

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-3705.3, as it is currently effective and as it shall become effective,*
 3 *37.2-314.2, 52-53, 58.1-4015.1, 58.1-4030, and 58.1-4103 of the Code of Virginia; to amend the Code of*
 4 *Virginia by adding in Chapter 3 of Title 11 a section numbered 11-16.3 and by adding in Title 58.1 a*
 5 *chapter numbered 42, consisting of sections numbered 58.1-4200 through 58.1-4214; and to repeal*
 6 *Chapter 51 (§§ 59.1-556 through 59.1-570) of Title 59.1 of the Code of Virginia, relating to regulation*
 7 *and taxation of fantasy contests.*

8 [H 145]

9 Approved

10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That §§ 2.2-3705.3, as it is currently effective and as it shall become effective, 37.2-314.2, 52-53,**
 12 **58.1-4015.1, 58.1-4030, and 58.1-4103 of the Code of Virginia are amended and reenacted and that the**
 13 **Code of Virginia is amended by adding in Chapter 3 of Title 11 a section numbered 11-16.3 and by**
 14 **adding in Title 58.1 a chapter numbered 42, consisting of sections numbered 58.1-4200 through**
 15 **58.1-4214, as follows:**

16 **§ 2.2-3705.3. (Effective until July 1, 2026) Exclusions to application of chapter; records relating to**
 17 **administrative investigations.**

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

22 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and
 23 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia
 24 Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) ~~and~~ Chapter
 25 41 (§ 58.1-4100 et seq.), *and Chapter 42 (§ 58.1-4200 et seq.)* of Title 58.1, the Virginia Racing
 26 Commission, the Department of Agriculture and Consumer Services relating to investigations and
 27 applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private
 28 Security Services Unit of the Department of Criminal Justice Services.

29 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the
 30 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to
 31 § 54.1-108.

32 3. Investigator notes, and other correspondence and information, furnished in confidence with respect to
 33 an active investigation of individual employment discrimination complaints made to the Department of
 34 Human Resource Management, to such personnel of any local public body, including local school boards, as
 35 are responsible for conducting such investigations in confidence, or to any public institution of higher
 36 education. However, nothing in this subdivision shall prevent the disclosure of information taken from
 37 inactive reports in a form that does not reveal the identity of charging parties, persons supplying the
 38 information, or other individuals involved in the investigation.

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

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

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

54 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise
 55 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public
 56 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in

57 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower
58 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an
59 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to
60 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public
61 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit
62 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,
63 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an
64 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health
65 Commission. Information contained in completed investigations shall be disclosed in a form that does not
66 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is
67 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the
68 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the
69 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject
70 of the complaint may be released only with the consent of the subject person. Local governing bodies shall
71 adopt guidelines to govern the disclosure required by this subdivision.

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

78 9. Records of active investigations being conducted by the Department of Criminal Justice Services
79 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
80 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

81 10. Information furnished to or prepared by the Board of Education pursuant to subsection D of
82 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized
83 alteration, or improper administration of tests by local school board employees responsible for the
84 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such
85 information to (i) a local school board or division superintendent for the purpose of permitting such board or
86 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after
87 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person
88 making a complaint or supplying information to the Board on a confidential basis and (b) does not
89 compromise the security of any test mandated by the Board.

90 11. Information contained in (i) an application for licensure or renewal of a license for teachers and other
91 school personnel, including transcripts or other documents submitted in support of an application, and (ii) an
92 active investigation conducted by or for the Board of Education related to the denial, suspension,
93 cancellation, revocation, or reinstatement of teacher and other school personnel licenses including
94 investigator notes and other correspondence and information, furnished in confidence with respect to such
95 investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information
96 to the applicant at his own expense or (b) investigation information to a local school board or division
97 superintendent for the purpose of permitting such board or superintendent to consider or to take personnel
98 action with regard to an employee. Information contained in completed investigations shall be disclosed in a
99 form that does not reveal the identity of any complainant or person supplying information to investigators.
100 The completed investigation information disclosed shall include information regarding the school or facility
101 involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the
102 actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to
103 corrective action, the identity of the person who was the subject of the complaint may be released only with
104 the consent of the subject person. No personally identifiable information regarding a current or former
105 student shall be released except as permitted by state or federal law.

106 12. Information provided in confidence and related to an investigation by the Attorney General under
107 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10
108 (§ 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)
109 of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more
110 than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law
111 and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses,
112 or other individuals involved in the investigation.

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

115 **§ 2.2-3705.3. (Effective July 1, 2026) Exclusions to application of chapter; records relating to**
116 **administrative investigations.**

117 The following information contained in a public record is excluded from the mandatory disclosure
118 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such

119 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
120 shall be conducted in accordance with § 2.2-3704.01.

121 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and
122 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia
123 Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and, Chapter
124 41 (§ 58.1-4100 et seq.), and Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1, the Virginia Racing
125 Commission, the Department of Agriculture and Consumer Services relating to investigations and
126 applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private
127 Security Services Unit of the Department of Criminal Justice Services.

128 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the
129 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to
130 § 54.1-108.

