felony. Any person who makes inaccurate entries regarding a financial accounting of the lottery in
7609 order to conceal the truth, defraud the Commonwealth, and obtain money to which he is not entitled is guilty
7610 of a Class 3 felony.

7611 **§ 29.5-714. License required for "instant ticket" games or contests; penalty.**

7612 No person who owns or is employed by any retail establishment in the Commonwealth shall use any
7613 "instant ticket" game or contest for the purpose of promoting or furthering the sale of any product without
7614 first obtaining a license to do so from the Director. For the purposes of this section, an "instant ticket" game
7615 or contest means a game of chance played on a paper ticket or card where (i) a person may receive gifts,
7616 prizes, or gratuities and (ii) winners are determined by preprinted concealed letters, numbers, or symbols
7617 which, when exposed, reveal immediately whether the player has won a prize or entry into a prize drawing,
7618 but shall not include any "instant ticket" game or contest licensed by the Virginia Gaming Commission
7619 pursuant to Chapter 2 (§ 29.5-200 et seq.). The fact that no purchase is required in order to participate shall
7620 not exclude such game or contest from the provisions of this section; however, nothing in this section shall
7621 prohibit any retail establishment from using a Virginia lottery ticket to promote or further the sale of any
7622 products except those having both a federal and state excise tax placed on them. Any person convicted of a
7623 violation of this section is guilty of a Class 3 misdemeanor.

7624 **§ 29.5-715. Unclaimed prizes.**

7625 A. Unclaimed prizes for a winning ticket or share shall be retained by the Director for the person entitled
7626 thereto for 180 days after the drawing in which the prize was won in the case of a drawing prize and for 180
7627 days after the announced end of the lottery game in the case of a prize determined in any manner other than
7628 by means of a drawing. If no claim is made for the prize within the 180 days, the Director shall deem such
7629 prize forfeited by the person entitled to claim such winnings.

7630 B. All prizes deemed forfeited pursuant to subsection A shall be paid into the Literary Fund. The Director
7631 may develop procedures, to be approved by the Auditor of Public Accounts, for estimating the cumulative
7632 total of such unclaimed prizes in any lottery game in lieu of specifically identifying unclaimed prizes where
7633 such specific identification would not be cost effective. The Director, within 60 days after the end of each
7634 180-day retention period, shall report the total value of prizes forfeited at the end of such period to the
7635 Comptroller, who shall promptly transfer the total of such prizes to the Literary Fund. The total value of
7636 prizes forfeited during the fiscal year shall be audited by the Auditor of Public Accounts in accordance with §
7637 29.5-719. In the case of a prize payable over time on one or more winning tickets, if one or more winning
7638 tickets is not claimed within the 180-day redemption period, the Department shall transfer the then current
7639 monetary value of such portion of the prize remaining unclaimed to the Literary Fund in accordance with
7640 procedures approved by the State Treasurer. "Current monetary value" shall be determined by the net
7641 proceeds from the sale of that portion of jackpot securities allocated to the unclaimed winner plus the amount
7642 of the initial cash payment.

7643 C. Subsection B shall not apply to prizes of \$25 or less resulting from any lottery game other than a
7644 lottery game in which a drawing determined the prize. The Board shall adopt regulations for the disposition
7645 of all such unclaimed prizes of \$25 or less not resulting from a drawing. Such disposition shall be directed in
7646 whole or in part to either the Virginia Lottery Fund or to other forms of compensation to licensed sales
7647 agents.

7648 D. For purposes of this section, "prize" refers to a cash prize. In the case of a prize payable over time and
7649 not as a lump sum payment, "prize" means the present cash value of the prize, not the value paid over time.

7650 E. In accordance with the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App.
7651 U.S.C.A. § 525), any person whose unclaimed prize was deemed forfeited pursuant to subsection A while he
7652 was in active military service may claim such forfeited prize by presenting his winning ticket to the Director
7653 no later than 180 days after his discharge from active military service. Within 30 days of such presentation,

7654 the Director shall verify the claim and report the verification to the Comptroller. The Comptroller shall
7655 promptly pay the verified claim first from funds available in the Unclaimed Property Trust Fund; if such
7656 funds are insufficient, then, from any undesignated, unreserved year-end balance of the general fund. All
7657 verified claims shall be paid in accordance with the Board's rules and regulations then in effect regarding the
7658 manner of payment of prizes to the holders of winning tickets or shares.

7659 **§ 29.5-716. Deposit of moneys received by agents; performance of functions, etc., in connection with**
7660 **operation of lottery; compensation of agents.**

7661 A. The Director shall require all lottery sales agents to deposit to the credit of the Virginia Lottery Fund
7662 in banks, designated by the State Treasurer, all moneys received by such agents from the sale of lottery
7663 tickets or shares, less any amount paid as prizes or retained as compensation to agents for the sale of the
7664 tickets or shares, and to file with the Director, or his designated agents, reports of their receipts,
7665 transactions, and disbursements pertaining to the sale of lottery tickets in such form and containing such
7666 information as he may require. Such deposits and reports shall be submitted at such times and within such
7667 intervals as shall be prescribed by rule and regulation of the Department. The Director may arrange for any
7668 person, including a bank, to perform such functions, activities, or services in connection with the operation of
7669 the lottery as he may deem advisable pursuant to this subtitle and the rules and regulations of the
7670 Department, and such functions, activities, and services shall constitute lawful functions, activities, and
7671 services of the person.

7672 B. The rules and regulations of the Department shall provide for a service charge to the licensed agent if
7673 any payor bank dishonors a check or draft tendered for deposit to the credit of the Virginia Lottery Fund by a
7674 licensed agent or for an electronic transfer of funds to the Virginia Lottery Fund from the account of a
7675 licensed agent for money received from the sale of lottery tickets.

7676 The regulations of the Department shall provide for a service charge and penalty to a licensed agent if
7677 any payor bank dishonors a check or draft from the account of a licensed agent tendered for payment of any
7678 prize by a licensed agent to any claimant. Any such charge or penalty so collected by the Department shall be
7679 used first to reimburse the claimant for any charges or penalties incurred by him as a result of the licensed
7680 agent's dishonored check tendered as payment of any prize and the remainder to offset the Department's
7681 administrative costs.

7682 C. A licensed agent shall be charged interest as provided in § 58.1-15 on the money that is not timely paid
7683 to the Virginia Lottery Fund in accordance with the rules and regulations of the Department and shall in
7684 addition thereto pay penalties as provided by rules and regulations of the Department.

7685 D. Should the Department refer the debt of any licensed agent to the Attorney General, the Department of
7686 Taxation as provided in the Setoff Debt Collection Act (§ 58.1-520 et seq.), or any other central collection
7687 unit of the Commonwealth, an additional service charge shall be imposed in the amount necessary to cover
7688 the administrative costs of the Department and agencies to which such debt is referred.

7689 E. Notwithstanding the provisions of Chapter 5 (§ 8.01-257 et seq.) of Title 8.01, in any action for the
7690 collection of a debt owed by any licensed agent to the lottery, venue shall lie in the City of Richmond.

7691 F. All proceeds from the sale of lottery tickets or shares received by a person in the capacity of a sales
7692 agent shall constitute a trust fund until deposited into the Virginia Lottery Fund either directly or through the
7693 Department's authorized collection representative. Proceeds shall include cash proceeds of the sale of any
7694 lottery products, less any amount paid as prizes or retained as compensation to agents for the sale of the
7695 tickets or shares. Sales agents shall be personally liable for all proceeds.

7696 G. If the Director determines that the deposit or collection from any sales agent of any moneys or
7697 proceeds under this section is or will be jeopardized or will otherwise be delayed, he may adjust either the
7698 time or the interval or both for such deposits or collections of any sales agent; require that all such moneys
7699 or proceeds shall be kept separate and apart from all other funds and assets and shall not be commingled
7700 with any other funds or assets prior to their deposit or collection under this section; and require such other
7701 security of any sales agent as he may deem advisable to ensure the timely deposit or collection of moneys or
7702 proceeds to the credit of the Virginia Lottery Fund.

