

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-3711, as it is currently effective and as it shall become effective,*  
 3 *18.2-325, 18.2-334, 19.2-389, as it is currently effective and as it shall become effective, 18.2-331.1,*  
 4 *18.2-339, 37.2-314.2, 58.1-4002, 58.1-4003, 58.1-4006, 58.1-4007, 58.1-4015.1, 58.1-4048, and*  
 5 *58.1-4103 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 11 a*  
 6 *section numbered 11-16.3, by adding sections numbered 18.2-334.7 and 19.2-386.30:1, and by adding in*  
 7 *Title 58.1 a chapter numbered 42, containing articles numbered 1 through 5, consisting of sections*  
 8 *numbered 58.1-4200 through 58.1-4226, relating to regulation of gaming commerce and development in*  
 9 *the Commonwealth; penalties.*

10 [S 661]  
 11 Approved

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

13 **1. That §§ 2.2-3711, as it is currently effective and as it shall become effective, 18.2-325, 18.2-334,**  
 14 **19.2-389, as it is currently effective and as it shall become effective, 18.2-331.1, 18.2-339, 37.2-314.2,**  
 15 **58.1-4002, 58.1-4003, 58.1-4006, 58.1-4007, 58.1-4015.1, 58.1-4048, and 58.1-4103 of the Code of**  
 16 **Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3**  
 17 **of Title 11 a section numbered 11-16.3, by adding sections numbered 18.2-334.7 and 19.2-386.30:1, and**  
 18 **by adding in Title 58.1 a chapter numbered 42, containing articles numbered 1 through 5, consisting of**  
 19 **sections numbered 58.1-4200 through 58.1-4226, as follows:**

20 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

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

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

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

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

56 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters

57 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to  
 58 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is  
 59 consulted on a matter.

60 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
 61 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
 62 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
 63 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
 64 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
 65 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
 66 means any government other than the United States government or the government of a state or a political  
 67 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
 68 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
 69 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
 70 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
 71 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
 72 or protectorate thereof.

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

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

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

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

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

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

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

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

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

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

111 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
 112 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
 113 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
 114 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
 115 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
 116 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
 117 other ownership interest in an entity, where such security or ownership interest is not traded on a  
 118 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential

119 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
 120 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
 121 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
 122 confidentiality, of the future value of such ownership interest or the future financial performance of the  
 123 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
 124 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
 125 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
 126 disclosure of information relating to the identity of any investment held, the amount invested or the present  
 127 value of such investment.

128 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
 129 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
 130 child death cases are discussed by a regional or local child fatality review team established pursuant to  
 131 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
 132 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
 133 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
 134 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
 135 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
 136 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
 137 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
 138 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
 139 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
 140 Committee established pursuant to § 37.2-314.1.

141 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
 142 University, as the case may be, and those portions of meetings of any persons to whom management  
 143 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
 144 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
 145 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
 146 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
 147 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
 148 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
 149 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
 150 health care, if disclosure of such information would adversely affect the competitive position of the  
 151 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
 152 University, as the case may be.

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

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

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

169 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
 170 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
 171 § 56-484.12, related to the provision of wireless E-911 service.

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

178 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
 179 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
 180 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible

181 public entity concerning such records.

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

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

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

190 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
191 held by a local public body providing certain telecommunication services or cable television services and  
192 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
193 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

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

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

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

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

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

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

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

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

218 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
219 executive order for the purpose of studying and making recommendations regarding preventing closure or  
220 realignment of federal military and national security installations and facilities located in Virginia and  
221 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
222 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
223 8 of § 2.2-3705.2.

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

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

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

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

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

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

246 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
 247 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
 248 Board.

249 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
 250 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
 251 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
 252 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
 253 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
 254 pursuant to § 15.2-1627.6.

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

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

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

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

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

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

276 56. *Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007*  
 277 *regarding the denial of, revocation of, suspension of, or refusal to renew any license related to electronic*  
 278 *skill gaming devices and any discussion, consideration, or review of matters related to investigations*  
 279 *excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.*

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

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

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

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

297 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

299 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
 300 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
 301 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
 302 schools of public institutions of higher education where such evaluation will necessarily involve discussion of  
 303 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting  
 304 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some

305 student and the student involved in the matter is present, provided that the teacher makes a written request to  
306 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be  
307 construed to authorize a closed meeting by a local governing body or an elected school board to discuss  
308 compensation matters that affect the membership of such body or board collectively.

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

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

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

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

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

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

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

337 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
338 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
339 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
340 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
341 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
342 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
343 means any government other than the United States government or the government of a state or a political  
344 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
345 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
346 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
347 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
348 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
349 or protectorate thereof.

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

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

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

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

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

366 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic

367 activity and estimating general and nongeneral fund revenues.

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

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

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

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

388 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
389 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
390 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
391 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
392 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
393 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
394 other ownership interest in an entity, where such security or ownership interest is not traded on a  
395 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
396 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
397 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
398 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
399 confidentiality, of the future value of such ownership interest or the future financial performance of the  
400 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
401 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
402 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
403 disclosure of information relating to the identity of any investment held, the amount invested or the present  
404 value of such investment.

405 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
406 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
407 child death cases are discussed by a regional or local child fatality review team established pursuant to  
408 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
409 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
410 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
411 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
412 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
413 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
414 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
415 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
416 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
417 Committee established pursuant to § 37.2-314.1.

418 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
419 University, as the case may be, and those portions of meetings of any persons to whom management  
420 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
421 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
422 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
423 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
424 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
425 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
426 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
427 health care, if disclosure of such information would adversely affect the competitive position of the  
428 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion

429 University, as the case may be.

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

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

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

446 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
447 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
448 § 56-484.12, related to the provision of wireless E-911 service.

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

455 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
456 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
457 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
458 public entity concerning such records.

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

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

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

467 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
468 held by a local public body providing certain telecommunication services or cable television services and  
469 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
470 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

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

474 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
475 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections  
476 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.

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

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

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

487 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
488 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
489 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
490 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee

- 491 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.  
 492 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
 493 related to economic development.  
 494 40. Discussion or consideration by the Board of Education of information relating to the denial,  
 495 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.  
 496 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
 497 executive order for the purpose of studying and making recommendations regarding preventing closure or  
 498 realignment of federal military and national security installations and facilities located in Virginia and  
 499 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
 500 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
 501 8 of § 2.2-3705.2.  
 502 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
 503 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
 504 information of donors.  
 505 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
 506 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained  
 507 in grant applications.  
 508 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
 509 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for  
 510 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
 511 information of a private entity provided to the Authority.  
 512 45. Discussion or consideration of personal and proprietary information related to the resource  
 513 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection  
 514 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain  
 515 information that has been certified for release by the person who is the subject of the information or  
 516 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
 517 or is the subject of, the information.  
 518 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
 519 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of  
 520 applicants for licenses and permits and of licensees and permittees.  
 521 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
 522 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)  
 523 of Chapter 22.  
 524 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
 525 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
 526 Board.  
 527 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
 528 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
 529 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
 530 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
 531 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
 532 pursuant to § 15.2-1627.6.  
 533 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
 534 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions  
 535 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33  
 536 of § 2.2-3705.7.  
 537 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development  
 538 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information  
 539 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the  
 540 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.  
 541 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the  
 542 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of  
 543 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.  
 544 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or  
 545 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of  
 546 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to  
 547 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.  
 548 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding  
 549 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting  
 550 and any discussion, consideration, or review of matters related to investigations excluded from mandatory  
 551 disclosure under subdivision 1 of § 2.2-3705.3.  
 552 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of

553 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

554 *56. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007*  
 555 *regarding the denial of, revocation of, suspension of, or refusal to renew any license related to electronic*  
 556 *skill gaming devices and any discussion, consideration, or review of matters related to investigations*  
 557 *excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.*

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

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

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

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

575 **§ 11-16.3. Exemption; play of authorized electronic skill gaming devices.**

576 *This chapter shall not apply to the play of electronic skill gaming devices or related activity that is lawful*  
 577 *under Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1 or to any contract, conduct, or transaction arising from*  
 578 *conduct lawful thereunder.*

579 **§ 18.2-325. Definitions.**

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

581 "Gambling device" includes:

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

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

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

596 "Gambling device" does not include an electronic skill gaming device authorized pursuant to the  
 597 provisions of Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1.

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

603 For the purposes of this ~~subdivision~~ definition and notwithstanding any provision in this section to the  
 604 contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of  
 605 value shall include the purchase of a product, ~~Internet~~ internet access, or other thing made in exchange for a  
 606 chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling  
 607 device as described in subdivision ~~3 b~~, 2 of the definition of "gambling device," regardless of whether the  
 608 chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a  
 609 purchase.

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

611 ~~2.~~ "Illegal gambling" does not include the playing or offering for play of any electronic skill gaming  
 612 device authorized pursuant to the provisions of Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1.

613 "Interstate gambling" means the conduct of an enterprise for profit that engages in the purchase or sale  
 614 within the Commonwealth of any interest in a lottery of another state or country whether or not such interest

615 is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such  
616 interest.

617 3. "Gambling device" includes:

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

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

630 e. Skill games:

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

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

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

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

647 7. "Unregulated location" means any location that is not regulated or operated by the Virginia Lottery or  
648 the Virginia Lottery Board, the Department of Agriculture and Consumer Services, the Virginia Alcoholic  
649 Beverage Control Authority, or the Virginia Racing Commission.

650 **§ 18.2-331.1. Operation of gambling devices at unregulated locations; civil penalty.**

651 A. In addition to any other penalty provided by law, any person who conducts, finances, manages,  
652 supervises, directs, sells, or owns a gambling device that is located in an unregulated location is subject to a  
653 civil penalty of up to ~~\$25,000~~ \$50,000 for each gambling device located in such unregulated location.

654 B. The Attorney General, an attorney for the Commonwealth, or the attorney for any locality may ~~cause~~  
655 ~~bring~~ an action ~~in equity to be brought~~ in the name of the Commonwealth or of the locality, as applicable, to  
656 (i) immediately enjoin the operation of a gambling device in violation of this section ~~and to~~, (ii) request an  
657 attachment against all such devices and any moneys within such devices pursuant to Chapter 20 (§ 8.01-533  
658 et seq.) of Title 8.01, and ~~to~~ (iii) recover the civil penalty of up to ~~\$25,000~~ \$50,000 per device.

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

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

665 **§ 18.2-334. Exception to article; private residences.**

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

669 **§ 18.2-334.7. Exemptions to article; electronic skill gaming devices.**

670 *Nothing in this article shall be construed to make it illegal to play any electronic skill gaming device or*  
671 *conduct any related activity that is lawful under Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1.*

672 **§ 18.2-339. Civil penalty for violation of article; enjoining offenses relating to gambling.**

673 A. *In addition to any other penalty provided by law, any person who commits or attempts to commit any*  
674 *violation of this article is subject to a civil penalty of up to \$50,000 for each violation of law.*

675 B. Whenever any person ~~shall be~~ is engaged in committing, ~~or~~ in permitting to be committed, or ~~shall be~~ is  
676 about to commit, or permit, any act prohibited by any one or more of the sections in this article, the *Attorney*

677 *General, an attorney for the Commonwealth of the county or city, or the attorney for any locality, as*  
 678 *applicable, in which such act is being, or is about to be, committed or permitted; or the Attorney General of*  
 679 *the Commonwealth, may institute and maintain a suit in equity in the appropriate court, in the name of the*  
 680 *Commonwealth, upon the relation of such attorney for the Commonwealth, or the Attorney General, bring an*  
 681 *action to (i) immediately enjoin and restrain such person from committing; or permitting; such prohibited act*  
 682 *or acts, (ii) request an attachment against all such gambling devices or other property, and any moneys*  
 683 *within such devices or in connection with such violation of law, pursuant to Chapter 20 (§ 8.01-533 et seq.)*  
 684 *of Title 8.01, and (iii) recover the civil penalty of up to \$50,000 per such violation of law. The procedure in*  
 685 *any such suit shall be similar to the procedure in other suits for injunctions, except that no bond shall be*  
 686 *required upon the granting of either a temporary or permanent injunction therein.*

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

690 *D. Any civil penalties assessed under this section in an action brought in the name of the Commonwealth*  
 691 *shall be paid into the Literary Fund.*

692 *E. Any civil penalties assessed under this section in an action brought in the name of a locality shall be*  
 693 *paid into the general fund of the locality.*

694 **§ 19.2-386.30:1. Forfeiture of property used in connection with illegal electronic skill gaming device.**

695 *A. As used in this section, "electronic skill gaming device" has the same meaning as provided in*  
 696 *§ 58.1-4200.*

697 *B. The following property shall be subject to lawful seizure and forfeiture to the Commonwealth when*  
 698 *used in connection with, derived from, or constituting proceeds of a violation involving an unlicensed or*  
 699 *illegal electronic skill gaming device in violation of the provisions of Chapter 42 (§ 58.1-4200 et seq.) of Title*  
 700 *58.1:*