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132 an active investigation of individual employment discrimination complaints made to the Department of
133 Human Resource Management, to such personnel of any local public body, including local school boards, as
134 are responsible for conducting such investigations in confidence, or to any public institution of higher
135 education. However, nothing in this subdivision shall prevent the disclosure of information taken from
136 inactive reports in a form that does not reveal the identity of charging parties, persons supplying the
137 information, or other individuals involved in the investigation.

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

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148 vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that
149 cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the
150 use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not
151 been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii),
152 (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

153 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise
154 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public
155 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in
156 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower
157 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an
158 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to
159 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public
160 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit
161 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,
162 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an
163 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health
164 Commission. Information contained in completed investigations shall be disclosed in a form that does not
165 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is
166 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the
167 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the
168 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject
169 of the complaint may be released only with the consent of the subject person. Local governing bodies shall
170 adopt guidelines to govern the disclosure required by this subdivision.

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

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178 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
179 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

180 10. Information furnished to or prepared by the Board of Education pursuant to subsection F of

181 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized
 182 alteration, or improper administration of tests by local school board employees responsible for the
 183 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such
 184 information to (i) a local school board or division superintendent for the purpose of permitting such board or
 185 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after
 186 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person
 187 making a complaint or supplying information to the Board on a confidential basis and (b) does not
 188 compromise the security of any test mandated by the Board.

189 11. Information contained in (i) an application for licensure or renewal of a license for teachers and other
 190 school personnel, including transcripts or other documents submitted in support of an application, and (ii) an
 191 active investigation conducted by or for the Board of Education related to the denial, suspension,
 192 cancellation, revocation, or reinstatement of teacher and other school personnel licenses including
 193 investigator notes and other correspondence and information, furnished in confidence with respect to such
 194 investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information
 195 to the applicant at his own expense or (b) investigation information to a local school board or division
 196 superintendent for the purpose of permitting such board or superintendent to consider or to take personnel
 197 action with regard to an employee. Information contained in completed investigations shall be disclosed in a
 198 form that does not reveal the identity of any complainant or person supplying information to investigators.
 199 The completed investigation information disclosed shall include information regarding the school or facility
 200 involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the
 201 actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to
 202 corrective action, the identity of the person who was the subject of the complaint may be released only with
 203 the consent of the subject person. No personally identifiable information regarding a current or former
 204 student shall be released except as permitted by state or federal law.

205 12. Information provided in confidence and related to an investigation by the Attorney General under
 206 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10
 207 (§ 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)
 208 of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more
 209 than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law
 210 and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses,
 211 or other individuals involved in the investigation.

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

214 **§ 11-16.3. Exemption; authorized fantasy contests.**

215 *This chapter shall not apply to any fantasy contests or related activity that is lawful under Chapter 42*
 216 *(§ 58.1-4200 et seq.) of Title 58.1.*

217 **§ 37.2-314.2. Problem Gambling Treatment and Support Fund.**

218 A. As used in this section:

219 "Compulsive gambling" means persistent and recurrent problem gambling behavior leading to clinically
 220 significant impairment or distress, as indicated by an individual exhibiting four or more of the criteria as
 221 defined by the Diagnostic Statistical Manual of Mental Disorders in a 12-month period and where the
 222 behavior is not better explained by a manic episode.

223 "Problem gambling" means a gambling behavior that causes disruptions in any major area of life,
 224 including the psychological, social, or vocational areas of life, but does not fulfill the criteria for diagnosis as
 225 a gambling disorder.

226 B. There is hereby created in the state treasury a special nonreverting fund to be known as the Problem
 227 Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be
 228 established on the books of the Comptroller. All revenue accruing to the Fund pursuant to subsection A of
 229 § 58.1-4038 and moneys required to be deposited into the Fund pursuant to Chapter 41 (§ 58.1-4100 et seq.)
 230 of Title 58.1, *subsection C of § 58.1-4202, and § 58.1-4208* shall be paid into the state treasury and credited
 231 to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any
 232 moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the
 233 general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i)
 234 providing counseling and other support services for compulsive and problem gamblers, (ii) developing and
 235 implementing compulsive and problem gambling treatment and prevention programs, and (iii) providing
 236 grants to support organizations that provide assistance to compulsive and problem gamblers. Expenditures
 237 and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller
 238 upon written request signed by the Commissioner.

239 **§ 52-53. Definitions.**

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

241 "Coordinator" means the position of the Gaming Enforcement Coordinator established pursuant to
 242 § 52-54.

243 "Department" means the Department of State Police.

244 "Gaming laws" means the laws regulating gambling under Article 1 (§ 18.2-325 et seq.) of Chapter 8 of
 245 Title 18.2, charitable gaming under Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, lottery
 246 games under Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1, sports betting under Article 2
 247 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1, casino gaming under Chapter 41 (§ 58.1-4100 et seq.) of
 248 Title 58.1, fantasy contests under Chapter ~~54~~ 42 (§ ~~59.1-556~~ 58.1-4200 et seq.) of Title ~~59.1~~ 58.1, horse
 249 racing and pari-mutuel wagering under Chapter 29 (§ 59.1-364 et seq.) of Title 59.1, any regulations
 250 promulgated pursuant to such laws, and any other federal, state, or local laws the Gaming Enforcement
 251 Coordinator deems relevant.