7703 Collection of moneys or proceeds "is or will be jeopardized or will otherwise be delayed" when (i) a
7704 check, draft, or electronic funds transfer to the credit of the Virginia Lottery Fund is dishonored as described
7705 in subsection B; (ii) an independent auditor states that the lottery sales agent's financial condition raises
7706 substantial doubt about its ability to continue as a going concern; or (iii) the lottery sales agent (a) closes for
7707 business or fails to maintain normal business hours without reasonable explanation, (b) has a credit record
7708 reflecting recent actions that cast doubt as to its creditworthiness, (c) states it has or may have cash flow
7709 problems or may be unable to meet its financial obligations, (d) states it may seek the protection of the
7710 federal bankruptcy or state insolvency law, (e) refuses to purchase additional lottery tickets or returns tickets
7711 ordered without good cause, or (f) does any other act tending to prejudice or to render wholly or partially
7712 ineffectual proceedings to collect moneys or proceeds that are or will become due and payable to the
7713 Virginia Lottery Fund.

7714 **§ 29.5-717. Virginia Lottery Fund.**

7715 A. All moneys received from the sale of lottery tickets or shares, less payment for prizes and compensation

of agents as authorized by regulation and any other revenues received under this subtitle, shall be placed in a special fund known as the "Virginia Lottery Fund." Notwithstanding any other provisions of law, interest earned from moneys in the Virginia Lottery Fund shall accrue to the benefit of such Fund.

B. The total costs for the operation and administration of the lottery shall be funded from the Virginia Lottery Fund and shall be in such amount as provided in the general appropriation act. Appropriations to the Department during any fiscal year beginning on and after July 1, 1989, exclusive of agent compensation, shall at no time exceed 10 percent of the total annual estimated gross revenues to be generated from lottery sales. However, should it be anticipated at any time by the Director that such operational and administrative costs for a fiscal year will exceed the limitation provided herein, the Director shall immediately report such information to the Board, the Governor, and the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations. From the moneys in the Fund, the Comptroller shall establish a special reserve fund in such amount as shall be provided by regulation of the Department for (i) operation of the lottery, (ii) use if the game's pay-out liabilities exceed its cash on hand, or (iii) enhancement of the prize pool with income derived from lending securities held for payment of prize installments, which lending of securities shall be conducted in accordance with lending programs approved by the Department of the Treasury.

C. The Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 29.5-718, less the special reserve fund, the audited balances of the Virginia Lottery Fund at the close of each fiscal year. The transfer for each year shall be made in two parts: (i) on or before June 30, the Comptroller shall transfer balances of the Virginia Lottery Fund for the fiscal year, based on an estimate determined by the Virginia Lottery, and (ii) no later than 10 days after receipt of the annual audit report required by § 29.5-719, the Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund for the fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the transfer was based, the State Comptroller shall transfer the difference between the actual revenue and the estimate from the Lottery Proceeds Fund to the Virginia Lottery Fund.

D. In addition to such other funds as may be appropriated, 100 percent of the lottery revenues transferred to the Lottery Proceeds Fund shall be appropriated entirely and solely for the purpose of public education in the Commonwealth unless otherwise redirected pursuant to Article X, Section 7-A of the Constitution of Virginia. The additional appropriation of lottery revenues to local school divisions for public education purposes consistent with this provision shall be used for operating, capital outlay, or debt service expenses, as determined by the appropriation act. The additional appropriation of lottery revenues shall not be used by any local school division to reduce its total local expenditures for public education in accordance with the provisions of the general appropriation act.

E. As a function of the administration of this subtitle, funds may be expended for the purposes of reasonably informing the public concerning (i) the facts embraced in the subjects contained in subdivisions A 1 through 7 of § 29.5-707 and (ii) the fact that the net proceeds are paid into the Lottery Proceeds Fund of the Commonwealth, but no funds shall be expended for the primary purpose of inducing persons to participate in the lottery.

§ 29.5-718. Lottery Proceeds Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Lottery Proceeds Fund, referred to in this section as the "Fund." The Fund shall be established on the books of the Comptroller and interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall consist of amounts deposited into it from the net revenues of any lottery conducted by the Commonwealth pursuant to Article X, Section 7-A of the Constitution of Virginia.

B. For purposes of any appropriation act enacted by the General Assembly and for the purposes of the Comptroller's preliminary and final annual reports required by § 2.2-813, all deposits to and appropriations from the Lottery Proceeds Fund shall be accounted for and considered to be a part of the general fund of the state treasury.

§ 29.5-719. Post-audit of accounts and transactions of Department; post-compliance audits.

A regular post-audit shall be conducted of all accounts and transactions of the Department. An annual audit of a fiscal and compliance nature of the accounts and transactions of the Department shall be conducted by the Auditor of Public Accounts on or before August 15 of each year. The cost of the annual audit and post-audit examinations shall be borne by the Department. The Board may order such other audits as it deems necessary and desirable.

§ 29.5-720. Employees of the Department.

Employees of the Department shall be exempt from the provisions of the Virginia Personnel Act, Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2. Personnel actions shall be taken without regard to race, sex, sexual orientation, gender identity, color, ethnic or national origin, religion, age, disability, or political affiliation.

§ 29.5-721. Judicial review.

The action of the Board in granting or denying a license or registration or in suspending or revoking any

7778 license or registration under the provisions of this subtitle shall be subject to review in accordance with the
7779 provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Such review shall be limited to the
7780 evidential record of the proceedings provided by the Board. Both the petitioner and the Board shall have the
7781 right to appeal to the Court of Appeals from any order of the court.

7782 CHAPTER 8.

7783 ADMINISTRATION OF TICKETS AND PRIZES.

7784 **§ 29.5-800. Lottery tickets to bear telephone number for compulsive gamblers.**

7785 All lottery tickets shall bear a toll-free telephone number for "Gamblers Anonymous" or other
7786 organization that provides assistance to compulsive gamblers.

7787 **§ 29.5-801. Posting of illegal gaming tip line.**

7788 Every licensed lottery sales agent shall post in a conspicuous place in its retail establishment a sign that
7789 bears the toll-free telephone number and website for the illegal gaming tip line established and administered
7790 by the Office of the Gaming Enforcement Coordinator in the Department of State Police pursuant to § 52-54
7791 for members of the public to report concerns about, or suspected instances of, illegal gaming activities.

7792 **§ 29.5-802. Right to prize not assignable; exceptions.**

7793 A. No right of any person to a prize drawn shall be assignable, except that: (i) payment of any prize
7794 drawn may be paid according to the terms of a deceased prize winner's beneficiary designation or similar
7795 form filed with the Department or to the estate of a deceased prize winner who has not completed such a
7796 form; (ii) the prize to which the winner is entitled may be paid to a person pursuant to an appropriate
7797 judicial order; and (iii) payment of any prize drawn may be paid in accordance with the provisions of §
7798 29.5-811. Payments made according to the terms of a deceased prize winner's beneficiary designation or
7799 similar form filed with the Department are effective by reason of the contract involved and this statute and
7800 are not to be considered as testamentary or subject to Chapter 4 (§ 64.2-400 et seq.) of Title 64.2. The
7801 Director shall be discharged of all liability upon payment of a prize pursuant to this section.

7802 B. Investments of prize proceeds made by the Department to fund the payment of an annuitized prize are
7803 to be held in the name of the Department or the Commonwealth and not in the name of the prize winner. Any
7804 claim of a prize winner to a future payment remains inchoate until the date the payment is due under
7805 Department regulations.

7806 C. Except as provided in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and this subtitle, no lottery prize
7807 or installment thereof may be subject to garnishment or to a lien of any kind until such prize or installment
7808 thereof has been paid or distributed.

7809 D. Whenever the Department or the Director is or may be named as a party in any proceeding instituted
7810 by or on behalf of one or more persons who claim ownership of a winning lottery ticket, prize, share, or
7811 portion thereof for the purpose of determining the ownership or right to such ticket, prize, share, or portion
7812 thereof, the Director may voluntarily pay or tender the prize, share, or portion thereof into the circuit court
7813 where the action is filed, or may be ordered to do so by the court, and shall thereupon be discharged from all
7814 liability as between the claimants of such ticket, prize, share, or portion thereof without regard to whether
7815 such payment was made voluntarily or pursuant to a court order.

7816 Nothing in this section shall be deemed to constitute a waiver of the sovereign immunity of the
7817 Commonwealth or to authorize any attachment, garnishment, or lien against the prize, share, or portion
7818 thereof paid into the court except as permitted by subsection C.