701 *1. Any electronic skill gaming device operated, placed, distributed, hosted, or made available for play in*  
 702 *violation of the provisions of Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1;*

703 *2. All money, stakes, or things of value received or proposed to be received in connection with the*  
 704 *operation or play of such unlicensed or illegal electronic skill gaming devices;*

705 *3. Any personal property, including equipment or devices, used in substantial connection with such*  
 706 *violation; and*

707 *4. All moneys or other property, real or personal, traceable to such violation, together with any interest*  
 708 *or profits derived therefrom.*

709 *C. All seizures and forfeitures under this section shall be governed by the procedures contained in*  
 710 *Chapter 22.1 (§ 19.2-386.1 et seq.).*

711 **§ 19.2-389. (Effective until July 1, 2026) Dissemination of criminal history record information.**

712 *A. Criminal history record information shall be disseminated, whether directly or through an intermediary,*  
 713 *only to:*

714 *1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of*  
 715 *the administration of criminal justice and the screening of an employment application or review of*  
 716 *employment by a criminal justice agency with respect to its own employees or applicants, and dissemination*  
 717 *to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible*  
 718 *inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of*  
 719 *§ 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this*  
 720 *subdivision, criminal history record information includes information sent to the Central Criminal Records*  
 721 *Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee*  
 722 *of the State Police, a police department or sheriff's office that is a part of or administered by the*  
 723 *Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection*  
 724 *of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of*  
 725 *the administration of criminal justice;*

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

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

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

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

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

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

749 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
750 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position  
751 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation  
752 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
753 record would be compatible with the nature of the employment under consideration;

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

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

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

767 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
768 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
769 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer  
770 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
771 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
772 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in  
773 § 15.2-1713.1;

774 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
775 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
776 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
777 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
778 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
779 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
780 Services' representative or a federal or state authority or court as may be required to comply with an express  
781 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
782 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the  
783 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
784 § 22.1-289.035 or § 22.1-289.039;

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

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

792 15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
793 (§ 58.1-4000 et seq.) and, casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1,  
794 *electronic skill gaming devices as set forth in Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1*, and the  
795 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article  
796 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

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

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

804 18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in  
805 § 4.1-103.1;

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

809 20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
810 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
811 pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3,  
812 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
813 evaluation, treatment, or discharge planning;

814 21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
815 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
816 § 18.2-51.4, 18.2-266, or 18.2-266.1;

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

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

823 24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
824 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
825 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
826 Department of State Police;

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

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

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

841 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
842 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
843 permission to enter into a shared living arrangement with a person receiving medical assistance services  
844 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
845 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
846 37.2-506.1, and 37.2-607;

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

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

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

861 32. The ~~Chairman~~ Chair of the Senate Committee for Courts of Justice or the ~~Chairman~~ Chair of the  
862 House Committee for Courts of Justice for the purpose of determining if any person being considered for

- 863 election to any judgeship has been convicted of a crime;
- 864 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of
- 865 determining an individual's fitness for employment in positions designated as sensitive under Department of
- 866 Human Resource Management policies developed pursuant to § 2.2-1201.1;
- 867 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
- 868 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent
- 869 Predators Act (§ 37.2-900 et seq.);
- 870 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,
- 871 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for
- 872 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased
- 873 laborers, and other visitors;
- 874 36. Any employer of individuals whose employment requires that they enter the homes of others, for the
- 875 purpose of screening individuals who apply for, are offered, or have accepted such employment;
- 876 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers
- 877 of adult foster care and home-based services or (ii) any individual with whom the agency is considering
- 878 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the
- 879 restriction that the data shall not be further disseminated by the agency to any party other than a federal or
- 880 state authority or court as may be required to comply with an express requirement of law for such further
- 881 dissemination, subject to limitations set out in subsection G;
- 882 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening
- 883 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or
- 884 have accepted a position related to the provision of transportation services to enrollees in the Medicaid
- 885 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program
- 886 administered by the Department of Medical Assistance Services;
- 887 39. The State Corporation Commission for the purpose of investigating individuals who are current or
- 888 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter
- 889 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.
- 890 Notwithstanding any other provision of law, if an application is denied based in whole or in part on
- 891 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title
- 892 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant
- 893 or its designee;
- 894 40. The Department of Professional and Occupational Regulation for the purpose of investigating
- 895 individuals for initial licensure pursuant to § 54.1-2106.1;
- 896 41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision
- 897 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the
- 898 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et
- 899 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;
- 900 42. Bail bondsmen, in accordance with the provisions of § 19.2-120;
- 901 43. The State Treasurer for the purpose of determining whether a person receiving compensation for
- 902 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;
- 903 44. The Department of Education or its agents or designees for the purpose of screening individuals
- 904 seeking to enter into a contract with the Department of Education or its agents or designees for the provision
- 905 of child care services for which child care subsidy payments may be provided;
- 906 45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a
- 907 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or
- 908 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;
- 909 46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure
- 910 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;
- 911 47. Administrators and board presidents of and applicants for licensure or registration as a child day
- 912 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the
- 913 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of
- 914 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034
- 915 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility
- 916 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or
- 917 a federal or state authority or court as may be required to comply with an express requirement of law for such
- 918 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent
- 919 of Public Instruction's representative from issuing written certifications regarding the results of prior
- 920 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;
- 921 48. The National Center for Missing and Exploited Children for the purpose of screening individuals who
- 922 are offered or accept employment or will be providing volunteer or contractual services with the National
- 923 Center for Missing and Exploited Children;
- 924 49. The Executive Director or investigators of the Board of Accountancy for the purpose of the

925 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

926 50. Other entities as otherwise provided by law.

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

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

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

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

944 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
945 prior to dissemination of any criminal history record information on offenses required to be reported to the  
946 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
947 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
948 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
949 justice agency to whom a request has been made for the dissemination of criminal history record information  
950 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
951 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
952 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
953 record as required by § 15.2-1722.

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

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

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

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

972 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
973 history record information, including criminal history record information maintained in the National Crime  
974 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
975 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
976 history record information provided under this subsection shall be disseminated further.

977 **§ 19.2-389. (Effective July 1, 2026) Dissemination of criminal history record information.**

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

980 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of  
981 the administration of criminal justice and the screening of an employment application or review of  
982 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination  
983 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible  
984 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of  
985 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this  
986 subdivision, criminal history record information includes information sent to the Central Criminal Records

987 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee  
 988 of the State Police, a police department or sheriff's office that is a part of or administered by the  
 989 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection  
 990 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of  
 991 the administration of criminal justice;

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

998 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
 999 services required for the administration of criminal justice pursuant to that agreement which shall specifically  
 1000 authorize access to data, limit the use of data to purposes for which given, and ensure the security and  
 1001 confidentiality of the data;

1002 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant  
 1003 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of  
 1004 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

1005 5. Agencies of state or federal government that are authorized by state or federal statute or executive order  
 1006 of the President of the United States or Governor to conduct investigations determining employment  
 1007 suitability or eligibility for security clearances allowing access to classified information;

1008 6. Individuals and agencies where authorized by court order or court rule;

1009 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,  
 1010 operated or controlled by any political subdivision, and any public service corporation that operates a public  
 1011 transit system owned by a local government for the conduct of investigations of applicants for employment,  
 1012 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a  
 1013 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible  
 1014 with the nature of the employment, permit, or license under consideration;

1015 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
 1016 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position  
 1017 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation  
 1018 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
 1019 record would be compatible with the nature of the employment under consideration;

1020 8. Public or private agencies when authorized or required by federal or state law or interstate compact to  
 1021 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of  
 1022 that individual's household, with whom the agency is considering placing a child or from whom the agency is  
 1023 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis  
 1024 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further  
 1025 disseminated to any party other than a federal or state authority or court as may be required to comply with an  
 1026 express requirement of law;

1027 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for  
 1028 the conduct of investigations of applicants for employment when such employment involves personal contact  
 1029 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the  
 1030 employment under consideration;

1031 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,  
 1032 including, but not limited to, issuing visas and passports;

1033 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
 1034 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
 1035 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer  
 1036 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
 1037 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
 1038 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in  
 1039 § 15.2-1713.1;

1040 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
 1041 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
 1042 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
 1043 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
 1044 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
 1045 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
 1046 Services' representative or a federal or state authority or court as may be required to comply with an express  
 1047 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
 1048 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the

1049 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
 1050 § 22.1-289.035 or § 22.1-289.039;

1051 13. Administrators and board presidents of and applicants for licensure as a prescribed pediatric extended  
 1052 care center for dissemination to the State Health Commissioner's representative pursuant to  
 1053 §§ 32.1-162.15:1.5 and 32.1-162.15:1.10 for the conduct of investigations with respect to employees of and  
 1054 volunteers at such centers, pursuant to § 32.1-162.15:1.17, subject to the restriction that the data shall not be  
 1055 further disseminated by the center to any party other than the data subject, the State Health Commissioner's  
 1056 representative, or a federal or state authority or court as may be required to comply with an express  
 1057 requirement of law;

1058 14. The Department of Social Services for the purpose of screening individuals as a condition of licensure,  
 1059 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency  
 1060 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency  
 1061 pursuant to § 63.2-901.1;

1062 15. The school boards of the Commonwealth for the purpose of screening individuals who are offered or  
 1063 who accept public school employment and those current school board employees for whom a report of arrest  
 1064 has been made pursuant to § 19.2-83.1;

1065 16. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
 1066 (§ 58.1-4000 et seq.) ~~and~~, casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1,  
 1067 *electronic skill gaming devices as set forth in Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1*, and the  
 1068 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article  
 1069 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

1070 17. Licensed prescribed pediatric extended care centers for the conduct of investigations of applicants for  
 1071 compensated employment and volunteers in licensed prescribed pediatric extended care centers pursuant to  
 1072 § 32.1-162.15:1.17;

1073 18. Licensed nursing homes, hospitals, and home care organizations for the conduct of investigations of  
 1074 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital  
 1075 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the  
 1076 limitations set out in subsection E;

1077 19. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of  
 1078 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers  
 1079 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

1080 20. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in  
 1081 § 4.1-103.1;

1082 21. The State Board of Elections and authorized officers and employees thereof and general registrars  
 1083 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter  
 1084 registration, limited to any record of felony convictions;

1085 22. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
 1086 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
 1087 pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3,  
 1088 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
 1089 evaluation, treatment, or discharge planning;

1090 23. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
 1091 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
 1092 § 18.2-51.4, 18.2-266, or 18.2-266.1;

1093 24. Residential facilities for juveniles regulated or operated by the Department of Social Services, the  
 1094 Department of Education, or the Department of Behavioral Health and Developmental Services for the  
 1095 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

1096 25. The Department of Behavioral Health and Developmental Services and facilities operated by the  
 1097 Department for the purpose of determining an individual's fitness for employment pursuant to departmental  
 1098 instructions;

1099 26. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
 1100 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
 1101 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
 1102 Department of State Police;

1103 27. Public institutions of higher education and nonprofit private institutions of higher education for the  
 1104 purpose of screening individuals who are offered or accept employment;

1105 28. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a  
 1106 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher  
 1107 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat  
 1108 to safety; however, no member of a threat assessment team shall redisclose any criminal history record  
 1109 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose  
 1110 that such disclosure was made to the threat assessment team;

1111 29. Executive directors of community services boards or the personnel director serving the community  
 1112 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored  
 1113 residential service provider, permission to enter into a shared living arrangement with a person receiving  
 1114 medical assistance services pursuant to a waiver, or permission for any person under contract with the  
 1115 community services board to serve in a direct care position on behalf of the community services board  
 1116 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

1117 30. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
 1118 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
 1119 permission to enter into a shared living arrangement with a person receiving medical assistance services  
 1120 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
 1121 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
 1122 37.2-506.1, and 37.2-607;

1123 31. The Commissioner of Social Services for the purpose of locating persons who owe child support or  
 1124 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,  
 1125 address, demographics and social security number of the data subject shall be released;

1126 32. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of  
 1127 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose  
 1128 of determining if any applicant who accepts employment in any direct care position or requests approval as a  
 1129 sponsored residential service provider, permission to enter into a shared living arrangement with a person  
 1130 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with  
 1131 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have  
 1132 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or  
 1133 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

1134 33. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for  
 1135 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et  
 1136 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

1137 34. The ~~Chairman~~ *Chair* of the Senate Committee for Courts of Justice or the ~~Chairman~~ *Chair* of the  
 1138 House Committee for Courts of Justice for the purpose of determining if any person being considered for  
 1139 election to any judgeship has been convicted of a crime;

1140 35. Heads of state agencies in which positions have been identified as sensitive for the purpose of  
 1141 determining an individual's fitness for employment in positions designated as sensitive under Department of  
 1142 Human Resource Management policies developed pursuant to § 2.2-1201.1;

1143 36. The Office of the Attorney General, for all criminal justice activities otherwise permitted under  
 1144 subdivision 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent  
 1145 Predators Act (§ 37.2-900 et seq.);