252 "Superintendent" means the Superintendent of State Police.

253 **§ 58.1-4015.1. Voluntary exclusion program.**

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

255 B. The regulations shall include the following provisions:

256 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion
 257 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of
 258 this article; (ii) participating in sports betting, as defined in § 58.1-4030; (iii) engaging in any form of casino
 259 gaming that may be allowed under the laws of the Commonwealth; (iv) participating in charitable gaming, as
 260 defined in § 18.2-340.16; (v) participating in fantasy contests, as defined in § ~~59.1-556~~ 58.1-4200; or (vi)
 261 wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall
 262 assist in administering the voluntary exclusion program pursuant to the provisions of this section.

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

265 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion
 266 program may not petition the Board for removal from the program for the duration of his exclusion period.

267 4. The name of a person participating in the program shall be included on a list of excluded persons. The
 268 list of persons entering the voluntary exclusion program and the personal information of the participants shall
 269 be confidential, with dissemination by the Department limited to sales agents and permit holders, as defined
 270 in § 58.1-4030, and any other parties the Department deems necessary for purposes of enforcement. The list
 271 and the personal information of participants in the voluntary exclusion program shall not be subject to
 272 disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may
 273 disseminate the list to other parties upon request by the participant and agreement by the Board.

274 5. Sales agents and permit holders shall make all reasonable attempts as determined by the Board to cease
 275 all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall
 276 not preclude sales agents and permit holders from seeking the payment of a debt incurred by a person before
 277 entering the program. In addition, a permit holder may share the names of individuals who self-exclude
 278 across its corporate enterprise, including sharing such information with any of its affiliates.

279 **§ 58.1-4030. Definitions.**

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

281 "Adjusted gross revenue" means gross revenue minus:

282 1. All cash and the cash value of merchandise paid out as winnings to bettors, and the value of all bonuses
 283 or promotions provided to patrons as an incentive to place or as a result of their having placed Internet sports
 284 betting wagers;

285 2. Uncollectible gaming receivables, which shall not exceed two percent, or a different percentage as
 286 determined by the Board pursuant to subsection F of § 58.1-4007, of gross revenue minus all cash paid out as
 287 winnings to bettors;

288 3. If the permit holder is a significant infrastructure limited licensee, as defined in § 59.1-365, any funds
 289 paid into the horsemen's purse account pursuant to the provisions of subdivision 14 of § 59.1-369; and

290 4. All excise taxes on sports betting paid pursuant to federal law.

291 "Amateur sports" means any sports or athletic event that is not professional sports, college sports, Virginia
 292 college sports, or youth sports. "Amateur sports" includes domestic, international, and Olympic sports or
 293 athletic events. "Amateur sports" does not include charitable gaming, as defined in § 18.2-340.16; fantasy
 294 contests, as defined in § 59.1-556; or horse racing, as defined in § 59.1-365.

295 "College sports" means an athletic event (i) in which at least one participant is a team from a public or
 296 private institution of higher education, regardless of where such institution is located, and (ii) that does not
 297 include a team from a Virginia public or private institution of higher education.

298 "Covered persons" means athletes; umpires, referees, and officials; personnel associated with clubs,
 299 teams, leagues, and athletic associations; medical professionals and athletic trainers who provide services to
 300 athletes and players; and the immediate family members and associates of such persons.

301 "Gross revenue" means the total of all cash, property, or any other form of remuneration, whether
 302 collected or not, received by a permittee from its sports betting operations.

303 "Major league sports franchise" means a professional baseball, basketball, football, hockey, or soccer
 304 team that is at the highest-level league of play for its respective sport.

305 "Motor sports facility" means an outdoor motor sports facility that hosts a National Association for Stock
306 Car Auto Racing (NASCAR) national touring race.

307 "Official league data" means statistics, results, outcomes, and other data relating to a professional sports
308 event obtained by a permit holder under an agreement with a sports governing body or with an entity
309 expressly authorized by a sports governing body for determining the outcome of tier 2 bets.

310 "Permit holder" means a person to which the Director issues a permit pursuant to §§ 58.1-4032 and
311 58.1-4033.

312 "Personal biometric data" means any information about an athlete that is derived from his DNA, heart
313 rate, blood pressure, perspiration rate, internal or external body temperature, hormone levels, glucose levels,
314 hydration levels, vitamin levels, bone density, muscle density, or sleep patterns, or other information as may
315 be prescribed by the Board by regulation.

316 "Principal" means any individual who solely or together with his immediate family members (i) owns or
317 controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a permit
318 holder or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other
319 ownership interests of such entity. "Principal" includes any individual who is employed in a managerial
320 capacity for a sports betting platform or sports betting facility on behalf of a permit holder.

