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SENATE BILL NO. 661

Offered January 14, 2026

Prefiled January 14, 2026

A *BILL to amend and reenact §§ 18.2-325, 18.2-331.1, 18.2-334, and 18.2-513 of the Code of Virginia and to amend the Code of Virginia by adding in Title 4.1 a subtitle numbered III, containing a chapter numbered 17, consisting of sections numbered 4.1-1700 through 4.1-1722, by adding in Chapter 3 of Title 11 a section numbered 11-16.3, and by adding sections numbered 18.2-331.2, 18.2-331.3, 18.2-331.4, and 18.2-334.7, relating to Virginia Small Business Economic Development Act established; Virginia Alcoholic Beverage Control Authority; regulation and taxation of skill game machines; penalties.*

Patrons—Rouse and Craig

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-325, 18.2-331.1, 18.2-334, and 18.2-513 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 4.1 a subtitle numbered III, containing a chapter numbered 17, consisting of sections numbered 4.1-1700 through 4.1-1722, by adding in Chapter 3 of Title 11 a section numbered 11-16.3, and by adding sections numbered 18.2-331.2, 18.2-331.3, 18.2-331.4, and 18.2-334.7 as follows:

SUBTITLE III.

VIRGINIA SMALL BUSINESS ECONOMIC DEVELOPMENT ACT.

CHAPTER 17.

SKILL GAME MACHINES.

§ 4.1-1700. Definitions.

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

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to Subtitle I (§ 4.1-100 et seq.) and responsible for the administration and regulation of skill game machines pursuant to the provisions of this chapter.

"Board" means the same as that term is defined in § 4.1-100.

"Chief Executive Officer" means the Chief Executive Officer of the Authority.

"Commercial motor vehicle" means the same as that term is defined in § 46.2-341.4.

"Distributor" means any person licensed by the Board that sells, leases, offers, or provides and distributes skill game machines to an operator for use or play in the Commonwealth.

"Establishment" means a business establishment at which skill game machines are placed, operated, and offered to the public for play by an operator licensee. "Establishment" includes truck stops.

"Gross revenue" means the total of cash or cash equivalents received by a skill game machine minus the total of cash or cash equivalents paid out to players as a result of playing a skill game machine. "Gross revenue" does not include counterfeit cash or cash taken in a fraudulent act perpetrated against an operator or establishment for which the operator or establishment is not reimbursed. "Gross revenue" also does not include any tax or fee imposed on the operation of skill game machines as imposed by this chapter. Such fees or taxes shall be shared proportionally among those who may share in the gross revenue from a skill game machine, unless specifically contracted otherwise.

"Independent testing laboratory" means a laboratory selected by the Board with a national reputation for honesty, independence, and timeliness that is demonstrably competent and qualified to scientifically test and evaluate skill game machines for compliance with this chapter and to otherwise perform the functions assigned to it by this chapter. No operator, distributor, or establishment licensee shall have any ownership interest in any independent testing laboratory approved by the Board.

"Individual" means a natural person.

"Inducement" means (i) consideration paid, directly or indirectly, from a distributor or operator, or another person on behalf of a distributor or operator, to an establishment, or an employee of the establishment, directly or indirectly, as an enticement to solicit or maintain the establishment's business or (ii) cash, incentive, marketing and advertising cost, gift, food, beverage, loan, prepayment of skill game revenue, or other contribution or payment that offsets an establishment's operational costs, or as otherwise determined by the Board.

"Licensee" or "license holder" means any person holding a distributor, operator, or establishment license pursuant to § 4.1-1703.

"Locality" means a county, city, or town, as those terms are defined in § 15.2-102.

"Operator" means a person licensed by the Board to place or service skill game machines at the premises

59 of an establishment by (i) purchasing or leasing skill game machines from a licensed distributor; (ii)
 60 providing the placement, repair, maintenance, replacement, or removal of skill game machines to
 61 establishments; (iii) maintaining and servicing such skill game machines; and (iv) facilitating data collection
 62 and data and financial reporting as required by this chapter and as determined by the Board.

63 "Person" means any individual, group of individuals, firm, company, corporation, partnership, business,
 64 trust, association, or other legal entity.

65 "Player" means an individual who plays a skill game machine.

66 "Predominantly by the skill of the player" means the game outcome is determined primarily by the skill of
 67 the player.

68 "Procurement agent" means a person licensed by the Board that acts as an agent, either as an employee
 69 or as an independent contractor of a distributor or operator and shares in the gross profits, is paid a
 70 commission, or is otherwise compensated for the purpose of soliciting or procuring a use agreement among
 71 two or more licensees in different categories.

72 "Single play" means the period beginning when a player activates and pays for the interactive gameplay
 73 function of a skill game machine and ending at the time when the gameplay function or series of free
 74 subgames thereunder will not continue without payment by the player of additional consideration.

75 "Skill game" or "skill game machine" means an electronic, computerized, or mechanical contrivance,
 76 terminal, machine, or other device that requires consideration to play, whether or not it requires the insertion
 77 of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which
 78 is determined by the predominant skill of the player and that may deliver or entitle the person playing or
 79 operating the skill game machine to receive cash or cash equivalents, gift cards, vouchers, billets, tickets,
 80 tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made
 81 automatically from the skill game machine or manually. "Skill game" or "skill game machine" includes (i)
 82 any device that contains a meter or measurement device that records the number of free games or portions of
 83 games that are rewarded and (ii) any device designed or adapted to enable a person using the device to
 84 increase the chances of winning free games or portions of games by paying more than the amount that is
 85 ordinarily required to play the game. Skill game machines shall be programmed so that the maximum
 86 consideration to play is \$5 and the maximum winnings per a single play does not exceed \$5,000.

87 "Successful player" means an individual who wins a payout on one or more plays of a skill game machine.

88 "Ticket redemption terminal" means a terminal where a voucher dispensed by a skill game machine may
 89 be redeemed for cash or a cash equivalent.

90 "Truck stop" means an establishment that (i) is equipped with diesel islands used for fueling commercial
 91 motor vehicles; (ii) has sold, on average, at least 50,000 gallons of diesel or biodiesel fuel each month for the
 92 previous 12 months, or is projected to sell an average of at least 50,000 gallons of diesel or biodiesel fuel
 93 each month for the next 12 months; (iii) has parking spaces dedicated to commercial motor vehicles; (iv) has
 94 a convenience store; and (v) is situated on not less than three acres of land that the establishment owns or
 95 leases.

96 "Use agreement" means a written agreement conforming to the regulations established by the Board and
 97 those minimum requirements set forth in this chapter among two or more licensees in different categories.

98 **§ 4.1-1701. Powers and duties of the Board related to skill game machines.**

99 A. The Board shall promulgate regulations governing the ownership, placement, use, and operation of
 100 skill game machines and any associated equipment.

101 B. The Board shall designate three nationally recognized and accredited laboratories to conduct the
 102 requisite skill game machine and software evaluation and approval pursuant to the requirements in
 103 subsection B of § 4.1-1703.

104 C. The Board shall require that each distributor submit a monthly report detailing the following:

- 105 1. The total number of skill game machines provided for play in the Commonwealth by the operator;
- 106 2. The address of each location where skill game machines are provided for play by the operator;
- 107 3. The total number of skill game machines provided for play by the operator at each respective location;
- 108 4. The total amount wagered during the previous month on each skill game machine provided for play by
 109 the operator at each establishment where the skill game machine was provided; and
- 110 5. The total amount of prizes or winnings awarded during the previous month on each skill game machine
 111 provided for play by the operator at each establishment where the skill game machine was provided.