1146 37. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,  
 1147 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for  
 1148 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased  
 1149 laborers, and other visitors;

1150 38. Any employer of individuals whose employment requires that they enter the homes of others, for the  
 1151 purpose of screening individuals who apply for, are offered, or have accepted such employment;

1152 39. Public agencies when and as required by federal or state law to investigate (i) applicants as providers  
 1153 of adult foster care and home-based services or (ii) any individual with whom the agency is considering  
 1154 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the  
 1155 restriction that the data shall not be further disseminated by the agency to any party other than a federal or  
 1156 state authority or court as may be required to comply with an express requirement of law for such further  
 1157 dissemination, subject to limitations set out in subsection G;

1158 40. The Department of Medical Assistance Services, or its designee, for the purpose of screening  
 1159 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or  
 1160 have accepted a position related to the provision of transportation services to enrollees in the Medicaid  
 1161 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program  
 1162 administered by the Department of Medical Assistance Services;

1163 41. The State Corporation Commission for the purpose of investigating individuals who are current or  
 1164 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter  
 1165 16 (§ 6.2-1600 et seq.), Chapter 19.1 (§ 6.2-1922 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.  
 1166 Notwithstanding any other provision of law, if an application is denied based in whole or in part on  
 1167 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title  
 1168 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant  
 1169 or its designee;

1170 42. The Department of Professional and Occupational Regulation for the purpose of investigating  
 1171 individuals for initial licensure pursuant to § 54.1-2106.1;

1172 43. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision

1173 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the  
 1174 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et  
 1175 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

1176 44. Bail bondsmen, in accordance with the provisions of § 19.2-120;

1177 45. The State Treasurer for the purpose of determining whether a person receiving compensation for  
 1178 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

1179 46. The Department of Education or its agents or designees for the purpose of screening individuals  
 1180 seeking to enter into a contract with the Department of Education or its agents or designees for the provision  
 1181 of child care services for which child care subsidy payments may be provided;

1182 47. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a  
 1183 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or  
 1184 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

1185 48. The State Corporation Commission, for the purpose of screening applicants for insurance licensure  
 1186 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

1187 49. Administrators and board presidents of and applicants for licensure or registration as a child day  
 1188 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the  
 1189 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of  
 1190 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034  
 1191 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility  
 1192 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or  
 1193 a federal or state authority or court as may be required to comply with an express requirement of law for such  
 1194 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent  
 1195 of Public Instruction's representative from issuing written certifications regarding the results of prior  
 1196 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

1197 50. The National Center for Missing and Exploited Children for the purpose of screening individuals who  
 1198 are offered or accept employment or will be providing volunteer or contractual services with the National  
 1199 Center for Missing and Exploited Children;

1200 51. The Executive Director or investigators of the Board of Accountancy for the purpose of the  
 1201 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

1202 52. Other entities as otherwise provided by law.

1203 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested  
 1204 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange  
 1205 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on  
 1206 whom a report has been made under the provisions of this chapter.

1207 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
 1208 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
 1209 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy  
 1210 of conviction data covering the person named in the request to the person making the request; however, such  
 1211 person on whom the data is being obtained shall consent in writing, under oath, to the making of such  
 1212 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as  
 1213 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making  
 1214 the request shall be furnished at his cost a certification to that effect.

1215 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
 1216 section shall be limited to the purposes for which it was given and may not be disseminated further, except as  
 1217 otherwise provided in subdivision A 49.

1218 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history  
 1219 record information for employment or licensing inquiries except as provided by law.

1220 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
 1221 prior to dissemination of any criminal history record information on offenses required to be reported to the  
 1222 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
 1223 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
 1224 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
 1225 justice agency to whom a request has been made for the dissemination of criminal history record information  
 1226 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
 1227 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
 1228 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
 1229 record as required by § 15.2-1722.

1230 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
 1231 organizations pursuant to subdivision A 18 shall be limited to the convictions on file with the Exchange for  
 1232 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

1233 F. Criminal history information provided to licensed assisted living facilities and licensed adult day  
 1234 centers pursuant to subdivision A 19 shall be limited to the convictions on file with the Exchange for any

1235 offense specified in § 63.2-1720.

1236 G. Criminal history information provided to public agencies pursuant to subdivision A 39 shall be limited  
1237 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier  
1238 crime in § 19.2-392.02.

1239 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal  
1240 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the  
1241 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the  
1242 request to the employer or prospective employer making the request, provided that the person on whom the  
1243 data is being obtained has consented in writing to the making of such request and has presented a photo-  
1244 identification to the employer or prospective employer. In the event no conviction data is maintained on the  
1245 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a  
1246 certification to that effect. The criminal history record search shall be conducted on forms provided by the  
1247 Exchange.

1248 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
1249 history record information, including criminal history record information maintained in the National Crime  
1250 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
1251 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
1252 history record information provided under this subsection shall be disseminated further.

1253 **§ 37.2-314.2. Problem Gambling Treatment and Support Fund.**

1254 A. As used in this section:

1255 "Compulsive gambling" means persistent and recurrent problem gambling behavior leading to clinically  
1256 significant impairment or distress, as indicated by an individual exhibiting four or more of the criteria as  
1257 defined by the Diagnostic Statistical Manual of Mental Disorders in a 12-month period and where the  
1258 behavior is not better explained by a manic episode.

1259 "Problem gambling" means a gambling behavior that causes disruptions in any major area of life,  
1260 including the psychological, social, or vocational areas of life, but does not fulfill the criteria for diagnosis as  
1261 a gambling disorder.

1262 B. There is hereby created in the state treasury a special nonreverting fund to be known as the Problem  
1263 Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be  
1264 established on the books of the Comptroller. All revenue accruing to the Fund pursuant to subsection A of  
1265 § 58.1-4038, *moneys required to be deposited into the Fund pursuant to subsection B of § 58.1-4218*, and  
1266 moneys required to be deposited into the Fund pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 shall  
1267 be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in  
1268 the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of  
1269 each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be  
1270 used solely for the purposes of (i) providing counseling and other support services for compulsive and  
1271 problem gamblers, (ii) developing and implementing compulsive and problem gambling treatment and  
1272 prevention programs, and (iii) providing grants to support organizations that provide assistance to compulsive  
1273 and problem gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer  
1274 on warrants issued by the Comptroller upon written request signed by the Commissioner.

1275 **§ 58.1-4002. Definitions.**

1276 As used in this chapter, unless the context requires a different meaning:

1277 "Board" means the Virginia Lottery Board established by this chapter.

1278 "Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, dice, slot machines,  
1279 roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull  
1280 tabs and any other activity that is authorized by the Board as a wagering game or device under Chapter 41  
1281 (§ 58.1-4100 et seq.). "Casino gaming" or "game" includes on-premises mobile casino gaming.

1282 "Department" means the independent agency responsible for the administration of the Virginia Lottery  
1283 pursuant to this article ~~and~~, *the regulation of sports betting pursuant to Article 2 (§ 58.1-4030 et seq.), casino*  
1284 *gaming pursuant to Chapter 41 (§ 58.1-4100 et seq.), and electronic skill gaming devices pursuant to*  
1285 *Chapter 42 (§ 58.1-4200 et seq.).*

1286 "Director" means the Director of the Virginia Lottery.

1287 "Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this ~~chapter~~  
1288 *article.*

1289 "On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a  
1290 casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-  
1291 switched data networks through which the casino gaming operator may offer casino gaming to individuals  
1292 who have established an on-premises mobile casino gaming account with the casino gaming operator and  
1293 who are physically present on the premises of the casino gaming establishment, as authorized by regulations  
1294 promulgated by the Board.

1295 "Sports betting" means placing wagers on sporting events as such activity is regulated by the Board.

1296 "Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets

1297 on behalf of individuals located within or outside of the Commonwealth and delivering or transmitting such  
 1298 tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

1299 "Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4015.1 that  
 1300 allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision  
 1301 B 1 of § 58.1-4015.1 by placing their name on a voluntary exclusion list and following the procedures set  
 1302 forth by the Board.

1303 **§ 58.1-4003. Virginia Lottery established.**

1304 Notwithstanding the provisions of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 or any other  
 1305 provision of law, there is hereby established as an independent agency of the Commonwealth, exclusive of  
 1306 the legislative, executive, or judicial branches of government, the Virginia Lottery, which shall include a  
 1307 Director and a *the* Virginia Lottery Board for the ~~purpose~~ *purposes* of operating a state lottery *and regulating*  
 1308 *sports betting pursuant to Article 2 (§ 58.1-4030 et seq.), casino gaming pursuant to Chapter 41 (§ 58.1-4100*  
 1309 *et seq.), and electronic skill gaming devices pursuant to Chapter 42 (§ 58.1-4200 et seq.).*

1310 **§ 58.1-4006. Powers of the Director.**

1311 A. The Director shall supervise and administer:

1312 1. The operation of the lottery in accordance with the provisions of this chapter and with the rules and  
 1313 regulations promulgated ~~hereunder pursuant to this chapter;~~ ~~and~~

1314 2. *The regulation of sports betting in accordance with Article 2 (§ 58.1-4030 et seq.) and with the rules*  
 1315 *and regulations promulgated pursuant to this chapter;*

1316 3. The regulation of casino gaming in accordance with Chapter 41 (§ 58.1-4100 et seq.) *and with the rules*  
 1317 *and regulations promulgated pursuant to that chapter; and*

1318 4. *The regulation of electronic skill gaming devices in accordance with Chapter 42 (§ 58.1-4200 et seq.)*  
 1319 *and with the rules and regulations promulgated pursuant to that chapter.*

1320 B. The Director shall also:

1321 1. Employ such deputy directors, professional, technical, and clerical assistants, and other employees as  
 1322 may be required to carry out the functions and duties of the Department.

1323 2. Act as secretary and executive officer of the Board.

1324 3. Require bond or other surety satisfactory to the Director from licensed agents as provided in subsection  
 1325 E of § 58.1-4009 and Department employees with access to Department funds or lottery funds, in such  
 1326 amount as provided in the rules and regulations of the Board. The Director may also require bond from other  
 1327 employees as he deems necessary.

1328 4. Confer regularly, but not less than four times each year, with the Board on the operation and  
 1329 administration of the lottery, and the regulation of *sports betting, casino gaming, and electronic skill gaming*  
 1330 *devices*; make available for inspection by the Board, upon request, all books, records, files, and other  
 1331 information and documents of the Department; and advise the Board and recommend such matters as he  
 1332 deems necessary and advisable to improve the operation and administration of the lottery and the regulation  
 1333 of *sports betting, casino gaming, and electronic skill gaming devices.*

1334 5. Suspend, revoke, or refuse to renew any license issued pursuant to this chapter or the rules and  
 1335 regulations adopted ~~hereunder pursuant to this chapter.~~

1336 6. Suspend, revoke, or refuse to renew any license or permit issued pursuant to Chapter 41 (§ 58.1-4100 et  
 1337 seq.).

1338 7. Eject or exclude from a casino gaming establishment any person, whether or not he possesses a license  
 1339 or permit, whose conduct or reputation is such that his presence may, in the opinion of the Director, reflect  
 1340 negatively on the honesty and integrity of casino gaming or interfere with the orderly gaming operations.

1341 8. Immediately upon the receipt of a credible complaint of an alleged criminal violation of Chapter 41  
 1342 (§ 58.1-4100 et seq.), report the complaint to the Attorney General and the State Police for appropriate action.

1343 9. Inspect and investigate, and have free access to, the offices, facilities, or other places of business of any  
 1344 licensee or permit holder and may compel the production of any of the books, documents, records, or  
 1345 memoranda of any licensee or permit holder for the purpose of ensuring compliance with Chapter 41  
 1346 (§ 58.1-4100 et seq.) and Department regulations.

1347 10. Compel any person holding a license or permit pursuant to Chapter 41 (§ 58.1-4100 et seq.) to file  
 1348 with the Department such information as shall appear to the Director to be necessary for the performance of  
 1349 the Department's functions, including financial statements and information relative to principals and all others  
 1350 with any pecuniary interest in such person.

1351 11. Impose a fine or penalty not to exceed \$1 million upon any person determined, in proceedings  
 1352 commenced pursuant to § 58.1-4105, to have violated any of the provisions of Chapter 41 (§ 58.1-4100 et  
 1353 seq.) or regulations promulgated by the Board.

1354 12. Enter into arrangements with any foreign or domestic governmental agency for the purposes of  
 1355 exchanging information or performing any other act to better ensure the proper conduct of casino gaming  
 1356 operations or the efficient conduct of the Director's duties.

1357 13. Enter into contracts for the operation of the lottery, or any part thereof, for the promotion of the lottery  
 1358 and into interstate lottery contracts with other states. A contract awarded or entered into by the Director shall

1359 not be assigned by the holder thereof except by specific approval of the Director.

1360 14. Certify monthly to the State Comptroller and the Board a full and complete statement of lottery  
1361 revenues, prize disbursements, and other expenses for the preceding month.