321 "Professional sports" means an athletic event involving at least two human competitors who receive
322 compensation, in excess of their expenses, for participating in such event. "Professional sports" does not
323 include charitable gaming, as defined in § 18.2-340.16; fantasy contests, as defined in § ~~59.1-556~~ 58.1-4200;
324 or horse racing, as defined in § 59.1-365.

325 "Prohibited conduct" means any statement, action, or other communication intended to influence,
326 manipulate, or control a betting outcome of a sports event or of any individual occurrence or performance in a
327 sports event in exchange for financial gain or to avoid financial or physical harm. "Prohibited conduct"
328 includes statements, actions, and communications made to a covered person by a third party. "Prohibited
329 conduct" does not include statements, actions, or communications made or sanctioned by a sports team or
330 sports governing body.

331 "Proposition bet" means a bet on an individual action, statistic, occurrence, or non-occurrence to be
332 determined during an athletic event and includes any such action, statistic, occurrence, or non-occurrence that
333 does not directly affect the final outcome of the athletic event to which it relates.

334 "Sports betting" means placing wagers on professional sports, college sports, amateur sports, sporting
335 events, or any other event approved by the Director, and any portion thereof, and includes placing wagers
336 related to the individual performance statistics of athletes in such sports and events. "Sports betting" includes
337 any system or method of wagering approved by the Director, including single-game bets, teaser bets, parlays,
338 over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and
339 straight bets. "Sports betting" does not include participating in charitable gaming authorized by Article 1.1:1
340 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2; participating in any lottery game authorized under Article 1
341 (§ 58.1-4000 et seq.); *participating in fantasy contests authorized by Chapter 42 (§ 58.1-4200 et seq.) of Title*
342 *58.1; or wagering on horse racing authorized by Chapter 29 (§ 59.1-364 et seq.) of Title 59.1; or participating*
343 *in fantasy contests authorized by Chapter 51 (§ 59.1-556 et seq.) of Title 59.1.* "Sports betting" does not
344 include placing a wager on a college sports event in which a Virginia public or private institution of higher
345 education is a participant.

346 "Sports betting facility" means an area, kiosk, or device located inside a casino gaming establishment
347 licensed pursuant to Chapter 41 (§ 58.1-4100 et seq.) that is designated for sports betting.

348 "Sports betting permit" means a permit to operate a sports betting platform or sports betting facility issued
349 pursuant to the provisions of §§ 58.1-4032, 58.1-4033, and 58.1-4034.

350 "Sports betting platform" means a website, app, or other platform accessible via the Internet or mobile,
351 wireless, or similar communications technology that sports bettors use to participate in sports betting.

352 "Sports betting program" means the program established by the Board to allow sports betting as described
353 in this article.

354 "Sports bettor" means a person physically located in Virginia who participates in sports betting.

355 "Sports event" or "sporting event" means professional sports, college sports, amateur sports, and any
356 athletic event, motor race event, electronic sports event, competitive video game event, or any other event
357 approved by the Director.

358 "Sports governing body" means an organization, headquartered in the United States, that prescribes rules
359 and enforces codes of conduct with respect to a professional sports or college sports event and the
360 participants therein. "Sports governing body" includes a designee of the sports governing body.

361 "Stadium" means the physical facility that is the primary location at which a major league sports franchise
362 hosts athletic events and any appurtenant facilities.

363 "Tier 1 bet" means a bet that is placed using the Internet and that is not a tier 2 bet.

364 "Tier 2 bet" means a bet that is placed using the Internet and that is placed after the event it concerns has
365 started.

366 "Virginia college sports" means an athletic event in which at least one participant is a team from a

367 Virginia public or private institution of higher education.

368 "Youth sports" means an athletic event (i) involving a majority of participants under age 18 or (ii) in
 369 which at least one participant is a team from a public or private elementary, middle, or secondary school,
 370 regardless of where such school is located. However, if an athletic event meets the definition of college sports
 371 or professional sports, such event shall not be considered youth sports regardless of the age of the
 372 participants. An international athletic event organized by the International Olympic Committee shall not be
 373 considered to be youth sports, regardless of the age of the participants.

374 **§ 58.1-4103. Voluntary exclusion program.**

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

376 B. The regulations shall include the following provisions:

377 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion
 378 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of
 379 this chapter or Chapter 40 (§ 58.1-4000 et seq.); (ii) participating in sports betting as such activity is regulated
 380 by the Board; (iii) engaging in any form of casino gaming authorized under the provisions of this chapter; (iv)
 381 participating in charitable gaming, as defined in § 18.2-340.16; (v) participating in fantasy contests, as
 382 defined in § ~~59.1-556~~ 58.1-4200; or (vi) wagering on horse racing, as defined in § 59.1-365. Any state
 383 agency, at the request of the Department, shall assist in administering the voluntary exclusion program
 384 pursuant to the provisions of this section.

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

387 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion
 388 program may not petition the Board for removal from the program for the duration of his exclusion period.

389 4. The name of a person participating in the program shall be included on a list of excluded persons. The
 390 list of persons entering the voluntary exclusion program and the personal information of the participants shall
 391 be confidential, with dissemination by the Department limited to lottery sales agents licensed under Chapter
 392 40 (§ 58.1-4000 et seq.), owners and operators of casino gaming establishments, and any other parties the
 393 Department deems necessary for purposes of enforcement. The list and the personal information of
 394 participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom
 395 of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon
 396 request by the participant and agreement by the Board.