7819 **§ 29.5-803. Price of tickets or shares; who may sell; penalty.**

7820 No person shall sell a ticket or share at any price or at any location other than that fixed by rules and
7821 regulations of the Department. No person other than a licensed lottery sales agent or his employee shall sell
7822 lottery tickets or shares, except that nothing in this section shall be construed to prevent any person from
7823 giving lottery tickets or shares to another person over the age of 18 years as a gift. No person shall operate a
7824 ticket courier service in the Commonwealth.

7825 Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

7826 **§ 29.5-804. Method of payment for purchase of tickets or shares.**

7827 Lottery sales agents licensed in accordance with this subtitle shall accept only cash or debit cards in
7828 payment for the purchase of lottery tickets or shares.

7829 **§ 29.5-805. Sale of ticket or share to person under 18 prohibited; penalty.**

7830 No ticket or share shall be sold to or redeemed from any person under the age of 18 years. Any licensee
7831 who knowingly sells or offers to sell or redeem a lottery ticket or share to or from any person under the age
7832 of 18 years is guilty of a Class 1 misdemeanor.

7833 **§ 29.5-806. Gift to minor prohibited; penalty.**

7834 No ticket or share shall be given as a gift or otherwise to any person under the age of 18 years. Any
7835 person who knowingly gives a lottery ticket or share to any person under the age of 18 years is guilty of a
7836 Class 3 misdemeanor.

7837 **§ 29.5-807. Alteration and forgery; presentation of counterfeit or altered ticket or share; penalty.**

7838 Any person who forges, alters, or fraudulently makes any lottery ticket or share with intent to present for

payment or to transfer to another person to be presented for payment or knowingly presents for payment or transfers to another person to be presented for payment such forged, altered, or fraudulently made counterfeit lottery ticket or share sold pursuant to this subtitle is guilty of a Class 6 felony.

§ 29.5-808. Larceny of tickets; fraudulent notification of prizes; penalty.

A. Any person who steals or otherwise unlawfully converts to his own or another's use a lottery ticket, prize, share, or portion thereof is guilty of larceny. For purposes of this subsection, the value of a lottery ticket, prize, share, or portion thereof shall be deemed to be the greater of its face amount or its redemption value.

B. Any person who, with intent to defraud, steal, embezzle, or violate the provisions of § 18.2-186.3, designs, makes, prints, or otherwise produces, in whole or in part, a document or writing, whether in printed or electronic form, that falsely purports to be correspondence from or on behalf of the lottery is guilty of a Class 5 felony.

Jurisdiction shall lie and prosecution may proceed under this subsection in any county or city (i) in which the document was created; (ii) from which it was sent, regardless of the form of delivery; or (iii) in which it was received, regardless of the form of delivery.

§ 29.5-809. Ticket discounting; civil penalties.

A. As used in this section, "ticket discounting" means reselling or having a person other than the prize winner claim a winning lottery ticket or buying or claiming a winning lottery ticket for the purpose of assisting the original prize winner with concealing his identity as a prize winner.

B. No person shall engage in the practice of ticket discounting.

C. Any person found to have engaged in the practice of ticket discounting shall be fined as determined by the Director (i) for prizes of less than \$1,000, not more than \$250; (ii) for prizes of \$1,000 or more but less than \$5,000, more than \$250 but not more than \$500; and (iii) for prizes of \$5,000 or more, no less than \$1,000. All fines recovered for violations of this section shall be paid into the state treasury to the credit of the Literary Fund, in accordance with § 19.2-353.

§ 29.5-810. Certain persons ineligible to purchase tickets or shares or receive prizes.

A. No ticket or share shall be purchased by, and no prize shall be paid on a ticket purchased by or transferred to, any Board member, officer, or employee of the lottery, or any board member, officer or employee of any vendor to the lottery of lottery online or instant ticket goods or services working directly on a contract with the Department for such goods or services, or any person residing in the same household of such member, officer, or employee or any person under the age of 18 years, or transferee of any such persons.

B. Only natural persons may purchase lottery tickets and claim prize winnings. In all cases, the identity and social security number of all natural persons who receive a prize greater than \$100 from a winning ticket redeemed at any Department office shall be provided in order to comply with this section and §§ 29.5-805, 29.5-806, and 29.5-813 and Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2.

§ 29.5-811. Voluntary assignment of lottery prizes or pledge as collateral for a loan; requirements for the assignees and lenders.

A. Lottery prizes, payable in installments over a period of time, excluding prizes payable for the winner's life, may be voluntarily assigned or pledged as collateral for a loan, in whole or in part, by the person entitled to such installments, by written contract affirming that the requirements of this section have been met and endorsed by written order of a court of competent jurisdiction after a hearing. The order shall specify the name, address, and social security number or tax identification number of the assignee or lender and shall specifically describe the payments be assigned or pledged as collateral by date and gross pre-tax amount. The Department shall be given notice of any hearing held pursuant to this section and shall have the right to appear and participate in such hearing. Venue for hearings held pursuant to this section shall be in the Circuit Court of the City of Richmond.

The rate charged for any such assignment or loan shall not exceed 15 percent.

The contract shall:

1. Be signed by the assignor and the assignee or the lender and the borrower, and the assignor or borrower shall affirm the assignment or loan has been voluntarily executed.

2. Include or be accompanied by a sworn statement attesting that the assignor or borrower (i) is of sound mind and not acting under duress; (ii) has been advised in writing by the assignee or lender to seek independent legal counsel and independent financial counsel concerning the implications of the assignment or loan, including the tax consequences, and has either received such advice or knowingly waived such advice in writing; (iii) understands that he is relinquishing or limiting his rights to receive the lottery proceeds; and (iv) has received from the Virginia Lottery, in response to a written request therefor, confirmation of the assignee's or lender's registration with the Virginia Lottery in accordance with subsection E.

3. Include a disclosure statement setting forth (i) the amounts assigned or loaned; (ii) the dates such amounts are payable; (iii) the purchase price paid for the assignment or loan; (iv) the rate of discount to

7900 present value, assuming daily compounding and funding on the contract date; (v) the amount of any fees
7901 associated with the assignment or loan and by whom such fees are payable; and (vi) the tax identification
7902 number of the assignee.

7903 4. Expressly state that the assignor or borrower has three business days after signing the contract to
7904 cancel the assignment or loan.

7905 5. Expressly state that the assignee or lender is eligible to purchase, share, or receive prizes of the
7906 Virginia Lottery pursuant to §§ 29.5-805, 29.5-806, and subsection A of § 29.5-810, and that the Virginia
7907 Lottery has complied with subsection B of § 29.5-810 in that the original prizewinner is, or if deceased, was,
7908 a natural person if and to the extent that the prize was awarded on or after the effective date pursuant to
7909 subsection B of § 29.5-810.

7910 6. Expressly state that no amounts assigned or loaned are subject to setoff pursuant to Article 21 (§
7911 58.1-520 et seq.) of Chapter 3 of Title 58.1.

7912 B. The Commonwealth, the Virginia Lottery, and any employee or representative of either shall be
7913 indemnified and held harmless upon payment of amounts due as set forth in the court order.

7914 C. The Virginia Lottery may establish a reasonable fee to process the assignments provided for in this
7915 section and to receive, review, and file the registration required by subsection E and confirm compliance
7916 with the registration requirements. The fee shall be reflective of the direct and indirect costs of processing the
7917 assignments or registrations.

7918 D. Notwithstanding the provisions of this section, the Commonwealth and the Virginia Lottery shall not
7919 accept any assignment if either of the following has occurred:

7920 1. Federal law provides that the right to assign lottery proceeds is deemed receipt of income in the year
7921 the lottery prize is won for all installment lottery prize winners. "Federal law" includes statutory law, rulings
7922 of courts of competent jurisdiction, and published rulings by the Internal Revenue Service.

7923 2. State law provides that the right to assign lottery proceeds is deemed receipt of income in the year the
7924 lottery prize is won for all installment lottery prize winners. "State law" includes statutory law, rulings of
7925 courts of competent jurisdiction, and published rulings by the Department of Taxation.

7926 E. An assignee, prospective assignee, lender, or prospective lender shall not make any representation in
7927 any written or oral communications with a lottery winner that implies that the assignee, prospective assignee,
7928 lender, or prospective lender is associated with or an agent of the Virginia Lottery. Every prospective
7929 assignee or prospective lender shall register with the Virginia Lottery prior to contracting for any assignment
7930 or loan pursuant to this section. The registration shall include (i) the assignee's or lender's standard
7931 information packet or materials given or sent to prospective assignees or borrowers; (ii) the assignee's or
7932 lender's standard form of agreement; (iii) the assignee's or lender's federal tax identification number; and
7933 (iv) where applicable, the assignee's or lender's most recent public financial statement. The Director may
7934 deny, suspend, or revoke a registration for a violation of this subtitle or for such other reasons as the Board,
7935 by regulation, may establish.