112 D. The Board shall issue decals for each skill game machine registered pursuant to this chapter bearing
 113 the seal of the Commonwealth that include the words "Certified Skill Game Machine" and bear the effective
 114 dates of registration. Such decals shall be affixed by the operator on each registered skill game machine
 115 provided to each establishment for play.

116 E. The Board shall establish rules and regulations for the licensing of procurement agents.

117 F. Whenever it appears to the Board that any person has violated any provision of this chapter, the Chief
 118 Executive Officer may apply to the appropriate circuit court for an injunction against such person. Any order
 119 granting or refusing such injunction shall be subject to appeal as in other cases in equity.

120 G. Whenever the Board has reasonable cause to believe that a violation of this chapter may have

121 occurred, the Board, upon its own motion or upon complaint of any person, may investigate any distributor,
 122 operator, or establishment to determine whether such distributor, operator, or establishment has violated the
 123 provisions of this chapter.

124 **§ 4.1-1702. Powers and duties of the Board related to skill game machines; reporting.**

125 A. The Board shall have the following powers and duties related to the regulation of skill game machines:

126 1. Issue licenses pursuant to § 4.1-1703 and supervise all activities licensed under the provisions of this
 127 chapter, including the distribution, operation, hosting, and playing of skill game machines;

128 2. Suspend, revoke, or refuse to renew any license issued pursuant § 4.1-1703 or the rules and regulations
 129 adopted pursuant to this chapter;

130 3. Inspect, investigate, and have free access to the offices, facilities, or other places of business of any
 131 licensee and compel the production of any books, documents, records, or memoranda of any licensee for the
 132 purpose of satisfying himself that this chapter and Board regulations are strictly complied with;

133 4. Order such audits and inspections as deemed necessary;

134 5. Certify monthly to the State Comptroller a full and complete statement of skill game machine revenues
 135 for the previous month;

136 6. Assess and collect civil penalties for violations of this chapter and Board regulations;

137 7. Report monthly to the Governor, the Secretary of Finance, and the Chairs of the Senate Committee on
 138 Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the
 139 total skill game machine revenues and expenses for the previous month and make an annual report, which
 140 shall include a full and complete statement of skill game machine revenues and expenses and a list of all
 141 licensees licensed pursuant to this chapter, to the Governor and the General Assembly, including
 142 recommendations for changes in this chapter as the Board deems prudent;

143 8. Require training for establishment licensees and the employees of any establishment licensee as
 144 necessary on any topic the Board deems appropriate, including technical operations, security, problem
 145 gambling identification measures, and age verification procedures;

146 9. Establish monthly reporting requirements for each skill game machine on the amounts wagered and
 147 amounts awarded on the last 500 plays and the last 100 plays for each skill game machine; and

148 10. Do all acts necessary and advisable to carry out the purposes and provisions of this chapter.

149 B. Upon request by the assessing official of a locality, the Board shall provide to such assessing official of
 150 such locality a statement of the amount of the gaming tax collected in such locality from each skill game
 151 machine, from each establishment, and from all skill game machines and establishments in the aggregate.

152 **§ 4.1-1703. Licensure of distributors, operators, and establishments required; certification of skill game
 153 machines required; recordkeeping; application; application fees; penalties.**

154 A. The Board may grant the following licenses, with each license granted for one year and which may be
 155 renewable:

156 1. Distributor license, which shall authorize the licensee to sell or lease skill game machines to operator
 157 licensees.

158 2. Operator license, which shall authorize the licensee to (i) place or service skill game machines at
 159 establishments, (ii) buy or lease skill game machines from a distributor licensee, (iii) provide skill game
 160 machines to establishment licensees, (iv) maintain and service such skill game machines, and (v) facilitate the
 161 data requirements and data reporting as required by this chapter.

162 3. Establishment license, which shall authorize the licensee to allow the placement and offering for play of
 163 skill game machines at such licensee's establishment.

164 An applicant for a distributor, operator, or establishment license shall submit an application to the
 165 Authority on forms provided by the Board. Each establishment shall be separately licensed and such license
 166 shall designate the physical location where the business of the licensee will be carried out.

167 B. No operator shall place any skill game machine in the Commonwealth without first being licensed by
 168 the Board. No distributor shall sell, lease, offer, or provide any skill game machine to an operator for use or
 169 play in the Commonwealth without first being licensed by the Board. No establishment shall offer any skill
 170 game machine for play without first being licensed by the Board. The Board shall require each distributor
 171 that submits an application pursuant to this section to certify that any skill game machine such distributor
 172 seeks to sell, lease, offer, or provide for use or play in the Commonwealth has received proper certification
 173 from an independent testing laboratory certifying that such skill game machine and any associated equipment
 174 aligns with the definition of skill game.

175 C. Every license application submitted pursuant to this chapter shall be accompanied by a nonrefundable
 176 fee as follows:

177 1. \$250,000 shall be paid by an applicant for a distributor license to the Authority upon issuance of such
 178 license, and annually thereafter as a condition of licensure renewal or continued licensure.

179 2. \$25,000 shall be paid by an applicant for an operator license to the Authority upon issuance of such
 180 license, and annually thereafter as a condition of licensure renewal or continued licensure.

181 3. \$1,000 shall be paid by an applicant for an establishment license that does not meet the definition of a
 182 truck stop to the Authority upon issuance of such license, and annually thereafter as a condition of licensure

183 *renewal or continued licensure.*

184 4. \$2,500 shall be paid by an applicant for an establishment license that meets the definition of a truck
185 stop to the Authority upon issuance of such license, and annually thereafter as a condition of licensure
186 renewal or continued licensure.

187 All fees collected by the Authority pursuant to this subsection shall be deposited into the Virginia Small
188 Business Economic Development Fund established pursuant to § 4.1-1708.

189 D. Each application for licensure as a distributor shall be accompanied by a bond with surety for \$1
190 million to be filed with the Board. Such bonds shall be for the purpose of covering any indebtedness by such
191 licensees to the Board.

192 E. The Authority shall conduct a background investigation, to include a criminal history records search,
193 which may include a fingerprint-based national criminal history records search, on each applicant for a
194 license. However, the Authority may waive, for good cause shown, the requirement for a criminal history
195 records search and completed personal data form for officers, directors, nonmanaging members, or limited
196 partners of any applicant corporation, limited liability company, or limited partnership. The Board may
197 refuse to issue a license to any person or entity that has engaged in conduct prejudicial to public confidence
198 in the Authority or been (i) convicted of a crime involving moral turpitude, (ii) convicted of any form of
199 illegal gambling, or (iii) convicted of a felony. The Board may refuse to issue a license or may suspend,
200 revoke, or refuse to renew any license issued pursuant to this chapter to a corporation, limited liability
201 company, or partnership if the Board determines that any officer, director, manager, or general or limited
202 partner has engaged in conduct prejudicial to public confidence in the Authority or been (a) convicted of a
203 crime involving moral turpitude, (b) convicted of any form of illegal gambling, or (c) convicted of a felony.

204 F. Any person that knowingly falsifies, conceals, or misrepresents a material fact or knowingly makes a
205 false, fictitious, or fraudulent statement or representation in any application for licensure to the Authority is
206 guilty of a Class 1 misdemeanor. The Board shall revoke the license of a licensee if, subsequent to the
207 issuance of the license, the Board determines that the licensee knowingly or recklessly made a false statement
208 of material fact to the Board in applying for the license.