397 5. Lottery sales agents and owners and operators of casino gaming establishments shall make all
 398 reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating
 399 in the program. The voluntary exclusion program shall not preclude lottery sales agents and owners and
 400 operators of casino gaming establishments from seeking the payment of a debt incurred by a person before
 401 entering the program. In addition, the owner or operator of a casino gaming establishment may share the
 402 names of individuals who self-exclude across its corporate enterprise, including sharing such information
 403 with any of its affiliates.

404 *CHAPTER 42.*
 405 *FANTASY CONTESTS.*

406 **§ 58.1-4200. Definitions.**

407 *As used in this chapter, unless the context requires otherwise:*

408 "Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).

409 "Confidential information" means information related to the play of a fantasy contest by fantasy contest
 410 players obtained as a result of or by virtue of a person's employment.

411 "Department" means the independent agency responsible for the administration of the Virginia Lottery
 412 pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40 and the regulation of sports betting pursuant to
 413 Article 2 (§ 58.1-4030 et seq.) of Chapter 40, casino gaming pursuant to Chapter 41 (§ 58.1-4100 et seq.),
 414 and fantasy contests pursuant to this chapter.

415 "Entry fee" means cash or cash equivalent that is required to be paid by a fantasy contest player to a
 416 fantasy contest operator in order to compete in a fantasy contest.

417 "Fantasy contest" includes any online fantasy or simulated game or contest with an entry fee in which (i)
 418 two or more fantasy contest players compete against each other; (ii) the value of all prizes and awards
 419 offered to winning players is established and made known to the players in advance of the contest; (iii) all
 420 winning outcomes reflect the relative knowledge and skill of the players and shall be determined by
 421 accumulated statistical results of the performance of individuals, including athletes in the case of sports
 422 events; (iv) no winning outcome is based on the score, point spread, or any performance of any single actual
 423 team or combination of teams or solely on any single performance of an individual athlete or player in any
 424 single actual event; and (v) no player competes against the fantasy contest operator.

425 "Fantasy contest operator" or "operator" means a person or entity to which the Department issues a
 426 fantasy contest permit pursuant to § 58.1-4203.

427 "Fantasy contest permit" means a permit to operate fantasy contests issued pursuant to the provisions of
 428 this chapter.

429 "Fantasy contest player" or "player" means a person who competes in a fantasy contest offered by a
 430 fantasy contest operator. "Fantasy contest player" does not include a fantasy contest operator.

431 "Fantasy contest revenue" means the amount equal to the total of all entry fees that a fantasy contest
 432 operator collects from all fantasy contest players, less the total of all sums paid out to all fantasy contest
 433 players, multiplied by the location percentage.

434 "Location percentage" means the percentage of the amount equal to the total of all entry fees, rounded to
 435 the nearest tenth of a percent, collected by a fantasy contest operator from fantasy contest players located in
 436 the Commonwealth, divided by the amount equal to the total of all entry fees collected by a fantasy contest
 437 operator from all fantasy contest players in fantasy contests.

438 "Principal stockholder" means any person who individually or in concert with his spouse and immediate
 439 family members beneficially owns or controls, directly or indirectly, 15 percent or more of the equity
 440 ownership of a fantasy contest operator or who in concert with his spouse and immediate family members has
 441 the power to vote or cause the vote of 15 percent or more of the equity ownership of any such operator.

442 **§ 58.1-4201. Powers and duties of the Board.**

443 A. The Board shall have all powers and duties necessary to carry out the provisions of this chapter. The
 444 Board may establish procedures deemed necessary to carry out the provisions of this chapter.

445 B. Whenever it appears to the Board that any person has violated any provision of this chapter, it may
 446 apply to the appropriate circuit court for an injunction against such person. The order granting or refusing
 447 such injunction shall be subject to appeal as in other cases in equity.

448 C. Whenever the Board has reasonable cause to believe that a violation of this chapter may have
 449 occurred, the Board, upon its own motion or upon complaint of any person, may investigate any fantasy
 450 contest operator to determine whether such operator has violated the provisions of this chapter. In the
 451 conduct of such investigation, the Board may:

452 1. Require or permit any person to file a statement in writing, under oath or otherwise as the Board
 453 determines, as to all facts and circumstances concerning the matter to be investigated; and

454 2. Administer oaths or affirmations and, upon its own motion or upon request of any party, subpoena
 455 witnesses and compel their attendance, take evidence, and require the production of any matter that is
 456 relevant to the investigation, including the existence, description, nature, custody, condition, and location of
 457 any books, documents, or other tangibles and the identity and location of persons having knowledge of
 458 relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

459 D. Any proceedings or hearings by the Board under this chapter, where witnesses are subpoenaed and
 460 their attendance is required for evidence to be taken or any matter is to be produced to ascertain material
 461 evidence, shall take place within the City of Richmond.