7936 **§ 29.5-812. Exemption of lottery prizes and sales of tickets from state and local taxation.**

7937 Except as provided in § 29.5-711 and Chapter 3 (§ 58.1-300 et seq.) of Title 58.1, no state or local taxes
7938 of any type whatsoever shall be imposed upon any prize awarded or upon the sale of any lottery ticket sold
7939 pursuant to the Virginia Lottery Law.

7940 **§ 29.5-813. Set-off of debts to the Commonwealth from prizes.**

7941 The Director shall establish by rule and regulation a set-off debt collection program in accordance with
7942 the provisions of the Setoff Debt Collection Act (§ 58.1-520 et seq.), wherein certain prizes shall be subjected
7943 to delinquent debts of agencies and institutions of the Commonwealth. The Director shall be responsible for
7944 the administration of the program and shall ensure by rule and regulation of the Department that any agency
7945 eligible to participate in the Setoff Debt Collection Act shall be eligible to participate in the lottery prize
7946 set-off. The Tax Commissioner shall transmit to the Director, at such intervals as requested by the Director, a
7947 listing of claimant agencies and delinquent debts owed thereto.

7948 **§ 29.5-814. Disclosure of identity of winners by the Department.**

7949 Except as provided in subsection B of § 29.5-810, the Department shall not disclose information about the
7950 identity of an individual lottery winner if the value of the prize won by the winner exceeds \$10 million, unless
7951 the winner consents in writing to such disclosure.

7952 **§ 37.2-314.2. Problem Gambling Treatment and Support Fund.**

7953 A. As used in this section:

7954 "Compulsive gambling" means persistent and recurrent problem gambling behavior leading to clinically
7955 significant impairment or distress, as indicated by an individual exhibiting four or more of the criteria as
7956 defined by the Diagnostic Statistical Manual of Mental Disorders in a 12-month period and where the
7957 behavior is not better explained by a manic episode.

7958 "Problem gambling" means a gambling behavior that causes disruptions in any major area of life,
7959 including the psychological, social, or vocational areas of life, but does not fulfill the criteria for diagnosis as
7960 a gambling disorder.

7961 B. There is hereby created in the state treasury a special nonreverting fund to be known as the Problem

Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenue accruing to the Fund pursuant to subsection A of § 58.1-4038 29.5-408 and moneys required to be deposited into the Fund pursuant to ~~Chapter 41~~ Chapter 3 (§ 58.1-4100 29.5-300 et seq.) of Title 58.1 29.5 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) providing counseling and other support services for compulsive and problem gamblers, (ii) developing and implementing compulsive and problem gambling treatment and prevention programs, and (iii) providing grants to support organizations that provide assistance to compulsive and problem gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

§ 52-53. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Coordinator" means the position of the Gaming Enforcement Coordinator established pursuant to § 52-54.

"Department" means the Department of State Police.

"Gaming laws" means the laws regulating gambling under Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2, charitable gaming under ~~Article 1-1-1~~ Chapter 2 (§ 18.2-340.15 29.5-200 et seq.) of Chapter 8 of Title 18.2 29.5, ~~lottery games under Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1, casino gaming under Chapter 3 (§ 29.5-300 et seq.) of Title 29.5, sports betting under Article 2 Chapter 4 (§ 58.1-4030 29.5-400 et seq.) of Chapter 40 of Title 58.1 29.5, casino gaming under Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, fantasy contests under Chapter 51 5 (§ 59.1-556 29.5-500 et seq.) of Title 59.1 29.5, horse racing, historical horse racing, and simulcast horse racing with pari-mutuel wagering under Chapter 29 6 (§ 59.1-364 29.5-600 et seq.) of Title 59.1 29.5, lottery games under Subtitle II (§ 29.5-700 et seq.) of Title 29.5, any regulations promulgated pursuant to such laws, and any other federal, state, or local laws the Gaming Enforcement Coordinator deems relevant.~~

"Superintendent" means the Superintendent of State Police.

§ 52-54. Office of the Gaming Enforcement Coordinator established; purpose; duties.

A. The Superintendent shall designate a Department employee to serve as the Gaming Enforcement Coordinator. The purpose of the office of the Coordinator shall be to synchronize the enforcement of gaming laws by state and local law enforcement, and to serve as a liaison between such agencies and federal law enforcement.

B. The Coordinator shall have the following duties:

1. Coordinating enforcement of the Commonwealth's gaming laws by the Department, the ~~Department of Agriculture and Consumer Services~~ Virginia Gaming Commission, and all other state agencies; attorneys for the Commonwealth; and local law enforcement;

2. Acting as a liaison between the federal government and the agencies identified in subdivision 1 for purposes of any federal investigation into gaming activities;

3. Establishing, advertising, and administering a tip line, which may be accessed by phone and by Internet, for members of the public to report concerns about, or suspected instances of, gaming activities; and

4. Performing any other duties as are necessary to promote and enable the equitable enforcement of gaming laws in the Commonwealth.

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;

2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any

8024 information required for building permits;

8025 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court
8026 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by
8027 the commissioner of accounts making a settlement of accounts filed in such estate;

8028 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when
8029 requested by the General Assembly or any duly constituted committee of the General Assembly;

8030 7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions
8031 of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a
8032 tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201
8033 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established
8034 pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which
8035 the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit
8036 of the manufacturer. The information shall only be provided in the following manner: the manufacturer may
8037 make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney
8038 General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of
8039 the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney
8040 General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain
8041 actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them
8042 from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the
8043 reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney
8044 General, including a copy of the prior written request to the Stamping Agent and any response received, for
8045 copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of
8046 receipt of the request.

8047 B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so
8048 classified as to prevent the identification of particular reports or returns and the items thereof or the
8049 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with
8050 any relevant information which in the opinion of the Department may assist in the collection of such
8051 delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon
8052 request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose
8053 the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how
8054 few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed
8055 to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business
8056 in that locality and divulging, upon written request, the name and address of any person, firm or corporation
8057 transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the
8058 commissioner of revenue is authorized to provide, upon written request stating the reason for such request,
8059 the Tax Commissioner with information obtained from local tax returns and other information pertaining to
8060 the income, sales and property of any person, firm or corporation licensed to do business in that locality.

8061 2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is
8062 registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a
8063 certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other
8064 provision of law, the Department is hereby authorized to make available the names and certificate of
8065 registration numbers of dealers who are currently registered for retail sales and use tax.

8066 3. This section shall not prohibit the Department from disclosing information to nongovernmental entities
8067 with which the Department has entered into a contract to provide services that assist it in the administration
8068 of refund processing or other services related to its administration of taxes.

8069 4. This section shall not prohibit the Department from disclosing information to taxpayers regarding
8070 whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer
8071 submitted withholding records to the Department for a specific taxable year as required pursuant to
8072 subdivision C 1 of § 58.1-478.

8073 5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other
8074 similar local official who collects or administers taxes for a county, city, or town from disclosing information
8075 to nongovernmental entities with which the locality has entered into a contract to provide services that assist
8076 it in the administration of refund processing or other non-audit services related to its administration of taxes.
8077 The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or
8078 administers taxes for a county, city, or town shall not disclose information to such entity unless he has
8079 obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of
8080 and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such
8081 obligations.