209 G. The Board shall refuse to grant a license or shall suspend, revoke, or refuse to renew a license issued
210 pursuant to this chapter to any person who has been (i) convicted of a crime involving moral turpitude, (ii)
211 convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or
212 misrepresentation in any connection, or (iv) convicted of a felony.

213 H. The Board shall refuse to grant a license or shall suspend, revoke, or refuse to renew a license issued
214 pursuant to this chapter to a partnership or corporation if it determines that any general or limited partner,
215 or officer or director of such partnership or corporation, has been (i) convicted of a crime involving moral
216 turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or
217 misrepresentation in any connection, or (iv) convicted of a felony.

218 I. The Board may also refuse to grant a license pursuant to this chapter if:

219 1. The Board reasonably believes that the applicant's prior activities, criminal record, reputation, or
220 associations are likely to either (i) pose a threat to the public interest, (ii) impede the regulation of skill game
221 machines, or (iii) promote unfair or illegal activities in the conduct of skill game machines;

222 2. The applicant or any general or limited partner or any officer or director of such applicant knowingly
223 makes a false statement of material fact or deliberately fails to disclose information requested by the Board;

224 3. The applicant or any general or limited partner or any officer or director of such applicant knowingly
225 fails to comply with the provisions of this chapter or any requirements of the Board;

226 4. The applicant's license to manufacture, distribute, operate, or offer to the public for play a skill game
227 machine issued by any other jurisdiction has been suspended or revoked; or

228 5. The applicant's application is incomplete.

229 J. Each distributor and operator licensed pursuant to this chapter shall maintain complete, accurate, and
230 separate records for a period of two years of all funds expended for play in each skill game machine and all
231 game outcomes, including information sufficient to ensure the collection of the tax required by § 4.1-1715.
232 The records shall be available for inspection and copying by the Board during reasonable hours. Each skill
233 game machine shall be made available for the Board to conduct periodic audits.

234 **§ 4.1-1704. Prohibition against the issuance of multiple licenses.**

235 A. For purposes of this section, "interest" means the direct or indirect ownership of any equity ownership
236 interest or a partial equity ownership interest or any other type of financial interest, including being an
237 investor, shareholder, member, lender, or employee.

238 B. No person licensed as a distributor shall be eligible to be licensed as an operator or an establishment
239 or have any interest in any person licensed as an operator or an establishment pursuant to the provisions of
240 this chapter.

241 C. No person licensed as an operator shall be eligible to be licensed as a distributor or an establishment
242 or have any interest in any person licensed as a distributor or establishment pursuant to the provisions of this
243 chapter.

244 D. No person licensed as an establishment shall be eligible to be licensed as an operator or a distributor

245 or have any interest in any person licensed as an operator or a distributor pursuant to the provisions of this
246 chapter.

247 **§ 4.1-1705. Prohibition against transferring licenses or interests.**

248 No licensee shall transfer its license or assign responsibility for compliance with the conditions of its
249 license to any party, including a transfer of effective control of the licensee. No distributor licensee shall
250 transfer any skill game machine or any interest in a use agreement without approval by the Board.

251 **§ 4.1-1706. Suspension or revocation of license; civil penalty.**

252 A. After a hearing with 15 days' notice, the Board may suspend or revoke any license or impose on such
253 distributor, operator, or establishment a civil penalty of not more than \$25,000 for each violation of this
254 chapter, not to exceed \$100,000, in any case where a violation of this chapter has been shown by a
255 preponderance of the evidence.

256 B. If any such license is suspended or revoked, the Board shall state its reasons for doing so, which shall
257 be entered of record. Such action shall be final unless appealed in accordance with § 4.1-1707. Suspension
258 or revocation of a license issued by the Board for any violation shall not preclude civil liability for such
259 violation.

260 C. All civil penalties shall be paid into the Virginia Small Business Economic Development Fund
261 established pursuant to § 4.1-1708.

262 **§ 4.1-1707. Hearing and appeal.**

263 Any person aggrieved by a denial of the Board to issue a license, the suspension or revocation of a
264 license, the imposition of any fine or civil penalty, or any other action of the Board may seek review of such
265 action in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act in the Circuit Court
266 of the City of Richmond. Further appeals shall also be in accordance with Article 5 of the Administrative
267 Process Act.

268 **§4.1-1708. Virginia Small Business Economic Development Fund.**

269 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia
270 Small Business Economic Development Fund, referred to in this section as "the Fund." The Fund shall be
271 established on the books of the Comptroller. All fees, charges, and civil penalties collected by the Authority
272 as provided in this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on
273 moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,
274 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain
275 in the Fund. Moneys in the Fund shall be used solely for the purposes of financing the administration and
276 operation of skill game machines pursuant to the provisions of this chapter. Expenditures and disbursements
277 from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written
278 request signed by the Chief Executive Officer.

279 **§ 4.1-1709. Approval of skill game machines; submission to Board.**

280 A. No skill game machine shall be offered for play by the public in the Commonwealth unless such skill
281 game machine has first been approved by the Board, consistent with the requirements of this chapter. The
282 Board shall not approve more than 35,000 skill game machines in the aggregate, as measured by skill game
283 machines approved for establishment licensees for operation at any one time in the Commonwealth, and such
284 approvals shall be determined by the Board.

285 B. Before selling, leasing, or otherwise providing a skill game machine to an operator, a distributor shall
286 provide a prototype or production sample of such skill game machine to an independent testing laboratory
287 that has been approved by the Board, which shall evaluate and certify whether such skill game machine
288 meets the definition of skill game under § 4.1-1700.

289 C. Along with the prototype or production sample of the skill game machine, the distributor shall provide
290 any additional information concerning the skill game machine necessary for the certification, as determined
291 by the independent testing laboratory.

292 D. Along with the prototype or production sample of the skill game machine, the manufacturer shall
293 provide the following information concerning the skill game machine to the independent testing laboratory:

- 294 1. The available wagering denominations;
- 295 2. The minimum wager amount;
- 296 3. The maximum wager amount per play, which shall not exceed \$5;
- 297 4. The method of calculating winning payouts, including skill level achieved; and
- 298 5. The payout calculations set forth in sufficient detail to audit a payout through manual calculation.

299 E. The report of the independent testing laboratory shall be submitted by the distributor to the Board. The
300 Board shall rely on this report in evaluating whether the skill game machine shall be approved pursuant to
301 the provisions of this chapter.

302 F. If at any time a distributor makes a substantive change to any skill game machine that has previously
303 been approved by the Board, such distributor shall resubmit such skill game machine to the Board in a
304 manner prescribed by Board regulations.

305 G. The distributor shall pay the cost of the independent testing laboratory's review and testing, and the
306 reports of the same shall be delivered to the distributor and the Board.

307 **§ 4.1-1710. Voluntary exclusion program.**

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

309 B. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion
310 program agrees to refrain from (i) playing any skill game machine authorized under the provisions of this
311 chapter; (ii) participating in charitable gaming, as defined in § 18.2-340.16; (iii) playing any account-based
312 lottery game authorized under the provisions of Chapter 40 (§ 58.1-4000 et seq.) or Chapter 41 (§ 58.1-4100
313 et seq.) of Title 58.1; (iv) participating in sports betting, as defined in § 58.1-4030; (v) engaging in any form
314 of casino gaming authorized under the provisions of Chapter 41 of Title 58.1; (vi) participating in fantasy
315 contests, as defined in § 59.1-556; or (vii) wagering on horse racing, as defined in § 59.1-365. Any state
316 agency, at the request of the Authority, shall assist in administering the voluntary exclusion program
317 pursuant to the provisions of this section.