462 E. Upon failure to obey a subpoena and upon reasonable notice to all persons affected thereby, the Board
 463 may apply to the Circuit Court of the City of Richmond for an order imposing punishment for contempt of the
 464 subpoena or compelling compliance.

465 **§ 58.1-4202. Application for a fantasy contest permit; penalty.**

466 A. No fantasy contest operator shall offer any fantasy contest in the Commonwealth without first receiving
 467 a permit issued by the Department. Applications for a permit shall be on forms prescribed by the Board. Any
 468 permit issued by the Department shall be valid for three years from the date of issuance.

469 B. The application for a permit submitted by a fantasy contest operator shall contain the following
 470 information:

471 1. The name and principal address of the applicant; if a corporation, the state of its incorporation, the full
 472 name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to
 473 do business in the Commonwealth; if a partnership or joint venture, the name and address of each officer
 474 thereof;

475 2. The address of any offices of the applicant in the Commonwealth and its designated agent for process
 476 within the Commonwealth. If no such agent is designated, the applicant shall be deemed to have designated
 477 the Director of the Department. If the operator does not maintain an office, the name and address of the
 478 person having custody of its financial records;

479 3. The place where and the date when the applicant was legally established and the form of its
 480 organization;

481 4. The names and addresses of the officers, directors, trustees, and principal salaried executive staff
 482 officer;

483 5. The name and address of each principal stockholder or member of such corporation;

484 6. The applicant's experience in operating fantasy contests in any other state or country, including the
 485 operator's history and reputation of integrity, financial viability, and compliance with applicable laws and
 486 regulations;

487 7. The applicant's proposed internal controls, including controls to ensure that no prohibited or
 488 voluntarily excluded person will be able to compete in fantasy contests;

489 8. The applicant's history of working to prevent problem gambling, including instituting applicable
 490 training programs for its employees; and

491 9. Such information as the Department and the Board deems necessary to ensure compliance with the
492 provisions of this chapter.

493 C. Every permit issued pursuant to this chapter shall be accompanied by a nonrefundable, initial
494 application fee of \$50,000, which shall be deposited by the Department into the Problem Gambling
495 Treatment and Support Fund established pursuant to § 37.2-314.2.

496 D. As a condition of being issued a permit, a fantasy contest operator shall submit evidence satisfactory to
497 the Department that the operator has established and will implement procedures for fantasy contests that:

498 1. Prevent him or his employees and relatives living in the same household as the operator from
499 competing in any fantasy contest offered by such operator in which the operator offers a cash prize;

500 2. Prevent the sharing of confidential information that could affect fantasy contest play with third parties
501 until such information is made publicly available;

502 3. Verify that any fantasy contest player is 21 years of age or older;

503 4. Ensure that players who are the subject of a fantasy contest are restricted from entering a fantasy
504 contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in
505 which such players are fantasy contest players;

506 5. Allow individuals to restrict themselves from entering a fantasy contest upon request and take
507 reasonable steps to prevent those individuals from entering the operator's fantasy contests;

508 6. Disclose the number of entries a single fantasy contest player may submit to each fantasy contest and
509 take reasonable steps to prevent such players from submitting more than the allowable number; and

510 7. Segregate player funds from operational funds in separate accounts and maintain a reserve in the form
511 of cash, cash equivalents, irrevocable letter of credit, bond, or a combination thereof in an amount sufficient
512 to pay all prizes and awards offered to winning players.

513 E. If permit application forms are filed online using a website approved by the Director of the
514 Department, the operator shall follow the procedures on such website for signing the application forms.

515 F. Any operator that allows its permit to lapse, without requesting an extension of time to file, shall be
516 required to resubmit an initial permit application. An extension may be granted by the Department upon
517 receipt of a written request.

518 G. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or
519 knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any permit
520 application submitted pursuant to this chapter is guilty of a Class 1 misdemeanor.

521 **§ 58.1-4203. Issuance of permit; denial of same.**

522 A. The Department shall consider all applications for a permit and shall issue a valid permit to an
523 applicant that meets the criteria set forth in this chapter.

524 B. The Department shall deny a permit to any applicant unless it finds that:

525 1. If the corporation is a stock corporation, such stock is fully paid and nonassessable and has been
526 subscribed and paid for only in cash or property to the exclusion of past services and, if the corporation is a
527 nonstock corporation, that there are at least five members;

528 2. All principal stockholders or members have submitted to the jurisdiction of the courts of the
529 Commonwealth for the purposes of this chapter, and all nonresident principal stockholders or members have
530 designated the Director of the Department as their agent for receipt of process;

531 3. The applicant's articles of incorporation provide that the corporation may, on vote of a majority of the
532 stockholders or members, purchase at fair market value the entire membership interest of any stockholder or
533 require the resignation of any member who is or becomes unqualified for such position under subsection C;
534 and

535 4. The applicant meets the criteria established by the Department for the granting of a permit.