8082 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax
8083 Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of
8084 finance, or other similar collector of county, city, or town taxes who, for the performance of his official

8085 duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the
 8086 Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of
 8087 income, filing status, number and type of dependents, whether a federal earned income tax credit as
 8088 authorized in § 32 of the Internal Revenue Code and an income tax credit for low-income taxpayers as
 8089 authorized in § 58.1-339.8 have been claimed, and Forms W-2 and 1099 to facilitate the administration of
 8090 public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to
 8091 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or as may be necessary to facilitate the administration of
 8092 outreach and enrollment related to the federal earned income tax credit authorized in § 32 of the Internal
 8093 Revenue Code and the income tax credit for low-income taxpayers authorized in § 58.1-339.8; (iii) provide to
 8094 the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon
 8095 written request, the names and home addresses of those persons identified by the designated guarantor as
 8096 having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information
 8097 upon request to state agencies and institutions for their confidential use in facilitating the collection of
 8098 accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the
 8099 collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the
 8100 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax
 8101 information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi)
 8102 provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such
 8103 tax information as may be necessary to facilitate the collection of state and local taxes and the administration
 8104 of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax
 8105 information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii)
 8106 provide to the Department of the Treasury for its confidential use such tax information as may be necessary
 8107 to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide
 8108 to the State Corporation Commission, upon entering into a written agreement, such tax information as may be
 8109 necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the
 8110 Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use
 8111 such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi)
 8112 provide to the Commissioner of the ~~Department of Agriculture and Consumer Services~~ *Virginia Gaming*
 8113 *Commission* such tax information as may be necessary to identify those applicants for registration as a
 8114 supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii)
 8115 provide to the Department of Housing and Community Development for its confidential use such tax
 8116 information as may be necessary to facilitate the administration of the remaining effective provisions of the
 8117 Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii)
 8118 provide current name and address information to private collectors entering into a written agreement with the
 8119 Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its
 8120 political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a
 8121 private collector who has used or disseminated in an unauthorized or prohibited manner any such information
 8122 previously provided to such collector; (xiv) provide current name and address information as to the identity
 8123 of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who
 8124 manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other
 8125 equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act;
 8126 (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax
 8127 information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to
 8128 the Director of the Department of Human Resource Management, upon entering into a written agreement,
 8129 such tax information as may be necessary to identify persons receiving workers' compensation indemnity
 8130 benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of
 8131 the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the
 8132 duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications
 8133 Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered
 8134 for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission
 8135 for his confidential use such tax information as may be necessary to facilitate the collection of the motor
 8136 vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and
 8137 address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to
 8138 regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the
 8139 developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon
 8140 entering into a written agreement, tax information facilitating the repayment of gap financing; (xxi) provide
 8141 to the Virginia Retirement System and the Department of Human Resource Management, after entering into a
 8142 written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4
 8143 of § 9.1-401; (xxii) provide to the Department of Medical Assistance Services and the Department of Social
 8144 Services, upon entering into a written agreement, the name, address, social security number, email address,
 8145 dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number and type of personal

8146 exemptions, tax-filing status, adjusted gross income, and any additional information voluntarily provided by
8147 the taxpayer for disclosure pursuant to subdivisions B 1 and 2 of § 58.1-341.1, of an individual, or spouse in
8148 the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of
8149 identifying persons who would like to newly enroll in medical assistance; (xxiii) provide to the
8150 Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a
8151 driver privilege card or permit under § 46.2-328.3 or an applicant for an identification privilege card under §
8152 46.2-345.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed
8153 as a dependent, on an individual income tax return filed with the Commonwealth within the preceding 12
8154 months; and (xxiv) provide to the Virginia Health Benefit Exchange, upon entering into a written agreement,
8155 for taxable years starting on January 1, 2023, or as soon thereafter as practicable, as determined by the
8156 Department of Taxation and the Virginia Health Benefit Exchange, the name, address, social security
8157 number, email address, dependent information provided pursuant to subdivision B 2 of § 58.1-341.1, number
8158 and type of personal exemptions, tax-filing status, adjusted gross income, and any additional information
8159 voluntarily provided by the taxpayer for disclosure pursuant to subdivision B 3 of § 58.1-341.1, of an
8160 individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such
8161 disclosure for purposes of identifying persons who do not meet the income eligibility requirements for
8162 medical assistance and would like to newly enroll in a qualified health plan. The Tax Commissioner is further
8163 authorized to enter into written agreements with duly constituted tax officials of other states and of the United
8164 States for the inspection of tax returns, the making of audits, and the exchange of information relating to any
8165 tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to
8166 this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax
8167 official.

8168 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the
8169 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating
8170 the reason for such request, the chief executive officer of any county or city with information furnished to the
8171 commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located
8172 within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax
8173 revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational
8174 Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or
8175 entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered
8176 by the Department of Professional and Occupational Regulation, only after the Department of Professional
8177 and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any
8178 representative of a condominium unit owners' association, property owners' association or real estate
8179 cooperative association, or to the owner of property governed by any such association, the names and
8180 addresses of parties having a security interest in real property governed by any such association; however,
8181 such information shall be released only upon written request stating the reason for such request, which reason
8182 shall be limited to proposing or opposing changes to the governing documents of the association, and any
8183 information received by any person under this subsection shall be used only for the reason stated in the
8184 written request. The treasurer or other local assessing official may require any person requesting information
8185 pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any
8186 person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions
8187 and penalties prescribed herein as though he were a tax official.

8188 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or
8189 other collector of taxes for a county, city or town is authorized to provide information relating to any motor
8190 vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to
8191 the commissioner of the revenue or other assessing official for such jurisdiction for use by such
8192 commissioner or other official in performing assessments.

8193 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor
8194 vehicle local license decal the year, make, and model and any other legal identification information about the
8195 particular motor vehicle for which that local license decal is assigned.

8196 E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory
8197 unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request,
8198 the name, address, and social security number of a taxpayer, necessary for the performance of the
8199 Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of
8200 the Department of Taxation. The receipt of information by the Tax Commissioner or his agent that may be
8201 deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

8202 F. Additionally, it is unlawful for any person to disseminate, publish, or cause to be published any
8203 confidential tax document that he knows or has reason to know is a confidential tax document. A confidential
8204 tax document is any correspondence, document, or tax return that is prohibited from being divulged by
8205 subsection A, B, C, or D and includes any document containing information on the transactions, property,
8206 income, or business of any person, firm, or corporation that is required to be filed with any state official by §

58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-439. Major business facility job tax credit.

A. For taxable years beginning on and after January 1, 1995, but before July 1, 2025, a taxpayer shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 as set forth in this section.

B. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. A "major business facility" is a company that satisfies the following criteria:

1. Subject to the provisions of subsections K or L, the establishment or expansion of the company shall result in the creation of at least 50 jobs for qualified full-time employees; the first such 50 jobs shall be referred to as the "threshold amount"; and

2. The company is engaged in any business in the Commonwealth, except a retail trade business if such trade is the principal activity of an individual facility in the Commonwealth. Examples of types of major business facilities that are eligible for the credit provided under this section include, but are not limited to, a headquarters, or portion of such a facility, where company employees are physically employed, and where the majority of the company's financial, personnel, legal or planning functions are handled either on a regional or national basis. A company primarily engaged in the Commonwealth in the business of manufacturing or mining; agriculture, forestry or fishing; transportation or communications; or a public utility subject to the corporation income tax shall be deemed to have established or expanded a major business facility in the Commonwealth if it meets the requirements of subdivision 1 during a single taxable year and such facilities are not retail establishments. A major business facility shall also include facilities that perform central management or administrative activities, whether operated as a separate trade or business, or as a separate support operation of another business. Central management or administrative activities include, but are not limited to, general management; accounting; computing; tabulating; purchasing; transportation or shipping; engineering and systems planning; advertising; technical sales and support operations; central administrative offices and warehouses; research, development and testing laboratories; computer-programming, data-processing and other computer-related services facilities; and legal, financial, insurance, and real estate services. The terms used in this subdivision to refer to various types of businesses shall have the same meanings as those terms are commonly defined in the Standard Industrial Classification Manual.

D. For purposes of this section, the "credit year" is the first taxable year following the taxable year in which the major business facility commenced or expanded operations.

E. The Department of Taxation shall make all determinations as to the classification of a major business facility in accordance with the provisions of this section.

F. A "qualified full-time employee" means an employee filling a new, permanent full-time position in a major business facility in the Commonwealth. A "new, permanent full-time position" is a job of an indefinite duration, created by the company as a result of the establishment or expansion of a major business facility in the Commonwealth, requiring a minimum of 35 hours of an employee's time a week for the entire normal year of the company's operations, which "normal year" shall consist of at least 48 weeks, or a position of indefinite duration which requires a minimum of 35 hours of an employee's time a week for the portion of the taxable year in which the employee was initially hired for, or transferred to, the major business facility in the Commonwealth. Seasonal or temporary positions, or a job created when a job function is shifted from an existing location in the Commonwealth to the new major business facility and positions in building and grounds maintenance, security, and other such positions which are ancillary to the principal activities performed by the employees at a major business facility shall not qualify as new, permanent full-time positions.