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

320 D. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion
321 program may not petition the Board for removal from the voluntary exclusion program for the duration of his
322 exclusion period.

323 E. The name of a person participating in the voluntary exclusion program shall be included on a list of
324 excluded persons. The list of persons entering the voluntary exclusion program and the personal information
325 of the participants shall be confidential, except that dissemination of such information by the Board to any
326 parties the Authority deems necessary for purposes of enforcement shall be allowed. The list and the personal
327 information of participants in the voluntary exclusion program shall not be subject to disclosure under the
328 Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to
329 other parties upon request by the participant and agreement by the Board.

330 **§ 4.1-1711. Operator and distributor licensees.**

331 A. No operator licensee shall place or maintain a skill game machine at any establishment where it is
332 offered to the public for play for a charge, directly or indirectly, unless such establishment is an
333 establishment licensee and has a use agreement with standard terms.

334 B. The distributor of each skill game machine shall cause to be adhered to the face of each skill game
335 machine a label as prescribed by the Board prior to the placement of such skill game machine in an
336 establishment. The Authority shall provide the required labels. All labels shall be adhered on the face of all
337 skill game machines in a conspicuous and visible location to the Authority, law-enforcement agents and
338 officers, and players of the game. Any skill game machine offered for play without the requisite label adhered
339 to the skill game machine shall be, in addition to any other penalty provided by law, in violation of this
340 chapter.

341 **§ 4.1-1712. Establishment licensees.**

342 A. Only the following locations are eligible to receive an establishment license:

343 1. Establishments that do not meet the definition of a truck stop and that (i) hold a retail license issued by
344 the Board or (ii) are licensed as an agent to sell lottery tickets or shares pursuant to Article 1 (§ 58.1-4000 et
345 seq.) of Chapter 40 of Title 58.1;

346 2. Establishments that meet the definition of truck stop and that (i) hold a retail license issued by the
347 Board or (ii) are licensed as an agent to sell lottery tickets or shares pursuant to Article 1 (§ 58.1-4000 et
348 seq.) of Chapter 40 of Title 58.1; and

349 3. Organizations that are qualified as social organizations and that hold a valid charitable gaming permit
350 pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2.

351 B. No more than four skill game machines may be located in an establishment listed in subdivision A 1,
352 (ii) no more than 10 skill game machines may be located in an establishment listed in subdivision A 2, and
353 (iii) no more than 10 skill game machines may be located in the social quarters of an organization listed in
354 subdivision A 3.

355 C. No establishment licensee shall allow a skill game machine to be placed upon the premises of such
356 licensee's establishment unless such skill game machine is owned or leased, placed, and maintained by an
357 operator licensee. The primary business of an establishment licensee shall not be the offering for play of skill
358 game machines.

359 D. No establishment licensee shall use the term "casino" in its entity name, in any advertisement in
360 association with its product or service, or in any manner prohibited by Board regulation. Any establishment
361 licensee that violates the provisions of this subsection shall be subject to a civil penalty established by the
362 Board. The Chief Executive Officer shall enforce the provisions of this subsection. All penalties collected
363 pursuant to this subsection shall accrue to the Literary Fund.

364 E. In an effort to promote responsible gaming by players, establishment licensees shall:

365 1. Affix to a clearly visible and conspicuous location on each skill game machine a label that bears a toll-
366 free number for problem gambling assistance that has been approved by the Virginia Council on Problem
367 Gambling or other organizations that provide assistance to problem gamblers;

368 2. Provide informational leaflets or other similar materials within two feet of each skill game machine on

369 *the dangers associated with problem gambling; and*

370 3. *Comply with, and require its employees to comply with, any applicable Board regulations, including*

371 *regulations regarding player self-exclusion programs, player identification, and player age verification.*

372 *Nothing contained in this subsection shall be construed to create any cause of action against the Board or*

373 *Authority for the failure of an establishment licensee to comply with the requirements of this section.*

374 *F. Each license shall be posted in a location conspicuous to the public at the place where the licensee*

375 *carries out the business for which the license is granted.*

376 *G. All establishment licensees shall comply with the provisions of this chapter and regulations adopted by*

377 *the Board.*

378 **§ 4.1-1713. Minimum requirements for use agreements among two or more categories of licensees;**

379 **division of revenue.**

380 *A. The Board shall promulgate regulations determining the minimum requirements and terms for use*

381 *agreements among licensees, including timelines for submitting use agreements to the Authority.*

382 *B. A copy of the use agreement shall be maintained in the business office of both the operator and the*

383 *establishment and shall be available at all times for inspection by the Authority. An operator shall file a copy*

384 *of any such use agreement with the Authority within 30 days after the execution of such agreement.*

385 *C. The use agreement between the operator and establishment shall provide that the establishment shall*

386 *receive 40 percent of the gross revenue received from the play of skill games placed at its location.*

387 *D. No person shall receive any portion of gross profits generated from skill game machines located at an*

388 *establishment's premises except for the distributor, operator, and establishment that are parties to the use*

389 *agreement, except as approved by the Board in compliance with applicable rules and regulations adopted by*

390 *the Board.*

391 **§ 4.1-1714. Minimum requirements of skill game machines.**

392 *In addition to meeting the definition of skill game machine established in § 4.1-1700, skill game machines*

393 *shall:*

394 1. *Show the rules of play for each game in a way that adequately describes or displays such information*

395 *so that a reasonable person could understand the game prior to playing a game;*

396 2. *Accept only cash wagers or tickets generated from skill game machines that may be redeemed for play*

397 *at another skill game machine located on the same premises;*

398 3. *Prohibit the modification of the software or rules of play for a game once a game is initiated;*

399 4. *Prohibit the remote modification or manipulation of games, except as required or approved by the*

400 *Board pursuant to the provisions of this chapter;*

401 5. *Pay out no more than \$5,000 in winnings for a single play of a game;*

402 6. *Have an identification badge or sufficient integrity affixed to the exterior of the skill game machine by*

403 *the manufacturer that is not removable without leaving evidence of tampering;*

404 7. *Have a currency storage area that is secured by two locks before the currency can be removed and that*

405 *is only accessible by the operator licensee;*

406 8. *Make payments to successful players by issuing a voucher that can be redeemed for cash at the*

407 *establishment's ticket redemption terminal or by the establishment licensee;*

408 9. *Have the ability to allow for an independent integrity check by an independent testing laboratory*

409 *approved by the Board of all software that may affect the integrity of the game;*

410 10. *Have the ability to detect and display the skill game machine's complete play history and winnings for*

411 *the previous 100 games;*

412 11. *Contain a non-resettable meter, which shall be located in a locked area of the skill game machine that*

413 *is accessible only by a key;*

414 12. *Have the capability of storing the meter information for a minimum of 180 days after a power loss to*

415 *the skill game machine; and*

416 13. *Conspicuously display the required registration label on the face of the skill game machine issued in*

417 *accordance with the provisions of subsection D of § 4.1-1701.*

418 **§ 4.1-1715. Gaming tax.**

419 *A. 1. Distributors shall remit to the Authority a monthly gaming tax equal to \$800 per month for each skill*

420 *game machine that such distributor provided for play in the Commonwealth during the previous month.*

421 2. *The gaming tax imposed pursuant to this section shall not apply to any activity regulated under Article*

422 *2 (§ 58.1-4030 et seq.) of Chapter 40 or Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1.*