1362 15. Report monthly to the Governor, the Secretary of Finance, and the ~~Chairmen~~ *Chairs* of the Senate  
1363 Committee on Finance and Appropriations, House Committee on Finance, and House Committee on  
1364 Appropriations the total lottery revenues, prize disbursements, and other expenses for the preceding month  
1365 and make an annual report, which shall include a full and complete statement of lottery revenues, prize  
1366 disbursements, and other expenses, as well as a separate financial statement of the expenses incurred in the  
1367 regulation of casino gaming operations as defined in § 58.1-4100, to the Governor and the General Assembly.  
1368 Such annual report shall also include such recommendations for changes in this chapter and Chapter 41  
1369 (§ 58.1-4100 et seq.) as the Director and Board deem necessary or desirable.

1370 16. Report immediately to the Governor and the General Assembly any matters that require immediate  
1371 changes in the laws of the Commonwealth in order to prevent abuses and evasions of this chapter ~~and~~,  
1372 Chapter 41 (§ 58.1-4100 et seq.), *and Chapter 42 (§ 58.1-4200 et seq.)*, or the rules and regulations adopted  
1373 ~~hereunder pursuant to this chapter~~, or to rectify undesirable conditions in connection with the administration  
1374 or operation of the lottery.

1375 17. Notify prize winners and appropriate state and federal agencies of the payment of prizes in excess of  
1376 \$600 in the manner required by the lottery rules and regulations.

1377 18. Provide for the withholding of the applicable amount of state and federal income tax of persons  
1378 claiming a prize for a winning ticket in excess of \$5,001.

1379 19. Participate in the Problem Gambling Treatment and Support Advisory Committee established  
1380 pursuant to § 37.2-304 by the Department of Behavioral Health and Developmental Services to enable  
1381 collaboration among prevention and treatment providers and operators of legal gaming in the Commonwealth  
1382 on efforts to reduce the negative effects of problem gambling.

1383 C. The Director and the director of security or investigators appointed by the Director shall be vested with  
1384 the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and to  
1385 investigate violations of the statutes and regulations that the Director is required to enforce.

1386 D. The Director may authorize temporary bonus or incentive programs for payments to licensed sales  
1387 agents that he determines will be cost effective and support increased sales of lottery products.

1388 **§ 58.1-4007. Powers of the Board.**

1389 A. The Board shall have the power to adopt regulations governing the establishment and operation of a  
1390 lottery pursuant to this article ~~and~~, sports betting pursuant to Article 2 (§ 58.1-4030 et seq.), *casino gaming*  
1391 *pursuant to Chapter 41 (§ 58.1-4100 et seq.)*, *and electronic skill gaming devices pursuant to Chapter 42*  
1392 *(§ 58.1-4200 et seq.)*. The regulations governing the establishment and operation of the lottery ~~and~~, sports  
1393 betting, *casino gaming*, *and electronic skill gaming devices* shall be promulgated by the Board after  
1394 consultation with the Director. Such regulations shall be in accordance with the Administrative Process Act  
1395 (§ 2.2-4000 et seq.). The regulations shall provide for all matters necessary or desirable for the efficient,  
1396 honest, and economical operation and administration of the lottery ~~and~~, sports betting, *casino gaming*, *and*  
1397 *electronic skill gaming devices* and for the convenience of the purchasers of tickets or shares, the holders of  
1398 winning tickets or shares, ~~and~~ sports bettors, *casino gaming patrons*, *and the players of electronic skill*  
1399 *gaming devices*. The regulations, which may be amended, repealed, or supplemented as necessary, shall  
1400 include the following:

1401 1. The type or types of lottery or game to be conducted in accordance with § 58.1-4001.

1402 2. The price or prices of tickets or shares in the lottery.

1403 3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of  
1404 the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii)  
1405 returned to the Commonwealth as net revenues.

1406 4. The manner of selecting the winning tickets or shares.

1407 5. The manner of payment of prizes to the holders of winning tickets or shares.

1408 6. The frequency of the drawings or selections of winning tickets or shares without limitation.

1409 7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.

1410 8. The method to be used in selling tickets or shares, including the sale of tickets or shares over the  
1411 ~~Internet~~ *internet*.

1412 9. The advertisement of the lottery in accordance with the provisions of subsection E of § 58.1-4022.

1413 10. The licensing of agents to sell tickets or shares who will best serve the public convenience and  
1414 promote the sale of tickets or shares. No person under the age of 18 shall be licensed as an agent. A licensed  
1415 agent may employ a person who is 16 years of age or older to sell or otherwise vend tickets at the agent's  
1416 place of business so long as the employee is supervised in the selling or vending of tickets by the manager or  
1417 supervisor in charge at the location where the tickets are being sold. Employment of such person shall be in  
1418 compliance with Chapter 5 (§ 40.1-78 et seq.) of Title 40.1.

1419 11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide  
1420 for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public.

1421 Notwithstanding the provisions of this subdivision, the Board shall not be required to approve temporary  
1422 bonus or incentive programs for payments to licensed sales agents.

1423 12. Apportionment of the total revenues accruing from the sale of tickets or shares and from all other  
1424 sources and establishment of the amount of the special reserve fund as provided in § 58.1-4022.

1425 13. Such other matters necessary or desirable for the efficient and economical operation and  
1426 administration of the lottery.

1427 14. The operation of sports betting pursuant to Article 2 (§ 58.1-4030 et seq.). In adopting such  
1428 regulations, the Board shall establish a consumer protection program and publish a consumer protection bill  
1429 of rights. Such program and bill of rights shall include measures to protect sports bettors, as defined in  
1430 § 58.1-4030, with respect to identity, funds and accounts, consumer complaints, self-exclusion, and any other  
1431 consumer protection measure the Board determines to be reasonable.

1432 15. The administration of a voluntary exclusion program as provided in § 58.1-4015.1.

1433 The Department shall not be subject to the provisions of ~~Chapter 43~~ *the Virginia Public Procurement Act*  
1434 (§ 2.2-4300 et seq.) of ~~Title 2.2~~; however, the Board shall promulgate regulations, after consultation with the  
1435 Director, relative to departmental procurement which include standards of ethics for procurement consistent  
1436 with the provisions of Article 6 (§ 2.2-4367 et seq.) of ~~Chapter 43~~ of ~~Title 2.2~~ *the Virginia Public*  
1437 *Procurement Act* and which ensure that departmental procurement will be based on competitive principles.

1438 The Board shall have the power to advise and recommend; but shall have no power to veto or modify  
1439 administrative decisions of the Director. However, the Board shall have the power to accept, modify, or reject  
1440 any revenue projections before such projections are forwarded to the Governor.

1441 B. The Board shall carry on a continuous study and investigation of the lottery ~~and~~, sports betting, *casino*  
1442 *gaming, and electronic skill gaming devices* throughout the Commonwealth to:

1443 1. Ascertain any defects of this chapter or the regulations issued ~~hereunder~~ *which pursuant to this chapter*  
1444 *that cause abuses in the administration and operation of the lottery and, sports betting and, casino gaming, or*  
1445 *electronic skill gaming devices or any evasions of such provisions.*

1446 2. Formulate, with the Director, recommendations for changes in this chapter and the regulations  
1447 promulgated ~~hereunder~~ *pursuant to this chapter* to prevent such abuses and evasions.

1448 3. Guard against the use of this chapter and the regulations promulgated ~~hereunder~~ *pursuant to this*  
1449 *chapter* as a subterfuge for organized crime and illegal gambling.

1450 4. Ensure that this law and the regulations of the Board are in such form and are so administered as to  
1451 serve the true purpose of this chapter.

1452 C. The Board shall make a continuous study and investigation of (i) the operation and the administration  
1453 of similar laws that may be in effect in other states or countries; (ii) any literature on the subject that may be  
1454 published or available; (iii) any federal laws that may affect the operation of the lottery ~~and~~, sports betting,  
1455 *casino gaming, and electronic skill gaming devices*; and (iv) the reaction of Virginia citizens to the potential  
1456 features of the lottery ~~and~~, sports betting, *casino gaming, and electronic skill gaming devices* with a view to  
1457 recommending or effecting changes that will serve the purpose of this chapter.

1458 D. The Board shall hear and decide an appeal of any ~~denial~~:

1459 1. *Denial* by the Director of the licensing or revocation of a license of a lottery agent pursuant to  
1460 subdivision A 10 of this section and subdivision B 5 of § 58.1-4006: ~~The Board shall hear and decide an~~  
1461 ~~appeal of any penalty~~;

1462 2. *Penalty, denial of a permit or renewal, or suspension or revocation of a permit imposed by the Director*  
1463 *pursuant to Article 2 (§ 58.1-4030 et seq.);*

1464 3. *Penalty, denial of a permit or license or renewal, or suspension or revocation of a permit or license*  
1465 *imposed by the Director pursuant to Chapter 41 (§ 58.1-4100 et seq.); and*

1466 4. *Penalty, denial by the Director of a license or renewal, or suspension or revocation of a license*  
1467 *imposed by the Director pursuant to Chapter 42 (§ 58.1-4200 et seq.).*

1468 E. The Board shall have the authority to initiate procedures for the planning, acquisition, and construction  
1469 of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3 (§ 2.2-1819 et seq.)  
1470 of Chapter 18 of Title 2.2.

1471 F. The Board may adjust the percentage of uncollectible gaming receivables allowed to be subtracted from  
1472 adjusted gross revenue, as defined in § 58.1-4030, if it determines that a different percentage is reasonable  
1473 and customary in the sports betting industry.

1474 **§ 58.1-4015.1. Voluntary exclusion program.**

1475 A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

1476 B. The regulations shall include the following provisions:

1477 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1478 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of  
1479 this article; (ii) participating in sports betting, as defined in § 58.1-4030; (iii) engaging in any form of casino  
1480 gaming that may be allowed under the laws of the Commonwealth; (iv) *playing any electronic skill gaming*  
1481 *device authorized pursuant to Chapter 42 (§ 58.1-4200 et seq.);* (v) participating in charitable gaming, as  
1482 defined in § 18.2-340.16; ~~(v)~~ (vi) participating in fantasy contests, as defined in § 59.1-556; or ~~(vii)~~ (vii)

1483 wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall  
1484 assist in administering the voluntary exclusion program pursuant to the provisions of this section.

1485 2. A person who participates in the voluntary exclusion program may choose an exclusion period of two  
1486 years, five years, or lifetime.

1487 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1488 program may not petition the Board for removal from the program for the duration of his exclusion period.

1489 4. The name of a person participating in the program shall be included on a list of excluded persons. The  
1490 list of persons entering the voluntary exclusion program and the personal information of the participants shall  
1491 be confidential, with dissemination by the Department limited to sales agents and permit holders, as defined  
1492 in § 58.1-4030, and any other parties the Department deems necessary for purposes of enforcement. The list  
1493 and the personal information of participants in the voluntary exclusion program shall not be subject to  
1494 disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may  
1495 disseminate the list to other parties upon request by the participant and agreement by the Board.

1496 5. Sales agents and permit holders shall make all reasonable attempts as determined by the Board to cease  
1497 all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall  
1498 not preclude sales agents and permit holders from seeking the payment of a debt incurred by a person before  
1499 entering the program. In addition, a permit holder may share the names of individuals who self-exclude  
1500 across its corporate enterprise, including sharing such information with any of its affiliates.

1501 **§ 58.1-4048. Gaming Regulatory Fund.**

1502 There is hereby created in the state treasury a special nonreverting fund to be known as the Gaming  
1503 Regulatory Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the  
1504 Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other  
1505 funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on  
1506 moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,  
1507 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in  
1508 the Fund. Moneys in the Fund shall be used solely to offset the Department's costs associated with (i) the  
1509 conduct of investigations required by § 58.1-4032, 58.1-4043, 58.1-4104, 58.1-4109, 58.1-4116, 58.1-4120,  
1510 or 58.1-4121 or any other provision of this article or Chapter 41 (§ 58.1-4100 et seq.), or Chapter 42  
1511 (§ 58.1-4200 et seq.) and (ii) the enforcement of regulations promulgated by the Virginia Lottery Board  
1512 pursuant to subdivisions A 14 and 15 of § 58.1-4007, subdivision 2 of § 58.1-4102, and §§ 58.1-4103,  
1513 58.1-4202, and 58.1-4204. Expenditures and disbursements from the Fund shall be made by the State  
1514 Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

1515 **§ 58.1-4103. Voluntary exclusion program.**

1516 A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

1517 B. The regulations shall include the following provisions:

1518 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1519 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of  
1520 this chapter or Chapter 40 (§ 58.1-4000 et seq.); (ii) participating in sports betting as such activity is regulated  
1521 by the Board; (iii) engaging in any form of casino gaming authorized under the provisions of this chapter; (iv)  
1522 *playing any electronic skill gaming device authorized pursuant to Chapter 42 (§ 58.1-4200 et seq.);* (v)  
1523 participating in charitable gaming, as defined in § 18.2-340.16; ~~(v)~~ (vi) participating in fantasy contests, as  
1524 defined in § 59.1-556; or ~~(vi)~~ (vii) wagering on horse racing, as defined in § 59.1-365. Any state agency, at  
1525 the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the  
1526 provisions of this section.