G. For any major business facility, the amount of credit earned pursuant to this section shall be equal to \$1,000 per qualified full-time employee, over the threshold amount, employed during the credit year. The credit shall be allowed ratably, with one-third of the credit amount allowed annually for three years beginning with the credit year. However, for taxable years beginning on or after January 1, 2009, one-half of the credit amount shall be allowed each year for two years. The portion of the \$1,000 credit earned with respect to any qualified full-time employee who is employed in the Commonwealth for less than 12 full months during the credit year will be determined by multiplying the credit amount by a fraction, the numerator of which is the number of full months that the qualified full-time employee worked for the major business facility in the Commonwealth during the credit year, and the denominator of which is 12. A separate credit year and a three-year allowance period shall exist for each distinct major business facility of a single taxpayer, except for credits allowed for taxable years beginning on or after January 1, 2009, when a two-year allowance period shall exist for each distinct major business facility of a single taxpayer.

H. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable

year. Any credit not usable for the taxable year the credit was allowed may be, to the extent usable, carried over for the next 10 succeeding taxable years. No credit shall be carried back to a preceding taxable year. In the event that a taxpayer who is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of the Code of Virginia, or has a credit carryover from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit allowed which does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

I. No credit shall be earned pursuant to this section for any employee (i) for whom a credit under this section was previously earned by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (ii) who was previously employed in the same job function in Virginia by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (iii) whose job function was previously performed at a different location in Virginia by an employee of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b); or (iv) whose job function previously qualified for a credit under this section at a different major business facility on behalf of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b).

J. Subject to the provisions of subsections K or L, recapture of this credit, under the following circumstances, shall be accomplished by increasing the tax in any of the five years succeeding the taxable year in which a credit has been earned pursuant to this section if the number of qualified full-time employees decreases below the average number of qualified full-time employees employed during the credit year. Such tax increase amount shall be determined by (i) recomputing the credit which would have been earned for the original credit year using the decreased number of qualified full-time employees and (ii) subtracting such recomputed credit from the amount of credit previously earned. In the event that the average number of qualifying full-time employees employed at a major business facility falls below the threshold amount in any of the five taxable years succeeding the credit year, all credits earned with respect to such major business facility shall be recaptured. No credit amount will be recaptured more than once pursuant to this subsection. Any recapture pursuant to this section shall reduce credits earned but not yet allowed, and credits allowed but carried forward, before the taxpayer's tax liability may be increased.

K. In the event that a major business facility is located in an economically distressed area or in an enterprise zone as defined in Chapter 49 (§ 59.1-538 et seq.) of Title 59.1 during a credit year, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 50 to 25 for purposes of subdivision C 1 and subsection J. An area shall qualify as economically distressed if it is a city or county with an unemployment rate for the preceding year of at least 0.5 percent higher than the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all economically distressed areas at least annually.

L. For taxable years beginning on or after January 1, 2004, but before January 1, 2006, in the event that a major business facility is located in a severely economically distressed area, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 100 to 25 for purposes of subdivision C 1 and subsection J. However, the total amount of credit allowable under this subsection shall not exceed \$100,000 in aggregate. An area shall qualify as severely economically distressed if it is a city or county with an unemployment rate for the preceding year of at least twice the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all severely economically distressed areas at least annually.

M. The Tax Commissioner shall promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), relating to (i) the computation, carryover, and recapture of the credit provided under this section; (ii) defining criteria for (a) a major business facility, (b) qualifying full-time employees at such facility, and (c) economically distressed areas; and (iii) the computation, carryover, recapture, and redemption of the credit by affiliated companies pursuant to subsection S.

N. The provisions of this section shall apply only in instances where an announcement of intent to establish or expand a major business facility is made on or after January 1, 1994. An announcement of intent to establish or expand a major business facility includes, but is not limited to, a press conference or extensive press coverage, providing information with respect to the impact of the project on the economy of the area where the major business facility is to be established or expanded and the Commonwealth as a whole.

O. The credit allowed pursuant to this section shall be granted to the person who pays taxes for the qualified full-time employees pursuant to Chapter 5 (§ 60.2-500 et seq.) of Title 60.2.

P. No person shall claim a credit allowed pursuant to this section and the credit allowed pursuant to § 58.1-439.2. Any qualified business firm receiving an enterprise zone job creation grant under § 59.1-547 shall not be eligible to receive a major business facility job tax credit pursuant to this section for any job used to qualify for the enterprise zone job creation grant.

Q. No person operating a business in the Commonwealth pursuant to Chapter 29.6 (§ 59.1-364 29.5-600

et seq.) of Title ~~58.1~~ 29.5 shall claim a credit pursuant to this section.

R. Notwithstanding subsection O, a taxpayer may, for the purpose of determining the number of qualified full-time employees at a major business facility, include the employees of a contractor or a subcontractor if such employees are permanently assigned to the taxpayer's major business facility. If the taxpayer includes the employees of a contractor or subcontractor in its total of qualified full-time employees, it shall enter into a contractual agreement with the contractor or subcontractor prohibiting the contractor or subcontractor from also claiming these employees in order to receive a credit given under this section. The taxpayer shall provide evidence satisfactory to the Department of Taxation that it has entered into such a contract.

S. For purposes of satisfying the criteria of subdivision C 1, two or more affiliated companies may elect to aggregate the number of jobs created for qualified full-time employees as the result of the establishment or expansion by the individual companies in order to qualify for the credit allowed pursuant to this section. For purposes of this subsection, "affiliated companies" means two or more companies related to each other such that (i) one company owns at least 80 percent of the voting power of the other or others or (ii) at least 80 percent of the voting power of two or more companies is owned by the same interests.

T. The General Assembly of Virginia finds that modern business infrastructure allows businesses to locate their administrative or manufacturing facilities with minimal regard to the location of markets or the transportation of raw materials and finished goods, and that the economic vitality of the Commonwealth would be enhanced if such facilities were established in Virginia. Accordingly, the provisions of this section targeting the credit to major business facilities and limiting the credit to those companies which establish a major business facility in Virginia are integral to the purpose of the credit earned pursuant to this section and shall not be deemed severable.

U. For taxable years beginning on and after January 1, 2019, and notwithstanding the provisions of § 58.1-3 or any other provision of law, the Department of Taxation, in consultation with the Virginia Economic Development Partnership, shall publish the following information by November 1 of each year for the 12-month period ending on the preceding December 31:

1. The location of sites used for major business facilities for which a credit was claimed;
2. The North American Industry Classification System codes used for the major business facilities for which a credit was claimed;
3. The number of qualified full time employees for whom a credit was claimed; and
4. The total cost to the Commonwealth's general fund of the credits claimed.

Such information shall be published by the Department, regardless of how few taxpayers claimed the tax credit, in a manner that prevents the identification of particular taxpayers, reports, returns, or items.

§ 58.1-460. Definitions.

For the purposes of this article:

"Employee" includes an individual, whether a resident or a nonresident of the Commonwealth, who performs or performed any service in the Commonwealth for wages, or a resident of the Commonwealth who performs or performed any service in the service outside the Commonwealth for wages. The word "employee" also includes an officer, employee, or elected official of the United States, the Commonwealth, or any other state or any territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing or an officer of a corporation. The term shall not include the beneficial owner of an individual retirement account (IRA) or simplified employee pension plan (SEPP).

"Employer" means the Commonwealth, or any political subdivision thereof, the United States, or any agency or instrumentality of any one or more of the foregoing, or the person, whether a resident or a nonresident of the Commonwealth, for whom an individual performs or performed any service as an employee or from whom a person receives a prize in excess of \$5,001 pursuant to the Virginia Lottery Law (~~§ 58.1-4000~~ 29.5-700 et seq.), except that:

1. If the person, governmental unit, or agency thereof, for whom the individual performs or performed the service does not have control of the payment of the wages for such services, the term "employer" (except as used in the definition of "wages" herein) means the person having control of the payment of such wages, and

2. In the case of a person paying wages on behalf of a nonresident person not engaged in trade or business within the Commonwealth or on behalf of any governmental unit or agency thereof not located within the Commonwealth, the term, "employer" (except as used in the definition of "wages" herein) means such person. The term shall not include a financial institution, corporation, partnership or other person or entity with respect to benefits paid as custodian, trustee, or depository for an individual retirement account (IRA) or simplified employee pension plan (SEPP).

"Miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

"Payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer.

"Wages" means wages as defined under § 3401 (a) of the Internal Revenue Code, as well as any other

amounts from which federal income tax is withheld under the provisions of §§ 3402 and 3405 of the Internal Revenue Code and also includes all prizes in excess of \$5,001 paid by the Virginia Lottery; however, such term shall not include amounts paid pursuant to individual retirement plans and simplified employee pension plans as defined in §§ 7701 (a)(37) and 408 (c) of the Internal Revenue Code and shall not include remuneration paid for acting in or service as a member of the crew of a (i) motion picture feature film, (ii) television series or commercial, or (iii) promotional film filmed totally or partially in the Commonwealth by an individual or corporation which conducts business in the Commonwealth for less than 90 days of the tax year and when such film, series or commercial is processed, edited, and marketed outside the Commonwealth. Every such individual or corporation shall, immediately subsequent to the filming of such portion of the film, series or commercial filmed in the Commonwealth, file with the Commissioner on forms furnished the Department, a list of the names and social security account numbers of each actor or crew member who is a resident of the Commonwealth and is compensated by such individual or corporation.

§ 58.1-3510. Definition of merchants' capital.

A. Merchants' capital is defined as follows: Inventory of stock on hand; daily rental vehicles as defined in § 58.1-1735; and all other taxable personal property of any kind whatsoever, except money on hand and on deposit and except tangible personal property not offered for sale as merchandise, which tangible personal property shall be reported and assessed as such.

B. For purposes of this section, a repair and service operation (i) carried on as an integral part of and in conjunction with a business that is primarily mercantile and (ii) the principal sales of such business are subject to the tax imposed by Article 9 (§ 58.1-1734 et seq.) of Chapter 17 or to the tax imposed by Chapter 24 (§ 58.1-2400 et seq.) of this title shall be deemed a mercantile business, and all capital, as defined herein, including all repair parts, materials and supplies associated with such repair and service operation shall be deemed merchants' capital.

C. For purposes of valuing lottery tickets as part of a dealer's inventory, cost shall include only the compensation payable to a licensed sales agent as provided by rules or regulations adopted by the Board consistent with the provisions of subdivision A 11 of subsection A of § 58.1-4007 29.5-707. The value of lottery tickets shall not be based on the cost of the tickets to the merchant.

§ 58.1-3732.1. Limitation on gross receipts; pari-mutuel wagering.

Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) shall not include the license and admission taxes established under §§ 59.1-392 and 59.1-393 29.5-633, 29.5-634, 29.5-635, 29.5-636, and 29.5-638, respectively, nor shall it include pari-mutuel wagering pools as established under Article 1-1 Chapter 2 (§ 18.2-340.15 29.5-200 et seq.) of Chapter 8 of Title 18.2 29.5 or § 59.1-392 Article 5 (§ 29.5-633 et seq.) of Chapter 6 of Title 29.5.

§ 59.1-542.1. Local incentives; motor sports facilities.

A. A locality that is home to a motor sports facility, as defined in § 58.1-4030 29.5-400, in the Commonwealth may propose local incentives that address the economic conditions within such locality and will help stimulate real property improvements and new job creation. Such local incentives may include: (i) reduction of permit fees; (ii) reduction of user fees; (iii) reduction of business, professional, and occupational license taxes; or (iv) partial exemption from taxation of substantially rehabilitated real estate pursuant to § 58.1-3221. The extent and duration of such incentives shall conform to the requirements of the Constitutions of Virginia and the United States. Local incentives may also include regulatory flexibility, including (a) special zoning districts, (b) permit process reform, (c) exemptions from local ordinances, or (d) other public incentives that are binding on the locality.

B. A locality may establish eligibility criteria for local incentives that differ from the criteria required to qualify for the incentives provided by this chapter.

2. That §§ 2.2-2455 and 2.2-2456, Article 1.1:1 (§§ 18.2-340.15 through 18.2-340.37) of Chapter 8 of Title 18.2, Chapter 40 (§§ 58.1-4000 through 58.1-4048) of Title 58.1, Chapter 41 (§§ 58.1-4100 through 58.1-4141) of Title 58.1, Chapter 29 (§§ 59.1-364 through 59.1-405) of Title 59.1, and Chapter 51 (§§ 59.1-556 through 59.1-570) of Title 59.1 of the Code of Virginia are repealed.

3. That there shall be established a Virginia Gaming Oversight Commission (the Oversight Commission), which shall consist of 10 members of the General Assembly. Members shall be appointed as follows: six members of the House of Delegates who are members of the House Committee on Appropriations, the House Committee for Courts of Justice, or the House Committee on General Laws to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates and four members of the Senate who are members of the Senate Committee on Finance and Appropriations, the Senate Committee for Courts of Justice, or the Senate Committee on General Laws and Technology to be appointed by the Senate Committee on Rules. The Oversight Commission shall elect a chairman and vice-chairman from among its membership; however, the chairman and vice-chairman shall not both be members of the House of Delegates, nor shall both the chairman and vice-chairman be members of the Senate. No recommendation of the Oversight Commission shall be adopted if a majority of the

House members or a majority of the Senate members appointed to the Oversight Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Oversight Commission. The Oversight Commission shall exercise the function of overseeing the implementation of the provisions of this act and shall convene regularly in the exercise of that function. The Oversight Commission shall expire (a) on July 1, 2026, or (b) upon the appointment of all members to the Virginia Gaming Commission Board, established pursuant to § 29.5-103 of the Code of Virginia, as created by this act, and the appointment of a Commissioner to the Virginia Gaming Commission pursuant to § 29.5-102 of the Code of Virginia, as created by this act, whichever occurs first. The provisions of this enactment shall become effective in due course.

4. That the Virginia Gaming Oversight Commission created pursuant to the third enactment of this act shall report quarterly on its progress to the chairmen of the House Committees on Appropriations and General Laws and the Senate Committees on Finance and Appropriations and General Laws and Technology.

5. That there shall be established a Legislative Transition Executive Committee (the Executive Committee), which shall consist of four members of the Virginia Gaming Oversight Commission, to be appointed as follows: two members from the House of Delegates and two members from the Senate to be appointed by the chairman of the Virginia Gaming Oversight Commission. The Executive Committee shall function as a work group of the Virginia Gaming Oversight Commission and shall meet more frequently than the full membership of the Virginia Gaming Oversight Commission for the purpose of making decisions based on the recommendations of the Virginia Gaming Oversight Commission and providing direction to the Virginia Lottery in its role as the project management organization overseeing the implementation of the provisions of this act.

6. That the Virginia Lottery shall act as the project management organization to oversee and execute the work of the Virginia Gaming Oversight Commission and the Legislative Transition Executive Committee as such bodies exercise their duties and responsibilities pursuant to the third and fifth enactments of this act.

7. That the initial terms of office of those persons appointed to serve as nonlegislative citizen members on the Virginia Gaming Commission Board pursuant to § 29.5-103 of the Code of Virginia, as created by this act, shall be staggered as follows: three persons shall be appointed for a term of three years; two persons shall be appointed for a term of two years; and two persons shall be appointed for a term of one year. Thereafter, nonlegislative citizen members of the Virginia Gaming Commission Board shall serve for terms of five years. The provisions of this enactment shall become effective in due course.

8. That this act shall not be construed to affect existing appointments to the Charitable Gaming Board for the terms that have not expired. However, all new appointments to the Charitable Gaming Advisory Board, established pursuant to § 29.5-201 of the Code of Virginia, as created by this act, made on or after July 1, 2025, shall be made in accordance with the provisions of this act.

9. That this act shall not be construed to affect existing appointments to the Virginia Lottery Board for the terms that have not expired, with the exception of the member who is a law-enforcement officer and the member who is a certified public accountant authorized to practice in the Commonwealth, both appointed pursuant to Chapters 1197 and 1248 of the Acts of Assembly of 2020. However, all new appointments to the Virginia Lottery Board pursuant to § 29.5-704 of the Code of Virginia, as created by this act, made on or after the appointment of the nonlegislative citizen members of the Virginia Gaming Commission Board established pursuant to § 29.5-103 of the Code of Virginia, as created by this act, shall be made in accordance with the provisions of this act.