423 *B. All gaming taxes collected pursuant to the provisions of this section shall accrue to the Virginia Small*

424 *Business Economic Development Fund and be allocated as provided in subsection D.*

425 *C. The gaming tax collected pursuant to this section shall be accompanied by forms and returns*

426 *prescribed by the Board. The Board may suspend or revoke a license for willful failure to submit any such*

427 *payments or associated returns within the specified time.*

428 *D. Revenues from the Virginia Small Business Economic Development Fund shall be apportioned by the*

429 *Comptroller as follows:*

430 1. *Fifteen percent to the Department of Taxation for distribution to the locality in which the establishment*

431 operates;

432 2. Two percent to the Problem Gambling Treatment and Support Fund established pursuant to
433 § 37.2-314.2;

434 3. Seventy-five percent to the general fund;

435 4. One percent to the Department of State Police to be used by the Office of the Gaming Enforcement
436 Coordinator established pursuant to § 52-54;

437 5. One percent to the law-enforcement agencies that have primary law-enforcement responsibility in any
438 locality in which skill game machines are located; and

439 6. Six percent to the Authority to cover the costs incurred in administering and implementing the
440 provisions of this chapter.

441 E. Allocation of funds pursuant to this section shall occur no later than 60 days after such funds are
442 collected and only after the Department has verified the accuracy of the collected balances.

443 **§ 4.1-1716. Illegal distribution or hosting; penalties.**

444 A. No person shall:

445 1. Distribute, sell, or lease to any person skill game machines or major components or parts, including
446 software or hardware, for skill game machines, or purchase, own, operate, possess, or place in the
447 Commonwealth skill game machines, or maintain and service such skill game machines without a distributor
448 license issued by the Board.

449 2. Operate an establishment where one or more skill game machines are made available for play by the
450 public without an establishment license issued by the Board.

451 3. Solicit, offer, or enter into any contract or agreement for the placement of a skill game machine until
452 the distributor, operator, establishment, and procurement agent, if applicable, are all issued a license by the
453 Board pursuant to this chapter.

454 B. A violation of this section is a Class 1 misdemeanor and further is subject to a civil penalty not to
455 exceed \$50,000.

456 **§ 4.1-1717. Underage play prohibited; penalty.**

457 A. No person younger than 21 years of age shall be eligible to operate a skill game machine regulated
458 pursuant to this chapter. A distributor shall adhere to the front of all skill game machines a notice in 16-point
459 Times New Roman bold font the following notice: "It is unlawful for any person younger than 21 years of age
460 to play this game."

461 B. No establishment licensed by the Board shall knowingly allow any person younger than 21 years of age
462 to play any skill game machine or redeem any winnings from the operation of a skill game machine.

463 C. A violation of this section is a Class 1 misdemeanor.

464 **§ 4.1-1718. Prohibited acts by establishment licensees; penalty.**

465 A. No establishment licensee or its employees or agents shall:

466 1. Knowingly permit any person who is not 21 years of age or older to play any skill game machine;

467 2. Give any reward for the play of a skill game machine that is not authorized by this chapter;

468 3. Give any reward for the play of a skill game machine that is redeemable at a location other than the
469 establishment's ticket redemption terminal or by staff at an establishment;

470 4. Accept any inducement from a distributor licensee; or

471 5. Extend credit to any person for the purpose of playing any skill game machine.

472 B. A violation of this section is a Class 1 misdemeanor.

473 **§ 4.1-1719. Illegal tampering with skill game machines; penalties.**

474 No person other than an operator licensee shall possess or use any key or device designed for the purpose
475 of opening, entering, or affecting the operation of a skill game machine or otherwise tamper with a skill game
476 machine. A violation of this section is a Class 1 misdemeanor and further is subject to imposition of a civil
477 penalty not to exceed \$50,000.

478 **§ 4.1-1720. Seizure of unlawful skill game machines; penalties.**

479 A. In addition to the penalties provided for in § 4.1-1706, any person or employee of such person who
480 knowingly violates any provision of this chapter shall be liable for a civil penalty of not more than \$25,000
481 for each such violation. Such amount shall be recovered in a civil action brought by the Authority and paid
482 into the Virginia Small Business Economic Development Fund established pursuant to § 4.1-1708.

483 B. In the event that a law-enforcement agency or the Authority makes a determination that, other than as
484 expressly provided for in this chapter or otherwise allowed by law, any other skill game machine is placed,
485 exists, or is in operation in any establishment in violation of this chapter or the laws of the Commonwealth,
486 including the operation of more than the maximum number of skill game machines authorized pursuant to §
487 4.1-1712, the law-enforcement agency or the Authority may seize any such skill game machine pursuant to
488 § 18.2-331.1, and the distributor, operator, or establishment shall be subject to a civil penalty of not less than
489 \$25,000 nor more than \$100,000 per skill game machine. In addition, all money used in connection with
490 illegal skill game activity that are lawfully seized by any law-enforcement officer or that shall lawfully come
491 into his custody, shall be forfeited to the Commonwealth in accordance with the procedures contained in
492 Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

493 C. It is unlawful for any person to operate, place, or possess a skill game machine in any unregulated
 494 location. Any skill game machine operated, placed, or possessed in an unregulated location may be inferred,
 495 subject to rebuttal, to be in violation of this section and is subject to immediate seizure by law enforcement
 496 and may be forfeited to the Commonwealth in accordance with the procedures contained in Chapter 22.1
 497 (§ 19.2-386.1 et seq.) of Title 19.2. Any person violating this section is guilty of a Class 1 misdemeanor. Any
 498 person who is convicted of a third or subsequent offense under this section, and it is alleged in the warrant,
 499 indictment, or information that such person has been before convicted of two or more offenses under this
 500 section and such prior convictions occurred before the date of the offense alleged in the warrant, indictment,
 501 or information, is guilty of a Class 6 felony. Any person who is convicted of a felony offense under this
 502 section shall have his license suspended for a period of two years. Any person who is convicted of a second
 503 felony offense under this section shall have his license suspended for a period of 10 years, and any person
 504 who is convicted of a third or subsequent felony offense shall have his license permanently suspended. The
 505 court shall order the suspension of such license upon conviction.

506 D. It is unlawful for any person to offer for play in any location that is not licensed as an establishment.
 507 Any skill game machine without a registration label displayed as required by subsection D of § 4.1-1701 may
 508 be inferred, subject to rebuttal, to be in violation of this section and is subject to immediate seizure by law
 509 enforcement and may be forfeited to the Commonwealth in accordance with the procedures contained in
 510 Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2. Any person violating this section is guilty of a Class 1
 511 misdemeanor. Any person who is convicted of a third or subsequent offense under this section, and it is
 512 alleged in the warrant, indictment, or information that such person has been before convicted of two or more
 513 offenses under this section and such prior convictions occurred before the date of the offense alleged in the
 514 warrant, indictment, or information, is guilty of a Class 6 felony. Any person who is convicted of a felony
 515 offense under this section shall have his license suspended for a period of two years. Any person who is
 516 convicted of a second felony offense under this section shall have his license suspended for a period of 10
 517 years, and any person who is convicted of a third or subsequent felony offense shall have his license
 518 permanently suspended. The court shall order the suspension of such license upon conviction.