1527 2. A person who participates in the voluntary exclusion program may choose an exclusion period of two  
1528 years, five years, or lifetime.

1529 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1530 program may not petition the Board for removal from the program for the duration of his exclusion period.

1531 4. The name of a person participating in the program shall be included on a list of excluded persons. The  
1532 list of persons entering the voluntary exclusion program and the personal information of the participants shall  
1533 be confidential, with dissemination by the Department limited to lottery sales agents licensed under Chapter  
1534 40 (§ 58.1-4000 et seq.), owners and operators of casino gaming establishments, and any other parties the  
1535 Department deems necessary for purposes of enforcement. The list and the personal information of  
1536 participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom  
1537 of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon  
1538 request by the participant and agreement by the Board.

1539 5. Lottery sales agents and owners and operators of casino gaming establishments shall make all  
1540 reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating  
1541 in the program. The voluntary exclusion program shall not preclude lottery sales agents and owners and  
1542 operators of casino gaming establishments from seeking the payment of a debt incurred by a person before  
1543 entering the program. In addition, the owner or operator of a casino gaming establishment may share the  
1544 names of individuals who self-exclude across its corporate enterprise, including sharing such information

1545 with any of its affiliates.

1546 **CHAPTER 42.**  
 1547 **ELECTRONIC SKILL GAMING DEVICES.**  
 1548 **Article 1.**  
 1549 **General Provisions.**

1550 **§ 58.1-4200. Definitions.**

1551 *As used in this chapter, unless the context requires a different meaning:*

1552 *"Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).*

1553 *"Category" means the type of license granted by the Department, to include a manufacturer, distributor,*  
 1554 *operator, or host location license.*

1555 *"Commercial motor vehicle" means the same as that term is defined in § 46.2-341.4.*

1556 *"Department" means the independent agency responsible for the administration of the Virginia Lottery*  
 1557 *pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40 and the regulation of sports betting pursuant to*  
 1558 *Article 2 (§ 58.1-4030 et seq.) of Chapter 40, casino gaming pursuant to Chapter 41 (§ 58.1-4100 et seq.),*  
 1559 *and electronic skill gaming devices pursuant to this chapter.*

1560 *"Director" means the Director of the Virginia Lottery.*

1561 *"Distributor" means any person registered with the Board that sells, leases, offers, or provides and*  
 1562 *distributes electronic skill gaming devices to an operator for use or play in the Commonwealth, and buys or*  
 1563 *leases electronic skill gaming devices from a manufacturer licensee. No distributor shall contract directly*  
 1564 *with a host location.*

1565 *"Electronic skill gaming device" means a physical terminal, machine, or other device, including*  
 1566 *electronic or computerized devices, that requires consideration to play by means other than through the*  
 1567 *insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome*  
 1568 *of which shall be determined predominantly by the skill of the player, and that may deliver or entitle the*  
 1569 *person playing or operating the device to receive cash in excess of the cost of operating, activating, or*  
 1570 *playing the game. "Electronic skill gaming device" does not include any amusement device, as defined in*  
 1571 *§ 18.2-334.6, any mobile telephone device, charitable games authorized pursuant to Article 1.1:1*  
 1572 *(§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, sports betting authorized under Article 2 (§ 58.1-4030 et*  
 1573 *seq.) of Chapter 40, casino gaming authorized under Chapter 41 (§ 58.1-4100 et seq.), or historical horse*  
 1574 *racing authorized pursuant to Chapter 29 (§ 59.1-364 et seq.) of Title 59.1.*

1575 *"Gaming tax" means the tax imposed on gross profits.*

1576 *"Gross profits" means all revenue generated from the play of electronic skill gaming devices minus prizes*  
 1577 *or cash winnings paid out to successful players.*

1578 *"Host location" means a business establishment at which electronic skill gaming devices are placed,*  
 1579 *operated, and offered to the public for play by an operator licensee. "Host location" includes truck stops, as*  
 1580 *defined in this chapter.*

1581 *"Independent testing laboratory" means a laboratory selected by the Director with a national reputation*  
 1582 *for honesty, independence, and timeliness that is demonstrably competent and qualified to scientifically test*  
 1583 *and evaluate electronic skill gaming devices for compliance with this chapter and to otherwise perform the*  
 1584 *functions assigned to it by this chapter. No manufacturer, operator, distributor, or host location licensee*  
 1585 *shall have any ownership interest in any independent testing laboratory approved by the Director.*

1586 *"Individual" means a natural person.*

1587 *"Inducement" means anything of value offered, given, transferred, or paid, directly or indirectly, by a*  
 1588 *manufacturer, distributor, procurement agent, operator, or any employee, agent, contractor, or other person*  
 1589 *acting on behalf of any manufacturer, distributor, operator, or procurement agent to any host location*  
 1590 *licensee or any applicant for a host location license pursuant to this chapter, or to any employee, investor,*  
 1591 *owner, or officer of a host location licensee or applicant for a host location license as an enticement to*  
 1592 *solicit, enter into, grant, execute, renew, extend, or maintain a use agreement by and between a host location*  
 1593 *licensee and a distributor licensee, including any cash, incentive, marketing or advertising cost, gift, food,*  
 1594 *beverage, loan, financing arrangement, prepayment of gross revenue, or any other contribution payment that*  
 1595 *offsets a host location licensee's capital or operational costs, or as otherwise determined by the Board.*  
 1596 *"Inducement" does not include costs paid by a distributor or operator licensee related to any requirement*  
 1597 *established by the Board regarding minimum standards for the operation of electronic skill gaming devices*  
 1598 *or ticket redemption terminals that the Board determines may be paid for, in whole or in part, by the*  
 1599 *distributor or operator licensee.*

1600 *"Licensee" or "license holder" means any person holding a manufacturer, distributor, operator, or host*  
 1601 *location license pursuant to Article 2 (§ 58.1-4205 et seq.).*

1602 *"Locality" means a county, city, or town, as those terms are defined in § 15.2-102.*

1603 *"Lottery" means the lottery or lotteries established and operated pursuant to Chapter 40 (§ 58.1-4000 et*  
 1604 *seq.).*

1605 *"Manufacturer" means any person that manufactures and sells or leases electronic skill gaming devices*  
 1606 *or software and hardware for electronic skill gaming devices to distributors.*

1607 "Operator" means a person registered with the Board to place or service electronic skill gaming devices  
 1608 at the premises of a host location by (i) purchasing or leasing electronic skill gaming devices from a licensed  
 1609 distributor; (ii) providing the placement, repair, maintenance, replacement, or removal of electronic skill  
 1610 gaming devices to host locations; (iii) maintaining and servicing such devices; and (iv) facilitating data  
 1611 collection and data and financial reporting as required by this chapter and as determined by the Board.

1612 "Person" means any individual, group of individuals, firm, company, corporation, partnership, business,  
 1613 trust, association, or other legal entity.

1614 "Player" means an individual who plays an electronic skill gaming device.

1615 "Predominantly by the skill of the player" means the game outcome is determined primarily by the skill of  
 1616 the player.

1617 "Procurement agent" means a person licensed by the Board that acts as an agent, either as an employee  
 1618 or as an independent contractor of a manufacturer or manufacturers, distributor or distributors, operator or  
 1619 operators, and shares in the gross profits, is paid a commission, or is otherwise compensated for the purpose  
 1620 of soliciting or procuring a use agreement among two or more licensees in different categories.

1621 "Profits after taxes" means the gross profit minus the tax imposed upon all gross profits generated from  
 1622 the play of electronic skill gaming devices pursuant to §§ 58.1-4217 and 59.1-603.

1623 "Regulation" means any statement of general application having the force of law, affecting the rights or  
 1624 conduct of any person, adopted by the Board in accordance with the authority conferred on it by applicable  
 1625 laws.

1626 "Single play" means the period beginning when a player activates and pays for the interactive gameplay  
 1627 function of an electronic skill gaming device and ending at the time when the gameplay function or series of  
 1628 free subgames thereunder will not continue without payment by the player of additional consideration.

1629 "Successful player" means an individual who wins a payout on one or more plays of an electronic skill  
 1630 gaming device.

1631 "Ticket redemption terminal" means a terminal where a voucher dispensed by an electronic skill gaming  
 1632 device may be redeemed for cash or a cash equivalent.

1633 "Truck stop" means an establishment that (i) is equipped with diesel fuel islands used for fueling  
 1634 commercial motor vehicles and has sold, on average, at least 50,000 gallons of diesel or biodiesel fuel each  
 1635 month for the previous 12 months, or is projected to sell an average of at least 50,000 gallons of diesel or  
 1636 biodiesel fuel each month for the next 12 months; (ii) has a convenience store; (iii) is situated on not less  
 1637 than three acres of land that the establishment owns or leases; and (iv) has parking spaces dedicated to  
 1638 commercial motor vehicles.

1639 "Use agreement" means a written agreement conforming to the regulations established by the Board and  
 1640 those minimum requirements set forth in this chapter among two or more licensees in different categories.

1641 "Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4204 that  
 1642 allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision  
 1643 B 1 of § 58.1-4204 by placing their names on a voluntary exclusion list and following the procedures set forth  
 1644 by the Board.

1645 **§ 58.1-4201. Powers and duties of the Director related to electronic skill gaming devices; reporting.**

1646 A. The Director shall have the following powers and duties related to the regulation of electronic skill  
 1647 gaming devices:

1648 1. Issue licenses under Article 2 (§ 58.1-4205 et seq.) and supervise all activities licensed under the  
 1649 provisions of this chapter, including the manufacture, distribution, operation, hosting, and playing of  
 1650 electronic skill gaming devices;

1651 2. Suspend, revoke, or refuse to renew any license issued pursuant to Article 2 (§ 58.1-4205 et seq.) or the  
 1652 rules and regulations adopted pursuant to this chapter;

1653 3. Inspect, investigate, and have free access to the offices, facilities, or other places of business of any  
 1654 licensee and compel the production of any books, documents, records, or memoranda of any licensee for the  
 1655 purpose of satisfying himself that this chapter and Board regulations are strictly complied with;

1656 4. Order such audits and inspections as deemed necessary;

1657 5. Certify monthly to the State Comptroller and the Board a full and complete statement of electronic skill  
 1658 gaming device revenues for the previous month;

1659 6. Assess and collect civil penalties for violations of this chapter and Board regulations;

1660 7. Report monthly to the Governor, the Secretary of Finance, and the Chairs of the Senate Committee on  
 1661 Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the  
 1662 total electronic skill gaming device revenues and expenses for the previous month and make an annual  
 1663 report, which shall include a full and complete statement of electronic skill gaming device revenues and  
 1664 expenses and a list of all licensees licensed pursuant to this chapter, to the Governor and the General  
 1665 Assembly, including recommendations for changes in this chapter as the Director and Board deem prudent;

1666 8. Require training for host location licensees and the employees of any host location licensee as  
 1667 necessary on any topic the Director deems appropriate, including technical operations, security, problem  
 1668 gambling identification measures, and age verification procedures;

1669 9. Establish monthly reporting requirements for each electronic skill gaming device on the amounts  
 1670 wagered and amounts awarded on the last 500 plays and the last 100 plays for each electronic skill gaming  
 1671 device; and

1672 10. Do all acts necessary and advisable to carry out the purposes and provisions of this chapter.

1673 B. Upon request by the assessing official of a locality, the Director shall provide to such assessing official  
 1674 of such locality a statement of the amount of the gaming tax collected in such locality pursuant to Article 4  
 1675 (§ 58.1-4217 et seq.) from each electronic skill gaming device, from each host location, and from all  
 1676 electronic skill gaming devices and host locations in the aggregate.