536 C. The Department may deny a permit to an applicant if it finds that the applicant, or any officer, partner,
537 principal stockholder, or director of the applicant:

538 1. Has knowingly made a false statement of material fact or has deliberately failed to disclose any
539 information requested;

540 2. Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection
541 with any fantasy contest in the Commonwealth or any other state or has been convicted of a felony, a crime of
542 moral turpitude, or any criminal offense involving dishonesty or breach of trust within the 10 years prior to
543 the date of application for a permit;

544 3. Has at any time knowingly failed to comply with the provisions of this chapter or of any requirements of
545 the Board;

546 4. Has had a registration or permit to hold or conduct fantasy contests denied for just cause, suspended,
547 or revoked in any other state or country;

548 5. Has legally defaulted in the payment of any obligation or debt due to the Commonwealth; or

549 6. Is not qualified to do business in the Commonwealth or is not subject to the jurisdiction of the courts of
550 the Commonwealth.

551 D. Any operator applying for a permit or renewal of a permit may operate during the application period
552 unless the Department has reasonable cause to believe that such operator is or may be in violation of the

553 provisions of this chapter and the Department requires such operator to suspend the operation of any fantasy
554 contest until a permit or renewal of a permit is issued.

555 E. The Department shall issue such permit within 60 days of receipt of the application for a permit. If a
556 permit is not issued, the Department shall provide the operator with a specific justification for not issuing
557 such permit.

558 F. At least 60 days before the expiration of a permit, an operator shall submit a renewal application, on
559 forms prescribed by the Department, accompanied by a nonrefundable fee of \$25,000. The Department shall
560 make a determination on an application for a renewal of a fantasy contest permit within 30 days of receipt.
561 Any fees collected pursuant to this subsection shall be payable to the State Treasurer. All such fees received
562 by the State Treasurer shall be remitted to the Department for the administration of this chapter.

563 **§ 58.1-4204. Independent audit required; submission to Department.**

564 An operator that has been issued a permit shall annually (i) contract with a certified public accountant to
565 conduct an independent audit, consistent with the standards accepted by the Board of Accountancy; (ii)
566 contract with a testing laboratory recognized by the Department to verify compliance with the provisions of
567 subsection D of § 58.1-4202; and (iii) submit to the Department a copy of such reports required by clauses (i)
568 and (ii).

569 **§ 58.1-4205. Suspension or revocation of a permit.**

570 A. If the Department determines that a fantasy contest operator has violated any of the provisions of this
571 chapter, the Department may, with at least 15 days' notice and a hearing, (i) suspend or revoke the operator's
572 permit or (ii) impose on such operator a monetary penalty of not more than \$1,000 per day for each violation
573 of this chapter, not to exceed \$50,000, in any case where a violation of this chapter has been shown by a
574 preponderance of the evidence. The Department may revoke a permit if it finds that facts not known by it at
575 the time it considered the permit application indicate that such permit should not have been issued.

576 B. The Department may summarily suspend any permit for a period of not more than seven days pending
577 a hearing and final determination by the Department if the Department determines that a violation of this
578 chapter has occurred and emergency action is required to protect the public health, safety, and welfare. The
579 Department shall (i) schedule a hearing within seven business days after the permit is summarily suspended
580 and (ii) notify the operator not less than five business days before the hearing of the date, time, and place of
581 the hearing.

582 C. If any such permit is suspended or revoked, the Department shall state its reasons for doing so, which
583 shall be entered of record. Such action shall be final unless appealed in accordance with § 58.1-4206.
584 Suspension or revocation of a permit issued by the Department for any violation shall not preclude civil
585 liability for such violation.

586 **§ 58.1-4206. Hearing and appeal.**

587 Any person aggrieved by a denial of the Department to issue a permit, the suspension or revocation of a
588 permit, the imposition of a fine, or any other action of the Department may seek review of such action in
589 accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act in the Circuit Court of the
590 City of Richmond. Further appeals shall also be in accordance with Article 5 (§ 2.2-4025 et seq.) of the
591 Administrative Process Act.

592 **§ 58.1-4207. Fees and charges.**

593 Except as provided in subsection C of § 58.1-4202 and § 58.1-4212, all fees, charges, and monetary
594 penalties collected by the Department as provided in this chapter shall be paid into a special fund of the state
595 treasury. Such funds shall be used to finance the administration and operation of this chapter.

596 **§ 58.1-4208. Taxation on fantasy contest revenue; allocation of tax revenue; additional fee.**

597 A. There shall be imposed a tax of 10 percent on an operator's fantasy contest revenue.

598 B. The tax imposed pursuant to this section is due monthly to the Department, and the fantasy contest
599 operator shall remit it on or before the twentieth day of the next succeeding calendar month. If the operator's
600 accounting necessitates corrections to a previously remitted tax, the operator shall document such
601 corrections when it remits the following month's taxes.

602 C. The Department shall allocate the tax revenue as follows:

603 1. Two and one-half percent to the Problem Gambling Treatment and Support Fund established pursuant
604 to § 37.2-314.2; and

605 2. Ninety-seven and one-half percent to the general fund.

606 D. There shall be imposed an additional fee of 2.6 percent on an operator's fantasy contest revenue. Such
607 fee is due monthly to the Department, and the fantasy contest operator shall remit it on or before the
608 twentieth day of the next succeeding calendar month. The revenue from the fee imposed pursuant to this
609 subsection shall be utilized by the Department to cover the costs of the administration and regulation of this
610 chapter. Any revenue remaining after the Department has covered such costs shall be remitted to the general
611 fund.