519 E. It is unlawful for any person to offer for play, in a single location, a skill game machine that is in
 520 excess of the licensing requirements or statutory limits prescribed in § 4.1-1712 regardless of whether such
 521 skill game machine is properly licensed. A skill game machine may be relocated from one location to another
 522 location or warehoused and subsequently placed in an establishment provided that the number of skill game
 523 machines offered for play in a single establishment does not exceed the licensing requirements or statutory
 524 limits for the number of machines that may be offered for play at that location. Any skill game machines,
 525 whether registered or not, that are operating in excess of such licensing requirements or statutory limits are
 526 subject to immediate seizure and may be forfeited to the Commonwealth in accordance with the procedures
 527 contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2. Any person violating this section is guilty of a
 528 Class 1 misdemeanor. Any person who is convicted of a third or subsequent offense under this section, and it
 529 is alleged in the warrant, indictment, or information that such person has been before convicted of two or
 530 more offenses under this section and such prior convictions occurred before the date of the offense alleged in
 531 the warrant, indictment, or information, is guilty of a Class 6 felony. Any person who is convicted of a felony
 532 offense under this section shall have his license suspended for a period of two years. Any person who is
 533 convicted of a second felony offense under this section shall have his license suspended for a period of 10
 534 years, and any person who is convicted of a third or subsequent felony offense shall have his license
 535 permanently suspended. The court shall order the suspension of such license upon conviction.

536 **§ 4.1-1721. Skill game machines operated pursuant to this chapter not illegal gambling.**

537 Nothing contained in Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 shall be applicable to a skill
 538 game machine operated in accordance with this chapter. The award of any prize money for the operation of
 539 any skill game machine shall not be deemed to be part of any gaming contract within the purview of § 11-14.

540 **§ 4.1-1722. Conspiracies and attempts to commit violations; penalties.**

541 A. Any person who conspires, confederates, or combines with another, either within or outside of the
 542 Commonwealth, to commit a criminal offense prohibited by this chapter is guilty of a Class 1 misdemeanor
 543 and further is subject to imposition of a civil penalty not to exceed \$50,000.

544 B. Any person who attempts to commit any act prohibited by this chapter is guilty of a criminal offense
 545 and shall be punished as provided in § 18.2-26, 18.2-27, or 18.2-28, as appropriate.

546 **§ 11-16.3. Exemption; play of authorized skill game machines.**

547 This chapter shall not apply to the play of skill game machines or related activity that is lawful under
 548 Chapter 17 (§ 4.1-1700 et seq.) of Title 4.1 or to any contract, conduct, or transaction arising from conduct
 549 lawful thereunder.

550 **§ 18.2-325. Definitions.**

551 ~~1.~~ As used in this article, unless the context requires a different meaning:

552 "Gambling device" means (i) any device, machine, paraphernalia, equipment, or other thing, including
 553 books, records, and other papers, that are actually used in an illegal gambling operation or activity and (ii)
 554 any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or video

555 *version thereof, including those dependent upon the insertion of a coin or other object for their operation,*
 556 *which operates, either completely automatically or with the aid of some physical act by the player or*
 557 *operator, in such a manner that, depending upon elements of chance, it may eject something of value or*
 558 *determine the prize or other thing of value to which the player is entitled, provided, however, that the return*
 559 *to the user of nothing more than additional chances or the right to use such machine is not deemed something*
 560 *of value within the meaning of this definition; and provided further, that machines that only sell, or entitle the*
 561 *user to obtain, items of merchandise of equivalent value that may differ from each other in composition, size,*
 562 *shape, or color, shall not be deemed gambling devices within the meaning of this definition. Such devices are*
 563 *no less gambling devices if they indicate beforehand the definite result of one or more operations but not all*
 564 *the operations; nor are they any less a gambling device because, apart from their use or adaptability as such,*
 565 *they may also sell or deliver something of value on a basis other than chance. "Gambling device" does not*
 566 *include a skill game machine authorized pursuant to the provisions of Chapter 17 (§ 4.1-1700 et seq.) of Title*
 567 *4.1.*

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

573 For the purposes of this ~~subdivision~~ *definition* and notwithstanding any provision in this section to the
 574 contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of
 575 value ~~shall include~~ *includes* the purchase of a product, ~~Internet internet~~ access, or other thing made in
 576 exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation
 577 of a gambling device as described in ~~subdivision 3 b,~~ *clause (ii) of the definition of "gambling device,"*
 578 regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be
 579 offered in the absence of a purchase.

580 "Illegal gambling" ~~also means~~ *does not include* the playing or offering for play of any skill game *machine*
 581 *authorized pursuant to the provisions of Chapter 17 (§ 4.1-1700 et seq.) of Title 4.1.*

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

586 3. "Gambling device" includes:

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

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

599 e. Skill games.

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

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

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

606 6. "Skill game" or *"skill game machine"* means *the same as that term is defined in § 4.1-1700 an*
 607 *electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the*
 608 *insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome*
 609 *of which is determined by any element of skill of the player and that may deliver or entitle the person playing*
 610 *or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or*
 611 *electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from*
 612 *the device or manually. "Skill game" includes (i) a device that contains a meter or measurement device that*
 613 *records the number of free games or portions of games that are rewarded and (ii) a device designed or*
 614 *adapted to enable a person using the device to increase the chances of winning free games or portions of*
 615 *games by paying more than the amount that is ordinarily required to play the game. "Skill game" does not*
 616 *include any amusement device, as defined in § 18.2-334.6.*

617 7. "Unregistered skill game machine" means any device that does not conspicuously display on the face of
 618 the skill game machine a required registration label pursuant to the provisions of Chapter 17 (§ 4.1-1700 et
 619 seq.) of Title 4.1. Any skill game machine without such a registration label displayed may be inferred, subject
 620 to rebuttal, to be unregistered.

621 "Unregulated location" means any location that is not fully or partially regulated or operated by the
 622 Virginia Lottery or the Virginia Lottery Board, the Department of Agriculture and Consumer Services, the
 623 Virginia Alcoholic Beverage Control Authority, or the Virginia Racing Commission.

624 **§ 18.2-331.1. Operation of gambling devices and skill game machines at unregulated locations; civil**
 625 **penalty.**

626 A. In addition to any other penalty provided by law, any person who conducts, finances, manages,
 627 supervises, directs, sells, or owns a gambling device or skill game machine that is located in an unregulated
 628 location is subject to a civil penalty of up to \$25,000 for each gambling device or skill game machine located
 629 in such unregulated location.

630 B. The Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause
 631 an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to
 632 immediately enjoin the operation of a gambling device or skill game machine in violation of this section and
 633 to request an attachment against all such devices and machines and any moneys within such devices and
 634 machines pursuant to Chapter 20 (§ 8.01-533 et seq.) of Title 8.01, and to recover the civil penalty of up to
 635 \$25,000 per device.

636 C. In any action brought under this section, the Attorney General, the attorney for the Commonwealth, or
 637 the attorney for the locality may recover reasonable expenses incurred by the state or local agency in
 638 investigating and preparing the case, and attorney fees.

639 D. Any civil penalties assessed under this section in an action in equity brought in the name of the
 640 Commonwealth shall be paid into the Literary Fund. Any civil penalties assessed under this section in an
 641 action in equity brought in the name of a locality shall be paid into the general fund of the locality.

642 **§ 18.2-331.2. Operating, placing, or possessing a skill game machine in an unregulated location;**
 643 **penalties.**

644 A. It is unlawful for any person to operate, place, or possess a skill game machine in any unregulated
 645 location.

646 B. Any skill game machine operated, placed, or possessed in an unregulated location may be inferred,
 647 subject to rebuttal, to be in violation of this section and is subject to immediate seizure by law enforcement
 648 and may be forfeited to the Commonwealth in accordance with the procedures contained in Chapter 22.1
 649 (§ 19.2-386.1 et seq.) of Title 19.2.