1677 **§ 58.1-4202. Powers and duties of the Board related to electronic skill gaming devices.**

1678 In addition to the regulations adopted pursuant to § 58.1-4007, the Board shall promulgate regulations  
 1679 related to electronic skill gaming devices that:

1680 1. Develop such forms, licenses, identification cards, and applications as are necessary or convenient for  
 1681 the administration of this chapter;

1682 2. Establish requirements for all licensees under this chapter for the form, content, and retention of all  
 1683 records and accounts;

1684 3. Establish procedures for the collection of all fees levied pursuant to this chapter and set due dates for  
 1685 the payment of such fees;

1686 4. Establish a process for the approval or disapproval of electronic skill gaming devices and games  
 1687 offered on such devices;

1688 5. Establish cash handling procedures for operator and host location licensees that require such licensees  
 1689 to keep separate accounts for gaming and nongaming transactions;

1690 6. Establish standard terms between licensees in different categories;

1691 7. Establish rules and regulations that ensure transparency with respect to operational, transactional,  
 1692 and financial information provided to licensees that allow such licensees to be able to verify appropriate  
 1693 distributions of profits after taxes pursuant to the user agreement among any such licensees;

1694 8. Establish rules and regulations to ensure public safety and protocols to deter criminal activity within  
 1695 and around the host location's premises;

1696 9. Promulgate regulations that establish limitations on excessive automated teller machine (ATM) fees for  
 1697 players in host locations;

1698 10. Establish rules and regulations for the licensing of procurement agents;

1699 11. Require inspections of all licensees at a frequency determined by the Board;

1700 12. Require appropriate and reasonable security equipment to monitor the electronic skill gaming devices  
 1701 and related equipment;

1702 13. Establish a program of periodic testing and inspection for all electronic skill gaming devices;

1703 14. Require host location licensees to post at least one sign in a conspicuous location at the entrance or  
 1704 by electronic skill gaming devices on the premises of its establishment. Such sign shall include (i) language  
 1705 that makes it clear that only individuals 21 years of age or older may play an electronic skill gaming device;

1706 (ii) a toll-free telephone number for problem gambling assistance that has been approved by the Virginia  
 1707 Council on Problem Gambling or another organization that provides assistance to problem gamblers; and

1708 (iii) the toll-free telephone number and website for the illegal gaming tip line established by the Office of the  
 1709 Gaming Enforcement Coordinator in the Department of State Police for members of the public to report

1710 concerns about, or suspected instances of, illegal gaming activities. The Board shall also distribute written  
 1711 guidance to host location licensees that shall be used to educate host location employees on how to recognize

1712 intoxicated individuals;

1713 15. Issue a decal for each electronic skill gaming device registered pursuant to this chapter bearing the  
 1714 seal of the Commonwealth that includes the words "Certified Electronic Skill Gaming Device" and the  
 1715 effective dates of registration. Such decal shall be affixed by the operator licensee to each registered

1716 electronic skill gaming device provided to each host location for play; and

1717 16. Provide guidelines and recommendations necessary and advisable to carry out the purposes and  
 1718 provisions of this chapter.

1719 **§ 58.1-4203. Adoption of referendum allowed.**

1720 A. For purposes of this section, "locality" means any county, city, or town.

1721 B. The governing body of a locality may hold a referendum on the question of whether electronic skill  
 1722 gaming devices shall be prohibited in the locality.

1723 C. A referendum may be called for either by resolution of the governing body of a locality or upon a  
 1724 petition of qualified voters equal in number to at least 2.5 percent of the number registered in the jurisdiction  
 1725 on January 1 preceding its filing or by at least 5,000 qualified voters in the jurisdiction, whichever is less.

1726 Upon the filing of a petition or passage of a resolution by the local governing body, the court shall order the  
 1727 election officials of the locality on the date fixed in the order to conduct a referendum on the question. The

1728 clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in the  
 1729 locality once a week for three consecutive weeks prior to the referendum.

1730 The regular election officers of such locality shall open the polls at the various voting places in such

1731 locality on the date specified in such order and conduct such election in the manner provided by law. The  
1732 election shall be by ballot, which shall be prepared by the electoral board of the locality and on which shall  
1733 be printed the following question:

1734 "Shall electronic skill gaming devices, also known as "skill games" be prohibited at retailers licensed by  
1735 the Virginia Lottery and retailers licensed by the Virginia Alcoholic Beverage Control Authority, which may  
1736 include restaurants, convenience stores, gas stations, truck stops, and other locations in \_\_\_\_\_  
1737 (name of locality) as may be authorized by the Virginia Lottery?

1738 [ ] Yes  
1739 [ ] No"

1740 In the blank shall be inserted the name of the locality in which such election is held. Any voter desiring to  
1741 vote "Yes" shall mark in the square provided for such purpose immediately preceding the word "Yes," leaving  
1742 the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark in the  
1743 square provided such purpose immediately preceding the word "No," leaving the square immediately  
1744 preceding the word "Yes" unmarked.

1745 The ballots shall be counted, the returns made and canvassed as in other elections, and the results  
1746 certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an  
1747 order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to  
1748 the Department and to the governing body of such locality.

1749 D. No license requirement, license fee, permit fee, sticker fee, or tax shall be imposed by any locality upon  
1750 an electronic skill gaming device manufacturer, distributor, operator, or host location relating to the  
1751 ownership, placement, use, or operation of electronic skill gaming devices or associated equipment.

1752 E. Any governing body that holds a local referendum pursuant to this section that subsequently fails shall  
1753 be prohibited from holding another local referendum on the same question for a period of three years from  
1754 the date of the last referendum.

1755 **§ 58.1-4204. Voluntary exclusion program.**

1756 A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

1757 B. The regulations shall include the following provisions:

1758 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1759 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions  
1760 of Chapter 40 (§ 58.1-4000 et seq.) or 41 (§ 58.1-4100 et seq.); (ii) participating in sports betting, as defined  
1761 in § 58.1-4030; (iii) engaging in any form of casino gaming authorized under the provisions of Chapter 41  
1762 (§ 58.1-4100 et seq.); (iv) playing any electronic skill gaming device authorized under the provisions of this  
1763 chapter; (v) participating in charitable gaming, as defined in § 18.2-340.16; (vi) participating in fantasy  
1764 contests, as defined in § 59.1-556; or (vii) wagering on horse racing, as defined in § 59.1-365. Any state  
1765 agency, at the request of the Department, shall assist in administering the voluntary exclusion program  
1766 pursuant to the provisions of this section.

1767 2. A person who participates in the voluntary exclusion program may choose an exclusion period of two  
1768 years, five years, or lifetime.

1769 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1770 program may not petition the Board for removal from the program for the duration of his exclusion period.

1771 4. The name of a person participating in the program shall be included on a list of excluded persons. The  
1772 list of persons entering the voluntary exclusion program and the personal information of the participants  
1773 shall be confidential, except that dissemination of such information by the Department to the entity that  
1774 manages its central monitoring system established pursuant to § 58.1-4216 and any other parties the  
1775 Department deems necessary for purposes of enforcement shall be allowed. The list and the personal  
1776 information of participants in the voluntary exclusion program shall not be subject to disclosure under the  
1777 Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to  
1778 other parties upon request by the participant and agreement by the Board.

1779 Article 2.

1780 Licenses and Requirements of Licensees.

1781 **§ 58.1-4205. Licenses that may be granted by the Director; fees.**

1782 A. The Director may grant the following four license categories of industry licenses:

1783 1. Manufacturer license, which shall authorize the licensee to manufacture and sell or lease to a  
1784 distributor licensee electronic skill gaming devices, software and hardware for electronic skill gaming  
1785 devices, and all tools and components necessary for the operation, repair, and maintenance of any such  
1786 electronic skill gaming device.

1787 2. Distributor license, which shall authorize the licensee to (i) buy or lease electronic skill gaming devices  
1788 from a manufacturer licensee and (ii) sell or lease such devices to operator licensees.

1789 3. Operator license, which shall authorize the licensee to (i) place or service electronic skill gaming  
1790 devices at host locations, (ii) buy or lease electronic skill gaming devices from a manufacturer or distributor  
1791 licensee, (iii) provide electronic skill gaming devices to host location licensees, (iv) maintain and service  
1792 such devices, and (v) facilitate the data requirements and data reporting as required by this chapter.

1793 4. Host location license, which shall authorize the licensee to allow the placement and offering for play of  
1794 electronic skill gaming devices at such licensee's establishment.

1795 B. An applicant for a manufacturer, distributor, operator, or host location license shall submit an  
1796 application to the Director on forms provided by the Director. All distributor, operator, and host location  
1797 applicants shall be required to submit a copy of a valid use agreement as a condition of continued licensure.  
1798 The Board shall have the discretion to determine which license category applies to an applicant and the  
1799 corresponding fees that apply to the applicant when such applicant meets the criteria for multiple licenses.  
1800 Each host location premises shall be separately licensed.

1801 C. A nonrefundable fee of \$250,000 shall be paid by an applicant for a manufacturer license to the  
1802 Department upon issuance of such license, and annually thereafter as a condition of licensure renewal or  
1803 continued licensure.

1804 A nonrefundable fee of \$250,000 shall be paid by an applicant for a distributor license to the Department  
1805 upon issuance of such license.

1806 A nonrefundable fee of \$25,000 shall be paid by an applicant for an operator license to the Department  
1807 upon issuance of such license, and annually thereafter as a condition of licensure renewal or continued  
1808 licensure.

1809 A nonrefundable fee of \$1,000 shall be paid by an applicant for a host location license that does not meet  
1810 the definition of a "truck stop" as defined in § 58.1-4200 to the Department upon issuance of such license,  
1811 and annually thereafter as a condition of licensure renewal or continued licensure.

1812 A nonrefundable fee of \$2,500 shall be paid by an applicant for a host location license that meets the  
1813 definition of a "truck stop" as defined in § 58.1-4200 to the Department upon issuance of such license, and  
1814 annually thereafter as a condition of licensure renewal or continued licensure.

1815 All fees collected by the Department pursuant to this subsection shall be deposited into the Gaming  
1816 Regulatory Fund established pursuant to § 58.1-4048.

1817 **§ 58.1-4206. General licensing requirements; penalty.**

1818 A. 1. Except as provided in subdivision 2, the Department, in conjunction with an approved outside  
1819 vendor or accredited law-enforcement agency, shall conduct a background investigation, including a  
1820 criminal history records check and fingerprinting, of the following individuals: (i) every individual applying  
1821 for a license pursuant to this article; (ii) every individual who is an officer, director, board member, owner of  
1822 at least a 10 percent interest in any licensee, or principal of a licensee or applicant for a license and any  
1823 employee of the licensee, as determined by the Board, who is directly involved with a licensee; (iii) all  
1824 security personnel of any licensee; and (iv) any individual conducting cash handling, maintenance, or service  
1825 on any electronic skill gaming device. Each such individual shall submit his fingerprints and personal  
1826 descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of  
1827 Investigation for a national criminal records search and to the Department of State Police for a Virginia  
1828 criminal history records check. The results of the background check and national and state criminal records  
1829 check shall be returned to the Department. This subsection shall not apply to employees of host location  
1830 licensees.

1831 2. The Department shall not be required to conduct a background investigation on any individual who has  
1832 undergone a background investigation conducted by the Department within the preceding five years.

1833 B. The Director shall refuse to grant a license or shall suspend, revoke, or refuse to renew a license  
1834 issued pursuant to this chapter to any person who has been (i) convicted of a crime involving moral  
1835 turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or  
1836 misrepresentation in any connection, or (iv) convicted of a felony.

1837 C. The Director shall refuse to grant a license or shall suspend, revoke, or refuse to renew a license  
1838 issued pursuant to this article to a partnership or corporation if he determines that any general or limited  
1839 partner, or officer or director of such partnership or corporation, has been (i) convicted of a crime involving  
1840 moral turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any  
1841 fraud or misrepresentation in any connection, or (iv) convicted of a felony.

1842 D. The Director may also refuse to grant a license pursuant to this article if:

1843 1. The Director reasonably believes that the applicant's prior activities, criminal record, reputation, or  
1844 associations are likely to either (i) pose a threat to the public interest, (ii) impede the regulation of electronic  
1845 skill gaming devices, or (iii) promote unfair or illegal activities in the conduct of electronic skill gaming  
1846 devices;

1847 2. The applicant or any general or limited partner or any officer or director of such applicant knowingly  
1848 makes a false statement of material fact or deliberately fails to disclose information requested by the  
1849 Director;

1850 3. The applicant or any general or limited partner or any officer or director of such applicant knowingly  
1851 fails to comply with the provisions of this chapter or any requirements of the Director;

1852 4. The applicant's license to manufacture, distribute, operate, or offer to the public for play an electronic  
1853 skill gaming device issued by any other jurisdiction has been suspended or revoked; or

1854 5. The applicant's application is incomplete.

1855 E. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or  
 1856 knowingly or willfully makes a false, fictitious, or fraudulent statement or representation in any application  
 1857 pursuant to this article is guilty of a Class 1 misdemeanor. The Director shall revoke the license of a licensee  
 1858 if, subsequent to the issuance of the license, the Director determines that the licensee knowingly or recklessly  
 1859 made a false statement of material fact to the Director in applying for the license.

1860 **§ 58.1-4207. Distributor and operator licensees.**

1861 A. No distributor licensee shall place an electronic skill gaming device on a host location licensee's  
 1862 premises unless such device (i) is approved by the Director, (ii) has been manufactured by a manufacturer  
 1863 licensee, and (iii) is purchased from a manufacturer licensee or distributor licensee.

1864 B. No operator licensee shall place or maintain an electronic skill gaming device at any establishment  
 1865 where it is offered to the public for play for a charge, directly or indirectly, unless such establishment is a  
 1866 host location licensee and has an agreement with standard terms.

1867 C. No manufacturer licensee or distributor licensee shall place or maintain more than one-half of the  
 1868 electronic gaming devices owned by such manufacturer licensee or owned or leased by such distributor  
 1869 licensee in a low-income geographic area, as that term is defined in § 56-576.