10. That the Chief Operating Officer of the Virginia Gaming Commission (the Commission) shall also serve as the Chief Transition Officer of the Commission to lead and coordinate the efforts between relevant state agencies and the Commission with respect to transitioning the oversight and regulation of charitable gaming, casino gaming, sports betting, fantasy sports, and horse racing from such relevant agencies to the Commission. The duties of the Chief Operations Officer that are related to such transition shall expire upon the successful completion of the transition process.

11. That the regulations of the (i) Department of Agriculture and Consumer Services promulgated pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 of the Code of Virginia; (ii) Virginia Lottery Board promulgated pursuant to Article 2 (§ 58.1-4030 et seq.) of Chapter 40 and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 of the Code of Virginia; and (iii) Virginia Racing Commission pursuant to Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia, as repealed by this act, shall remain in full force and effect until the Virginia Gaming Commission Board promulgates regulations pursuant to this act. Regulations with respect to clause (i) shall be administered by the Department of Agriculture and Consumer Services and regulations with respect to clauses (ii) and (iii) shall be administered by the Virginia Lottery until the Virginia Gaming Commission Board promulgates regulations pursuant to this act. The provisions of this enactment shall

8514 become effective in due course.

8515 12. That during the interim period between July 1, 2025, and the formal establishment of the Virginia
8516 Gaming Commission (the Commission), established pursuant to § 29.5-101 of the Code of Virginia, as
8517 created by this act, the Virginia Lottery shall be responsible for conducting all necessary business
8518 functions assigned to the Commission pursuant to this act. Formal establishment shall include
8519 appointment of the Commissioner of the Commission pursuant to § 29.5-102 of the Code of Virginia, as
8520 created by this act, and achievement of staffing levels adequate to allow the Commission to
8521 independently accomplish such business functions as determined by the Commissioner and the
8522 Virginia Gaming Commission Board, established pursuant to § 29.5-103 of the Code of Virginia, as
8523 created by this act.

8524 13. That in the event that ex officio membership on any board, commission, council, committee, or
8525 other body is affected by the provisions of this act, the Governor shall designate an appropriate
8526 successor officer, employee, or member of a board or agency established pursuant to the provisions of
8527 this act as a replacement.

8528 14. That the Governor may transfer an appropriation or any portion thereof within a state agency
8529 established, abolished, or otherwise affected by the provisions of this act, or from one such agency to
8530 another, to support the changes in organization or responsibility resulting from or required by the
8531 provisions of this act.

8532 15. That any accrued sick leave or annual leave of any employee of the Department of Agriculture and
8533 Consumer Services, the Virginia Lottery, or the Virginia Racing Commission who transfers to the
8534 Virginia Gaming Commission in accordance with the provisions of this act shall transfer with the
8535 employee.

8536 16. That the Virginia Gaming Commission Board (the Board) shall promulgate regulations to
8537 implement the provisions of this act by January 1, 2026; however the Board shall present such
8538 regulations to the Virginia Gaming Oversight Commission for review prior to adoption. With the
8539 exception of § 2.2-4031 of the Code of Virginia, neither the provisions of the Administrative Process
8540 Act (§ 2.2-4000 et seq. of the Code of Virginia) nor the public participation guidelines adopted
8541 pursuant thereto shall apply to the initial adoption of any regulations pursuant to this act. Prior to
8542 adopting any regulations pursuant to this act, the Board shall publish a notice of opportunity to
8543 comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town
8544 Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulations;
8545 (ii) the text of the proposed regulations; and (iii) the name, address, email address, and telephone
8546 number of the agency contact person responsible for receiving public comments. Such notice shall be
8547 made at least 60 days in advance of the last date prescribed in such notice for the submittal of public
8548 comment. The legislative review provisions of subsections A and B of § 2.2-4014 of the Code of Virginia
8549 shall apply to the promulgation or final adoption process for regulations adopted pursuant to this act.
8550 The Board shall consider and keep on file all public comments received for any regulations adopted
8551 pursuant to this act. The provisions of this enactment shall become effective in due course.

8552 17. That employees of the Virginia Gaming Commission (the Commission) shall be considered
8553 employees of the Commonwealth. Employees of the Commission shall be eligible for membership in the
8554 Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of
8555 Chapter 1 of Title 51.1 of the Code of Virginia and participation in all health and related insurance and
8556 other benefits, including premium conversion and flexible benefits, available to state employees as
8557 provided by law. Employees of the Commission shall be employed on such terms and conditions as
8558 established by the Virginia Gaming Commission Board (the Board). The Board shall develop and
8559 adopt policies and procedures that afford its employees grievance rights, ensure that employment
8560 decisions are based upon the merit and fitness of applicants, and prohibit discrimination because of
8561 race, color, religion, ethnic or national origin, sex, pregnancy, childbirth or related medical conditions,
8562 age, marital status, sexual orientation, gender identity, or disability. Notwithstanding any other
8563 provision of law, the Board shall develop, implement, and administer a paid leave program, which may
8564 include annual, personal, and sick leave or any combination thereof. All other leave benefits shall be
8565 administered in accordance with Chapter 11 (§ 51.1-1100 et seq.) of Title 51.1 of the Code of Virginia,
8566 except as otherwise provided in this enactment.

8567 18. That notwithstanding any other provision of law, the Virginia Gaming Commission (the
8568 Commission) shall give preference in hiring to employees of the Department of Agriculture and
8569 Consumer Services, the Virginia Lottery, and the Virginia Racing Commission (relevant state
8570 agencies). The Commission shall issue a written notice to all persons whose employment at such
8571 relevant state agencies will be transferred to the Commission. The date upon which such written notice
8572 is issued shall be referred to herein as the "Option Date." In order to facilitate an orderly and efficient
8573 transition and ensure the continuation of operations during the transition from the relevant state
8574 agencies to the Commission, the Commission shall have discretion, subject to the time limitations

8575 contained herein, to determine the date upon which any employee's employment with the relevant state
8576 agencies will end or be transferred to the Commission. This date shall be stated in the written notice
8577 and shall be referred to herein as the "Transition Date." No Transition Date shall occur prior to July
8578 1, 2025, without the mutual agreement of the employee and the Commission. No Transition Date shall
8579 be set beyond July 1, 2026. Each person whose employment will be transferred to the Commission may,
8580 by written request made within 120 days of the Option Date, elect not to become employed by the
8581 Commission. Any employee of the relevant state agencies who (i) is not offered the opportunity to
8582 transfer to employment by the Commission or (ii) is not offered a position with the Commission for
8583 which the employee is qualified or is offered a position that requires relocation or a reduction in salary
8584 shall be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act
8585 (§ 2.2-3200 et seq. of the Code of Virginia). Any employee who accepts employment with the
8586 Commission shall not be considered to be involuntarily separated from state employment and shall not
8587 be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act. Any
8588 eligibility for such severance benefits shall be contingent on the continued employment through an
8589 employee's Transition Date.

8590 Notwithstanding any other provision of law to the contrary, any person whose employment is
8591 transferred to the Commission as a result of this act and who is a member of any plan for providing
8592 health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 of the Code of
8593 Virginia shall continue to be a member of such health insurance plan under the same terms and
8594 conditions as if no transfer had occurred.

8595 Notwithstanding any other provision of law to the contrary, any person whose employment is
8596 transferred to the Commission as a result of this act and who is a member of the Virginia Retirement
8597 System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title
8598 51.1 of the Code of Virginia shall continue to be a member of the Virginia Retirement System or other
8599 such authorized retirement plan under the same terms and conditions as if no transfer had occurred.

8600 Notwithstanding any other provision of law, any person whose employment is transferred to the
8601 Commission as a result of this act and who was subjected to a criminal history background check as a
8602 condition of employment with any of the relevant state agencies shall not be subject to any provisions
8603 of this act regarding a criminal history background check, unless the Commission deems otherwise.

8604 19. That the Virginia Gaming Commission (the Commission) shall conduct a review of all technology
8605 systems inherited from the Department of Agriculture and Consumer Services, the Virginia Lottery,
8606 and the Virginia Racing Commission for the purpose of increasing efficiency in core functions through
8607 the reduction of manual processes and standardizing similar processes, such as licensing, auditing, and
8608 case management, across the different types of gaming that are overseen and regulated by the
8609 Commission.

8610 20. That the provisions of this act may result in a net increase in periods of imprisonment or
8611 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
8612 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;
8613 therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal
8614 Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the
8615 Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for
8616 periods of commitment to the custody of the Department of Juvenile Justice.