650 C. Any person violating this section is guilty of a Class 1 misdemeanor.

651 D. Any person who is convicted of a third or subsequent offense under this section, and it is alleged in the
 652 warrant, indictment, or information that such person has been before convicted of two or more offenses
 653 under this section and such prior convictions occurred before the date of the offense alleged in the warrant,
 654 indictment, or information, is guilty of a Class 6 felony.

655 E. Any person who is convicted of a felony offense under this section shall have his license issued
 656 pursuant to § 4.1-1703 suspended for a period of two years. Any person who is convicted of a second felony
 657 offense under this section shall have his license issued pursuant to § 4.1-1703 suspended for a period of 10
 658 years, and any person who is convicted of a third or subsequent felony offense shall have his license issued
 659 pursuant to § 4.1-1703 permanently suspended. The court shall order the suspension of such license upon
 660 conviction.

661 **§ 18.2-331.3. Operating, placing, or possessing any unregistered skill game machine in any location;**
 662 **penalties.**

663 A. It is unlawful for any person to offer for play in any location any unregistered skill game machine.

664 B. Any skill game machine without a registration label displayed as required by Chapter 17 (§ 4.1-1700 et
 665 seq.) of Title 4.1 may be inferred, subject to rebuttal, to be in violation of this section and is subject to
 666 immediate seizure by law enforcement and may be forfeited to the Commonwealth in accordance with the
 667 procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

668 C. Any person violating this section is guilty of a Class 1 misdemeanor.

669 D. Any person who is convicted of a third or subsequent offense under this section, and it is alleged in the
 670 warrant, indictment, or information that such person has been before convicted of two or more offenses
 671 under this section and such prior convictions occurred before the date of the offense alleged in the warrant,
 672 indictment, or information, is guilty of a Class 6 felony.

673 E. Any person who is convicted of a felony offense under this section shall have his license issued
 674 pursuant to § 4.1-1703 suspended for a period of two years. Any person who is convicted of a second felony
 675 offense under this section shall have his license issued pursuant to § 4.1-1703 suspended for a period of 10
 676 years, and any person who is convicted of a third or subsequent felony offense shall have his license issued
 677 pursuant to § 4.1-1703 permanently suspended. The court shall order the suspension of such license upon
 678 conviction.

679 **§ 18.2-331.4. Offering for play skill game machines in excess of statutory limits; penalties.**

680 A. It is unlawful for any person to offer for play, in a single location, a skill game machine that is in
681 excess of the licensing requirements or statutory limits prescribed in Chapter 17 (§ 4.1-1700 et seq.) of Title
682 4.1 regardless of whether such skill game machine is properly registered.

683 A skill game machine may be relocated from one location to another location or warehoused and
684 subsequently placed in a host location provided that the number of skill game machines offered for play in a
685 single prescribed location does not exceed the licensing requirements or statutory limits for the number of
686 games that may be offered for play at that location.

687 B. Any skill game machines, whether registered or not, that are operating in excess of such licensing
688 requirements or statutory limits are subject to immediate seizure and may be forfeited to the Commonwealth
689 in accordance with the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

690 C. Any person violating this section is guilty of a Class 1 misdemeanor.

691 D. Any person who is convicted of a third or subsequent offense under this section, and it is alleged in the
692 warrant, indictment, or information that such person has been before convicted of two or more offenses
693 under this section and such prior convictions occurred before the date of the offense alleged in the warrant,
694 indictment, or information, is guilty of a Class 6 felony.

695 E. Any person who is convicted of a felony offense under this section shall have his license issued
696 pursuant to § 4.1-1703 suspended for a period of two years. Any person who is convicted of a second felony
697 offense under this section shall have his license issued pursuant to § 4.1-1703 suspended for a period of 10
698 years, and any person who is convicted of a third or subsequent felony offense shall have his license issued
699 pursuant to § 4.1-1703 permanently suspended. The court shall order the suspension of such license upon
700 conviction.

701 **§ 18.2-334. Exception to article; private residences.**

702 Nothing in this article shall be construed to make it illegal to participate in a game of chance conducted in
703 a private residence, provided that such private residence is not commonly used for such games of chance and
704 there is no operator as defined in subsection 4 of § 18.2-325.

705 **§ 18.2-334.7. Exemptions to article; skill game machines.**

706 Nothing in this article shall be construed to make it illegal to play any skill game machine or conduct any
707 related activity that is lawful under Chapter 17 (§ 4.1-1700 et seq.) of Title 4.1.

708 **§ 18.2-513. Definitions.**

709 As used in this chapter:

710 "Criminal street gang" means the same as that term is defined in § 18.2-46.1.

711 "Enterprise" includes any of the following: sole proprietorship, partnership, corporation, business trust,
712 criminal street gang, or other group of three or more individuals associated for the purpose of criminal
713 activity.

714 "Proceeds" means the same as that term is defined in § 18.2-246.2.

715 "Racketeering activity" means to commit, attempt to commit, or conspire to commit or to solicit, coerce,
716 or intimidate another person to commit two or more of the following offenses: Article 2.1 (§ 18.2-46.1 et
717 seq.) of Chapter 4, § 18.2-460; a felony offense of § 3.2-4212, 3.2-4219, 10.1-1455, 18.2-31, 18.2-32,
718 18.2-32.1, 18.2-33, or 18.2-35, Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4, § 18.2-47, 18.2-48, 18.2-48.1,
719 18.2-49, 18.2-51, 18.2-51.2, 18.2-52, 18.2-53, 18.2-55, 18.2-58, 18.2-59, 18.2-77, 18.2-79, 18.2-80, 18.2-89,
720 18.2-90, 18.2-91, 18.2-92, 18.2-93, 18.2-95, 18.2-96, or 18.2-103.1, Article 4 (§ 18.2-111 et seq.) of Chapter
721 5, Article 1 (§ 18.2-168 et seq.) of Chapter 6, § 18.2-178 or 18.2-186, Article 6 (§ 18.2-191 et seq.) of
722 Chapter 6, Article 9 (§ 18.2-246.1 et seq.) of Chapter 6, § 18.2-246.13, Article 1 (§ 18.2-247 et seq.) of
723 Chapter 7, § 18.2-279, 18.2-286.1, 18.2-289, 18.2-300, 18.2-308.2, 18.2-308.2:1, 18.2-328, 18.2-331.2, 18.2-
724 331.3, 18.2-331.4, 18.2-346, 18.2-346.01, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357,
725 18.2-357.1, 18.2-368, 18.2-369, or 18.2-374.1, Article 8 (§ 18.2-433.1 et seq.) of Chapter 9, Article 1
726 (§ 18.2-434 et seq.) of Chapter 10, Article 2 (§ 18.2-438 et seq.) of Chapter 10, Article 3 (§ 18.2-446 et seq.)
727 of Chapter 10, Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12, § 3.2-6571, 18.2-516, 32.1-314, 58.1-1008.2,
728 58.1-1017, or 58.1-1017.1; or any substantially similar offenses under the laws of any other state, the District
729 of Columbia, or the United States or its territories.