1870 **§ 58.1-4208. Host location licensees; civil penalty.**

1871 A. Only the following locations are eligible to receive a host location license:

1872 1. Host locations that do not meet the definition of a "truck stop" and that hold a retail license issued by  
 1873 the Virginia Alcoholic Beverage Control Authority to sell alcoholic beverages;

1874 2. Host locations that meet the definition of "truck stop" and that (i) hold a retail license issued by the  
 1875 Virginia Alcoholic Beverage Control Authority to sell alcoholic beverages or (ii) are licensed as an agent to  
 1876 sell lottery tickets or shares pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40; and

1877 3. Organizations that are qualified as social organizations and that hold a valid charitable gaming permit  
 1878 pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2.

1879 B. No more than (i) three electronic skill gaming devices may be located in a host location listed in  
 1880 subdivision A 1 that only has off-premises retail privileges; (ii) four electronic skill gaming devices may be  
 1881 located in a host location listed in subdivision A 1 that has on-premises retail privileges; (iii) seven electronic  
 1882 skill gaming devices may be located in a host location listed in subdivision A 2; and (iv) two electronic skill  
 1883 gaming devices may be located in a host location listed in subdivision A 3.

1884 C. No host location licensee shall allow an electronic skill gaming device to be placed upon the premises  
 1885 of such licensee's establishment unless such device is owned or leased, placed, and maintained by an  
 1886 operator licensee. The primary business of a host location licensee shall not be the offering for play of  
 1887 electronic skill gaming devices.

1888 D. No host location licensee shall use the term "casino" in its entity name, in any advertisement in  
 1889 association with its product or service, or in any manner prohibited by Board regulation. Any host location  
 1890 licensee that violates the provisions of this subsection shall be subject to a civil penalty established by the  
 1891 Board. The Director shall enforce the provisions of this subsection. All penalties collected pursuant to this  
 1892 subsection shall accrue to the Literary Fund.

1893 E. In an effort to promote responsible gaming by players, host location licensees shall:

1894 1. Affix to a clearly visible and conspicuous location on each electronic skill gaming device a label that  
 1895 bears a toll-free number for problem gambling assistance that has been approved by the Virginia Council on  
 1896 Problem Gambling or other organizations that provide assistance to problem gamblers;

1897 2. Provide informational leaflets or other similar materials within two feet of each electronic skill gaming  
 1898 device on the dangers associated with problem gambling; and

1899 3. Comply with, and require its employees to comply with, any applicable Board regulations, including  
 1900 regulations regarding player self-exclusion programs, player identification, and player age verification. A  
 1901 host location licensee or an employee of such licensee shall verify an individual's age in accordance with  
 1902 § 58.1-4220 prior to allowing such individual to operate an electronic skill gaming device and prior to  
 1903 allowing any such player to redeem any winning voucher for cash.

1904 Nothing contained in this subsection shall be construed to create any cause of action against the Board or  
 1905 Department for the failure of a host location licensee to comply with the requirements of this section.

1906 F. All host location licensees shall comply with the provisions of this chapter and regulations adopted by  
 1907 the Board.

1908 **§ 58.1-4209. License posting; expiration.**

1909 A. Each license granted by the Director shall designate the physical location where the business of the  
 1910 licensee will be carried out.

1911 B. Each license shall be posted in a location conspicuous to the public at the place where the licensee  
 1912 carries out the business for which the license is granted.

1913 C. The privileges conferred by any initial license application approved by the Director shall continue  
 1914 until the last day of the twelfth month after the effective date of such license. Upon completion of the first year  
 1915 of licensure, licenses shall be renewed until the next June 30 based upon the payment of a prorated renewal  
 1916 fee. Annually thereafter, licenses shall be renewed on July 1 and include payment of the renewal fee. A

1917 license may be sooner terminated for any cause for which the Director would be entitled to refuse to grant a  
 1918 license or by operation of law, voluntary surrender, or order of the Director.

1919 D. The Director may grant licenses for one year.

1920 E. Sixty days before the expiration of a license, the license holder may submit a renewal application on  
 1921 forms prescribed by the Board. The Director may deny a license renewal if he finds grounds for denial as  
 1922 described in § 58.1-4206.

1923 **§ 58.1-4210. Prohibition against the issuance of multiple licenses.**

1924 A. For purposes of this section, "interest" means the direct or indirect ownership of any equity ownership  
 1925 interest or a partial equity ownership interest or any other type of financial interest, including being an  
 1926 investor, shareholder, member, lender, or employee.

1927 B. No licensee that has been issued a manufacturer license, distributor license, or operator license shall  
 1928 be issued a host location license or have any interest in a host location licensee.

1929 C. No licensee that has been issued a manufacturer license, distributor license, or host location license  
 1930 shall be issued an operator license or have any interest in an operator licensee.

1931 D. No licensee that has been issued a host location license shall be issued a manufacturer license or  
 1932 distributor license or have any interest in a manufacturer licensee or distributor licensee.

1933 E. A licensee that has been issued a manufacturer license may also be issued a distributor licensee or  
 1934 have an interest in a distributor licensee.

1935 F. A licensee that has been issued a distributor license may also be issued a manufacturer license or have  
 1936 an interest in a manufacturer licensee.

1937 G. Host location applicants with interest in multiple host locations shall submit a separate application for  
 1938 each individual host location premises.

1939 **§ 58.1-4211. Prohibition against transferring licenses or interests.**

1940 No licensee shall transfer its license or assign responsibility for compliance with the conditions of its  
 1941 license to any party, including a transfer of effective control of the licensee. No distributor licensee shall  
 1942 transfer any electronic skill gaming device or any interest in a use agreement without approval by the Board.

1943 **§ 58.1-4212. Suspension and revocation of licenses; civil penalties; hearing and appeal.**

1944 A. If the Director determines that any provision of this chapter or any regulation or condition of the  
 1945 Board has not been complied with or has been violated by a licensee, he may, with at least 15 days' notice  
 1946 and a hearing, (i) assess a civil penalty against the licensee as provided for in this section and (ii) suspend or  
 1947 revoke the license holder's license. If any license is suspended or revoked, the Director shall state his reasons  
 1948 for doing so, which shall be entered of record. Any civil penalties collected pursuant to this section shall be  
 1949 paid into the state treasury and credited to the Literary Fund.

1950 B. Any person aggrieved by a refusal of the Director to issue any license, the suspension or revocation of  
 1951 a license, the imposition of a fine, or any other action of the Director may seek review of such action in  
 1952 accordance with Board regulations and Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act in the  
 1953 Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5 (§ 2.2-4025  
 1954 et seq.) of the Administrative Process Act.

1955 C. Any person or employee of such person who knowingly violates any provision of this chapter shall be  
 1956 liable for a civil penalty of not more than \$25,000 for each such violation. Such amount shall be recovered in  
 1957 a civil action brought by the Director and paid into the state treasury and credited to the Literary Fund. In  
 1958 the event that a law-enforcement agency or the Director makes a determination that, other than as expressly  
 1959 provided for in this chapter or allowed by law, any other electronic skill gaming device is placed, exists, or is  
 1960 in operation in any establishment in violation of this chapter, including the operation or more than the  
 1961 maximum number of electronic skill gaming devices authorized pursuant to § 58.1-4208, such law-  
 1962 enforcement agency or the Director may seize any such electronic skill gaming device pursuant to  
 1963 § 18.2-331.1, and the applicable licensee shall be subject to a civil penalty of not less than \$25,000 nor more  
 1964 than \$100,000 per electronic skill gaming device. In addition, all money used in connection with any  
 1965 activities that are in violation of this chapter that is lawfully seized by any law-enforcement officer or that  
 1966 shall lawfully come into his custody, shall be forfeited to the Commonwealth in accordance with the  
 1967 procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

1968 D. Suspension or revocation of a license by the Director for any violation shall not preclude criminal  
 1969 liability for such violation.

1970 **§ 58.1-4213. Minimum requirements for use agreements among two or more categories of licensees;  
 1971 division of revenue.**

1972 A. The Board shall promulgate regulations determining the minimum requirements and terms for use  
 1973 agreements among licensees, including timelines for submitting use agreements to the Department.

1974 B. A copy of the use agreement shall be maintained in the business office of both the operator and the host  
 1975 location and shall be available at all times for inspection by the Director. An operator shall file a copy of any  
 1976 such use agreement with the Director within 30 days after the execution of such agreement.

1977 C. No person shall receive any portion of gross profits generated from electronic skill gaming devices  
 1978 located at a host location's premises except for the manufacturer, distributor, operator, and host location that

1979 are parties to the use agreement, except as approved by the Director in compliance with applicable rules and  
 1980 regulations adopted by the Board.

1981 D. The use agreement between the operator and the host location shall provide that (i) the operator  
 1982 provide the host location licensee with the cash to pay to any successful player either at the host location's  
 1983 ticket redemption terminal or by the host location licensee and (ii) the host location licensee shall receive 40  
 1984 percent of the gross profits received from the play of electronic skill gaming devices placed at its location,  
 1985 less the host location licensee's pro-rata share of the gaming tax to be paid by the distributor.

1986 Article 3.

1987 Authorization of Electronic Skill Gaming Devices.

1988 **§ 58.1-4214. Approval of electronic skill gaming devices by the Director; minimum requirements.**

1989 A. No electronic skill gaming device shall be offered for play by the public in the Commonwealth unless  
 1990 such electronic skill gaming device has first been approved by the Director. The Director, in consultation  
 1991 with the Board, shall not approve more than 25,000 electronic skill gaming devices in the aggregate, as  
 1992 measured by electronic skill gaming devices approved for host location licensees for operation at any one  
 1993 time in the Commonwealth.

1994 B. No electronic skill gaming device shall be approved for operation at a host location within 10 miles of  
 1995 a casino gaming establishment licensed to operate in the eligible host cities described in subdivision A 2 or 3  
 1996 of § 58.1-4107. No electronic skill gaming device shall be approved to be located with respect to any public,  
 1997 private, or parochial primary or secondary school such that the operation of such electronic skill gaming  
 1998 device will adversely affect or interfere with the normal, orderly conduct of the affairs of any such school.

1999 C. Before selling or otherwise providing an electronic skill gaming device to a distributor, a manufacturer  
 2000 shall provide a prototype or production sample of such electronic skill gaming device to an independent  
 2001 testing laboratory that has been approved by the Director, which shall evaluate and certify whether such  
 2002 electronic skill gaming device meets the definition of electronic skill gaming device under § 58.1-4200, the  
 2003 requirements of § 58.1-4215, and any other requirements established in Board regulations.

2004 A prototype or production sample of each type, version, or model of electronic skill gaming device being  
 2005 operated in the Commonwealth shall be tested by an independent testing laboratory approved by the Director  
 2006 to ensure its integrity, level of skill required, and proper working order. This evaluation shall include a  
 2007 review of installed software periodically within a timeframe established by the Director.

2008 The independent testing laboratory's software may be embedded within the game software, utilize an  
 2009 interface port to communicate with the device, or require the removal of device media for external  
 2010 verification.

2011 D. Along with the prototype or production sample of the electronic skill gaming device, the manufacturer  
 2012 shall provide the following information concerning the electronic skill gaming device to the independent  
 2013 testing laboratory:

2014 1. The available wagering denominations;

2015 2. The minimum wager amount;

2016 3. The maximum wager amount per play, which shall not exceed \$5;

2017 4. The method of calculating winning payouts, including skill level achieved; and

2018 5. Payout calculations set forth in sufficient detail to audit a payout through manual calculation.

2019 E. The report of the independent testing laboratory shall be submitted by the manufacturer to the Board.  
 2020 In its report, the independent testing laboratory shall certify that the electronic skill gaming device software  
 2021 and system is one in which:

2022 1. The skill of the player rather than an element of chance is the predominant factor affecting outcomes of  
 2023 each such game;

2024 2. The game requires the prize outcome for the single play and over a session of gameplay to be such that  
 2025 without the player exercising skill during the main phases of gameplay, it would be impossible to win the  
 2026 prize offered. Likewise, after a player pays to begin gameplay, the player is afforded the opportunity to earn  
 2027 more than the amount paid to commence play;

2028 3. There is no hard-coded minimum or maximum payout percentage for such game;

2029 4. The game software does not incorporate any reflexive, adaptive play or compensating algorithm  
 2030 making the game more difficult when it detects a highly skilled player or when the skill video game's payout  
 2031 percentage exceeds 100 percent;

2032 5. An average player can learn to score and win effectively on the game;

2033 6. The game displays to a player the criteria used in selecting winners and the rules of play are available  
 2034 for viewing at any time prior to or following the time during which the game is in play;

2035 7. The amusement game software and system records and maintains accurate records of (i) a minimum of  
 2036 a 10-game outcome recall and (ii) a minimum of a 10-voucher recall of prize payouts from the game;

2037 8. The game is equipped with accounting meters displaying at least eight digits with six digits to the left of  
 2038 the decimal;

2039 9. The game is programmed so that a maximum cost to play is \$5 and the maximum prize paid for a single  
 2040 game is \$4,000; and

2041 10. The game is equipped to display in an easily identifiable manner the software version and hardware  
2042 components of the approved terminal.