612 **§ 58.1-4209. Public inspection of information filed with the Department; charges for production.**

613 A. Except as provided in subsection B, permits issued pursuant to this chapter shall be open to the public
614 for inspection at such time and under such conditions as the Board may prescribe. A charge not exceeding \$1

615 per page may be made for any copy of such documents as may be furnished to any person by the Department.

616 B. Reports, data, or documents submitted to the Department pursuant to the audit requirements of
 617 § 58.1-4204 and records submitted to the Department as part of an application for a permit or renewal of a
 618 permit that contain information about the character or financial responsibility of the operator or its principal
 619 stockholders shall be deemed confidential and shall be exempt from disclosure under the Virginia Freedom of
 620 Information Act (§ 2.2-3700 et seq.).

621 **§ 58.1-4210. Permit not endorsement.**

622 No fantasy contest operator shall use or exploit the fact of being issued a permit pursuant to this chapter
 623 so as to lead the public to believe that such permit in any manner constitutes an endorsement or approval by
 624 the Commonwealth.

625 **§ 58.1-4211. Acquisition of interest in fantasy contest operator.**

626 A. If any person acquires actual control of a fantasy contest operator that has been issued a permit
 627 pursuant to the provisions of this chapter, such person shall submit an application for a permit with the
 628 Department in accordance with § 58.1-4202.

629 B. Where any such acquisition of control is without prior approval of the Department, the Department
 630 may suspend any permit it has issued to such operator, order compliance with this section, or take such other
 631 action as may be appropriate within the authority of the Department.

632 **§ 58.1-4212. Civil penalty.**

633 In addition to the provisions of § 58.1-4205, any person, firm, corporation, association, agent, or
 634 employee who knowingly violates any procedure implemented under subsection D of § 58.1-4202 or any
 635 other provision of this chapter shall be liable for a civil penalty of not more than \$1,000 for each such
 636 violation. Such amount shall be recovered in a civil action brought by the Department and be paid into the
 637 Literary Fund.

638 **§ 58.1-4213. Fantasy contests conducted under this chapter not illegal gambling.**

639 A. Nothing contained in Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 shall be applicable to a
 640 fantasy contest conducted in accordance with this chapter. The award of any prize money for any fantasy
 641 contest shall not be deemed to be part of any gaming contract within the purview of § 11-14.

642 B. This section shall not apply to any sports betting or related activity that is lawful under Article 2
 643 (§ 58.1-4030 et seq.) of Chapter 40, which shall be regulated pursuant to such chapter.

644 **§ 58.1-4214. Liability imposed by other laws not decreased.**

645 Except as provided in § 58.1-4213, nothing contained in this chapter shall be construed as making lawful
 646 any act or omission that is now unlawful, or as decreasing the liability, civil or criminal, of any person,
 647 imposed by existing laws.

648 **2. That by January 1, 2029, the Virginia Lottery Board (the Board) shall adopt regulations necessary to**
 649 **implement the provisions of this act. The Board's initial adoption of such regulations shall be exempt**
 650 **from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), provided that, prior to**
 651 **the final adoption of such regulations, the Board publishes in the Virginia Register of Regulations and**
 652 **posts on the Virginia Regulatory Town Hall an action that provides (i) a 30-day comment period; (ii) a**
 653 **summary of the proposed regulations, the text of the proposed regulations, and the name, address,**
 654 **email address, and telephone number of the agency contact person responsible for receiving public**
 655 **comments; and (iii) the statutory authority to promulgate the regulations.**

656 **3. That the regulations of the Department of Agriculture and Consumer Services (the Department)**
 657 **promulgated pursuant to Chapter 51 (§ 59.1-556 et seq.) of Title 59.1 of the Code of Virginia, as**
 658 **repealed by this act, shall remain in full force and effect to be administered by the Department until**
 659 **the Virginia Lottery Board promulgates regulations pursuant to this act.**

660 **4. That the Virginia Lottery shall begin accepting applications pursuant to § 58.1-4202 of the Code of**
 661 **Virginia, as created by this act, upon successful adoption of regulations in accordance with the second**
 662 **enactment of this act and Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1.**

663 **5. That any fantasy contest operator offering fantasy contests pursuant to a valid registration issued by**
 664 **the Department of Agriculture and Consumer Services to fantasy contest players in the**
 665 **Commonwealth prior to the effective date of this act may continue to offer fantasy contests in the**
 666 **Commonwealth until the fantasy contest operator's permit application submitted pursuant to**
 667 **§ 58.1-4202 of the Code of Virginia, as created by this act, has been approved or denied by the Virginia**
 668 **Lottery (the Department) pursuant to the fourth enactment of this act and § 58.1-4203 of the Code of**
 669 **Virginia, as created by this act.**

670 **6. That Chapter 51 (§§ 59.1-556 through 59.1-570) of Title 59.1 of the Code of Virginia is repealed.**