730 **2. That, by January 1, 2027, the Board of Directors of the Virginia Alcoholic Beverage Control**
731 **Authority (the Board) shall adopt regulations necessary to implement the provisions of this act. The**
732 **Board's initial adoption of such regulations shall be exempt from the Administrative Process Act**
733 **(§ 2.2-4000 et seq. of the Code of Virginia), provided that, prior to the final adoption of such**
734 **regulations, the Board publishes in the Virginia Register of Regulations and posts on the Virginia**
735 **Regulatory Town Hall an action that provides (i) a 30-day comment period; (ii) a summary of the**
736 **proposed regulations, the text of the proposed regulations, and the name, address, email address, and**
737 **telephone number of the agency contact person responsible for receiving public comments; and (iii) the**
738 **statutory authority to promulgate the regulations.**

739 **3. That, notwithstanding the provisions of the first enactment of this act to the contrary, until the**
740 **Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) adopts the**

741 regulations necessary to implement the provisions of this act pursuant to the second enactment of this
 742 act, the provisions of the first enactment of this act shall be administered by the Virginia Alcoholic
 743 Beverage Control Authority (the Authority), which may issue a provisional license to any entity that
 744 certifies that the game being distributed, operated, or placed in an establishment is a skill game
 745 machine as defined in § 4.1-1700 of the Code of Virginia, as created by this act. During the Authority's
 746 administration of such provisions, the Authority shall be vested with all powers and duties of the Board
 747 that are necessary for such administration of the provisions of the first enactment of this act. The
 748 Authority shall adopt guidelines for the issuance and administration of any provisional licensure that
 749 are consistent with the provisions of Chapter 17 (§ 4.1-1700 et seq.) of Title 4.1 of the Code of Virginia,
 750 as created by this act, with such guidelines to be effective on July 15, 2026. The Authority's guidelines
 751 shall be exempt from the Administrative Process Act (§ 2.2-4200 et seq. of the Code of Virginia), except
 752 that the Authority shall provide an opportunity for public comment on the guidelines prior to
 753 adoption. Each application for a provisional license shall be accompanied by a provisional license fee
 754 payable to the Authority to defray the costs associated with the implementation, monitoring, monthly
 755 reporting, and enforcement associated with provisional licensees. The provisional license fees and,
 756 thereafter, annual license fees shall be as follows: (i) \$250,000 for a distributor; (ii) \$25,000 for an
 757 operator; (iii) \$1,000 for an establishment that does not meet the definition of a "truck stop" as defined
 758 in § 4.1-1700 of the Code of Virginia, as created by this act; and (iv) \$2,500 for an establishment license
 759 that meets the definition of a "truck stop" as defined in § 4.1-1700 of the Code of Virginia, as created
 760 by this act. During the time period when the Authority's guidelines are effective, it shall receive six
 761 percent of the gross receipts tax to further defray the costs associated with the implementation,
 762 monitoring, monthly reporting, and enforcement associated with provisional licensees. The Authority's
 763 guidelines for the provisional licensure shall expire upon the final adoption of the regulations adopted
 764 by the Board pursuant to the second enactment of this act. Any valid and active provisional licenses
 765 issued by the Authority pursuant to this enactment shall remain valid until their expiration date and
 766 shall be considered to have been issued by the Board. Distributing, operating, or hosting any skill game
 767 machine at any time between July 1, 2026, and the date upon which the regulations necessary to
 768 implement the provisions of this act are adopted by the Board pursuant to the second enactment of this
 769 act without obtaining a provisional license from the Authority pursuant to this enactment may
 770 permanently disqualify a person from obtaining a license from the Board pursuant to the first
 771 enactment of this act. Any such disqualification shall be within the sole discretion of the Board. After a
 772 hearing with 15 days' notice, the Authority may suspend or revoke any license or impose on any
 773 distributor, operator, or establishment a civil penalty of not more than \$25,000 for each violation of
 774 this enactment, not to exceed \$100,000, in any case where a violation has been shown by a
 775 preponderance of the evidence. If any such license is suspended or revoked, the Authority shall state its
 776 reasoning for doing so, which shall be entered of record. Such action shall be final unless appealed in
 777 accordance with § 4.1-1707 of the Code of Virginia, as created by this act. Suspension or revocation of
 778 a license issued by the Authority for any violation shall not preclude civil liability for such violation. All
 779 civil penalties shall be paid to the Authority to defray the costs associated with enforcement. In
 780 addition to the aforementioned suspension and revocation of licensure and levy of civil penalties, any
 781 person or employee of such person who knowingly violates any provision of this enactment shall be
 782 liable for a civil penalty of not more than \$25,000 for each such violation. Such amount shall be
 783 recovered in a civil action brought by the Authority and paid to the Authority to defray the costs
 784 associated with enforcement. In the event that a law-enforcement agency or the Authority makes a
 785 determination that, other than as expressly provided for in this enactment or otherwise allowed by law,
 786 any other skill game machine is placed, exists, or is in operation in any establishment in violation of
 787 this enactment or the laws of the Commonwealth, including the operation of more than the maximum
 788 number of skill game machines authorized pursuant to this enactment, the law-enforcement agency or
 789 the Authority may seize any such skill game machine pursuant to § 18.2-331.1 of the Code of Virginia,
 790 as amended by this act, and the distributor, operator, or establishment shall be subject to a civil
 791 penalty of not less than \$25,000 nor more than \$100,000 per machine, which shall be paid to the
 792 Authority to defray the costs associated with enforcement.

793 4. That beginning July 15, 2026, and each month following until the Board of Directors of the Virginia
 794 Alcoholic Beverage Control Authority (the Board) adopts the regulations necessary to implement the
 795 provisions of the first enactment of this act, the Virginia Alcoholic Beverage Control Authority (the
 796 Authority) shall require each distributor to (i) remit the monthly gaming tax equal to \$800 per month
 797 for each skill game machine that such distributor provided for play in the Commonwealth during the
 798 previous month in accordance with § 4.1-1715 of the Code of Virginia, as created by this act, and (ii)
 799 provide a report to the Authority, in such form as required by the Authority, detailing (a) the total
 800 number skill game machines provided for play in the Commonwealth by such distributor, (b) the
 801 address of each location where the skill game machines are provided for play in the Commonwealth by
 802 such distributor, (c) the total number of skill game machines provided for play in the Commonwealth

803 by such distributor at each respective location, (d) the total amount wagered during the previous
804 month on each skill game machine provided for play in the Commonwealth by such distributor at each
805 respective location where the skill game machine was provided, and (e) the total amount of prizes or
806 winnings awarded during the previous month on each skill game machine provided for play in the
807 Commonwealth by such distributor at each respective location where the skill game machine was
808 provided.

809 5. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) is
810 authorized to begin accepting applications for licensure in accordance with the provisions of Chapter
811 17 (§ 4.1-1700 et seq.) of Title 4.1 of the Code of Virginia, as created by this act, as of July 1, 2026. Any
812 applicant that has submitted a completed application to the Board shall be authorized to begin
813 manufacturing, distributing, placing, or operating skill game machines 10 days after the effective date
814 of this act, even if such applicant's application for licensure with the Board is still pending. If, after
815 review of an application, the Board fails to grant a license to an applicant, such applicant shall
816 immediately cease all skill game machine operations in the Commonwealth. Notwithstanding the
817 provisions of § 4.1-1705 of the Code of Virginia, as created by this act, the Board may, for an amount
818 of time to be determined by the Board, require an applicant for licensure to pay all application fees at
819 the time the applicant submits its application to the Board. Any applicant that, during such period,
820 submits an application and accompanying fee but is not granted a license by the Board shall be
821 reimbursed.

822 6. That the provisions of this act may result in a net increase in periods of imprisonment or
823 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
824 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;
825 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing
826 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of
827 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of
828 commitment to the custody of the Department of Juvenile Justice.