2043 The Board shall rely on this report in evaluating whether the electronic skill gaming device shall be  
2044 approved pursuant to the provisions of this chapter.

2045 F. If at any time a manufacturer makes a substantive change to game play for any electronic skill gaming  
2046 device that has previously been approved by the Director, such manufacturer shall resubmit the electronic  
2047 skill gaming device to the Director in a manner prescribed by Board regulation.

2048 G. The manufacturer licensee shall pay the cost of the independent testing laboratory's review and testing,  
2049 and the reports of the same shall be delivered to the licensee and the Director.

2050 **§ 58.1-4215. Minimum requirements of electronic skill gaming devices.**

2051 In addition to meeting the definition of electronic skill gaming device established in § 58.1-4200,  
2052 electronic skill gaming devices shall:

2053 1. Show the rules of play for each game in a way that adequately describes or displays such information  
2054 so that a reasonable person could understand the game prior to playing a game;

2055 2. Accept only cash wagers or tickets generated from electronic skill gaming devices that may be  
2056 redeemed for play at another electronic skill gaming device located on the same premises;

2057 3. Prohibit the modification of the software or rules of play for a game, including the probability and  
2058 award of a game outcome, once a game is initiated;

2059 4. Prohibit the remote modification or manipulation of games, except as required or approved by the  
2060 Director pursuant to the provisions of this chapter;

2061 5. Allow for a single payout of no more than \$1,199;

2062 6. Have an identification badge affixed to the exterior of the device by the manufacturer that is not  
2063 removable without leaving evidence of tampering;

2064 7. Make payments to successful players by issuing a voucher that can be redeemed for cash at the host  
2065 location's ticket redemption terminal or by the host location licensee;

2066 8. Have the ability to allow for an independent integrity check by an independent testing laboratory  
2067 approved by the Director of all software that may affect the integrity of the game;

2068 9. Be connected to the central monitoring system established and operated by the Department under the  
2069 provisions of § 58.1-4216;

2070 10. Conform to all requirements of federal law and regulations, including the Federal Communications  
2071 Commission's Class A emissions standards;

2072 11. Have the ability to detect and display the device's complete play history and winnings for the previous  
2073 100 games;

2074 12. Contain a non-resettable meter, which shall be located in a locked area of the device that is accessible  
2075 only by a key;

2076 13. Have the capability of storing the meter information for a minimum of 180 days after a power loss to  
2077 the device; and

2078 14. Comply with such other requirements as adopted by the Board.

2079 **§ 58.1-4216. Requirement for central monitoring system.**

2080 A. Each electronic skill gaming device and ticket redemption terminal being operated in the  
2081 Commonwealth shall be connected to a central monitoring system established and operated by the  
2082 Department. All electronic gaming devices shall automatically disable upon being disconnected from the  
2083 central monitoring system.

2084 The central monitoring system shall, at a minimum, collect the following information from each device: (i)  
2085 cash in; (ii) payouts; (iii) points, credits, or amounts played; (iv) points, credits, or amounts won; (v) gross  
2086 profit; (vi) the number of plays of the game; (vii) the amounts paid to play the game; (viii) the amount of  
2087 gaming tax accrued; (ix) door openings; (x) power failures, disconnections from the central monitoring  
2088 system, and malfunctions; (xi) remote activations and disabling; and (xii) any other information required by  
2089 Board regulations.

2090 The central monitoring system shall not provide for the monitoring or reading of personal or financial  
2091 information concerning players of electronic skill gaming devices.

2092 **Article 4.**

2093 **Taxation.**

2094 **§ 58.1-4217. Gaming tax on gross profits; required audit.**

2095 A. 1. A gaming tax equal to 25 percent shall be imposed upon all gross profits generated from the play of  
2096 electronic skill gaming devices.

2097 2. The gaming tax imposed pursuant to this section shall not apply to any activity regulated under Article  
2098 2 (§ 58.1-4030 et seq.) of Chapter 40 or Chapter 41 (§ 58.1-4100 et seq.).

2099 B. All gaming taxes collected pursuant to the provisions of this section shall accrue to the Virginia  
2100 Gaming Commerce and Development Fund and be allocated as provided in subsection B of § 58.1-4218.

2101 C. The distributor licensee shall be responsible for remitting the required tax on a monthly basis. The  
2102 gaming tax and gross profits collected pursuant to this section shall be collected by the Department at a

2103 frequency established by Board regulations and shall be accompanied by forms and returns prescribed by the  
2104 Board. The Director may suspend or revoke a license for willful failure to submit any such payments or  
2105 associated returns within the specified time.

2106 D. Within 90 days after the end of each fiscal year, each licensee in the category of licensee responsible  
2107 for the remittance of the gaming tax, as determined by the Board, shall submit to the Director a third-party,  
2108 independent audit of the financial transactions and condition of such licensee's total operations. All audits  
2109 required by this subsection shall conform to Board regulations.

2110 **§ 58.1-4218. Virginia Gaming Commerce and Development Fund.**

2111 A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia  
2112 Gaming Commerce and Development Fund, referred to in this section as the "Fund." The Fund shall be  
2113 established on the books of the Comptroller. All moneys required to be deposited into the Fund pursuant to  
2114 § 58.1-4217 shall be paid into the state treasury and credited to the Fund and interest earned on moneys in  
2115 the Fund shall remain in the Fund and be credited to it.

2116 B. Revenues from the Fund shall be apportioned by the Comptroller as follows:

2117 1. Fifteen percent to the Department of Taxation for distribution to the locality in which the host location  
2118 operates;

2119 2. Six and one-half percent to the Department to cover the costs incurred in administering and  
2120 implementing the provisions of this chapter;

2121 3. Two and one-half percent to the Problem Gambling Treatment and Support Fund established pursuant  
2122 to § 37.2-314.2;

2123 4. One percent to the Department of State Police to be used by the Office of the Gaming Enforcement  
2124 Coordinator established pursuant to § 52-54; and

2125 5. The remainder to the general fund.

2126 C. Allocation of funds pursuant to this section shall occur no later than 60 days after such funds are  
2127 collected and only after the Department has verified the accuracy of the collected balances.

2128 Article 5.

2129 Prohibited Acts; Penalties, Etc.

2130 **§ 58.1-4219. Illegal manufacture, distribution, or hosting; penalty.**

2131 A. No person shall:

2132 1. Manufacture, sell, or lease to any person electronic skill gaming devices or major components or parts,  
2133 including software and hardware, for electronic skill gaming devices without a manufacturer license issued  
2134 by the Director.

2135 2. Distribute, sell, or lease to any person electronic skill gaming devices or major components or parts,  
2136 including software or hardware, for electronic skill gaming devices, or purchase, own, operate, possess, or  
2137 place in the Commonwealth electronic skill gaming devices, or maintain and service such devices without a  
2138 distributor license issued by the Director.

2139 3. Operate an establishment where one or more electronic skill gaming devices are made available for  
2140 play by the public without a host location license issued by the Director.

2141 4. Solicit, offer, or enter into any contract or agreement for the placement of an electronic skill gaming  
2142 device until the distributor, operator, host location, and procurement agent, if applicable, are all issued a  
2143 license by the Director pursuant to this chapter.

2144 B. A violation of this section is a Class 6 felony.

2145 **§ 58.1-4220. Underage play prohibited; penalty.**

2146 A. No person younger than 21 years of age shall be eligible to operate an electronic skill gaming device  
2147 regulated pursuant to this chapter. A person shall present a valid government-issued photo identification to  
2148 the host location licensee or employee of such licensee before (i) operating an electronic skill gaming device  
2149 and (ii) redeeming any winning voucher for cash. A distributor licensee shall adhere to the front of all  
2150 electronic skill gaming devices a notice in 16-point Times New Roman bold font that states the following:  
2151 "No person shall play any electronic skill gaming device unless such person is 21 years of age or older."

2152 B. No person shall redeem any evidence of winnings from any person who is not 21 years of age or older.

2153 C. A violation of this section is a Class 1 misdemeanor.

2154 **§ 58.1-4221. Prohibited acts by host location licensees; penalty.**

2155 A. No host location licensee or its employees or agents shall:

2156 1. Knowingly permit any person younger than 21 years of age to play any electronic skill gaming device;

2157 2. Give any reward for the play of an electronic skill gaming device that is not authorized by this chapter;

2158 3. Give any reward for the play of an electronic skill gaming device that is redeemable at a location other  
2159 than the host location's ticket redemption terminal or by an employee at a host location;

2160 4. Accept any inducement from a distributor licensee; or

2161 5. Extend credit to any person for the purpose of playing any electronic skill gaming device, including  
2162 accepting a credit card as payment in order for a player to operate an electronic skill gaming device.

2163 B. A violation of this section is a Class 1 misdemeanor.

2164 **§ 58.1-4222. Illegal tampering with electronic skill gaming devices; penalty.**

2165 No person other than an operator licensee shall possess or use any key or device designed for the purpose  
 2166 of opening, entering, or affecting the operation of an electronic skill gaming device or otherwise tamper with  
 2167 an electronic skill gaming device. A violation of this section is a Class 6 felony.

2168 **§ 58.1-4223. Conspiracies and attempts to commit violations; penalty.**

2169 A. Any person who conspires, confederates, or combines with another, either within or outside of the  
 2170 Commonwealth, to commit a felony prohibited by this chapter is guilty of a Class 6 felony.

2171 B. Any person who attempts to commit any act prohibited by this chapter is guilty of a criminal offense  
 2172 and shall be punished as provided in § 18.2-26, 18.2-27, or 18.2-28, as appropriate.

2173 **§ 58.1-4224. Operating, placing, or possessing an electronic skill gaming device in an unregulated**  
 2174 **location; penalties.**

2175 A. It is unlawful for any person to (i) operate, place, or possess an electronic skill gaming device in any  
 2176 unregulated location; (ii) offer for play in any location any unregistered electronic skill gaming device; or  
 2177 (iii) offer for play, in a single location, an electronic skill gaming device that is in excess of the limits  
 2178 prescribed in § 58.1-4208 regardless of whether such electronic skill gaming device is properly registered.

2179 B. Any electronic skill gaming device operated, placed, or possessed in violation of subsection A may be  
 2180 inferred, subject to rebuttal, to be in violation of this section and is subject to immediate seizure by law  
 2181 enforcement and may be forfeited to the Commonwealth pursuant to § 19.2-386.30:1 and governed by the  
 2182 procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

2183 C. Any person violating this section is guilty of a Class 1 misdemeanor.

2184 D. Any person who is convicted of a third or subsequent offense under this section, and it is alleged in the  
 2185 warrant, indictment, or information that such person has been before convicted of two or more offenses  
 2186 under this section and such prior convictions occurred before the date of the offense alleged in the warrant,  
 2187 indictment, or information, is guilty of a Class 6 felony.

2188 E. Any person who is convicted of (i) a felony offense under this section shall have his license issued  
 2189 pursuant to § 58.1-4205 suspended for a period of two years; (ii) a second felony offense under this section  
 2190 shall have his license issued pursuant to § 58.1-4205 suspended for a period of 10 years; and (iii) a third or  
 2191 subsequent felony offense shall have his license issued pursuant to § 58.1-4205 permanently suspended. The  
 2192 court shall order the suspension of such license upon conviction.

2193 **§ 58.1-4225. Exclusion from the applicability of this chapter.**

2194 This chapter shall not apply to sports betting authorized under Article 2 (§ 58.1-4030 et seq.) of Chapter  
 2195 40 or casino gaming authorized under Chapter 41 (§ 58.1-4100 et seq.).

2196 **§ 58.1-4226. Certain provisions in Article 1 (§ 58.1-4000 et seq.) of Chapter 40 to apply mutatis**  
 2197 **mutandis.**

2198 Except as provided in this chapter, the provisions of Article 1 (§ 58.1-4000 et seq.) of Chapter 40 shall  
 2199 apply mutatis mutandis to electronic skill gaming devices under this chapter. The Board shall promulgate  
 2200 regulations to interpret and clarify the applicability of Article 1 to this chapter.

2201 **2. That the Virginia Lottery Board (the Board) shall adopt regulations necessary to implement the**  
 2202 **provisions of this act. The Board's initial adoption of such regulations shall be exempt from the**  
 2203 **Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), provided that, prior to the final**  
 2204 **adoption of such regulations, the Board publishes in the Virginia Register of Regulations and posts on**  
 2205 **the Virginia Regulatory Town Hall an action that provides (i) a 30-day comment period; (ii) a**  
 2206 **summary of the proposed regulations, the text of the proposed regulations, and the name, address,**  
 2207 **email address, and telephone number of the agency contact person responsible for receiving public**  
 2208 **comments; and (iii) the statutory authority to promulgate the regulations.**

2209 **3. That the initial procurement by the Virginia Lottery of the central monitoring system for electronic**  
 2210 **skill gaming devices required by § 58.1-4216 of the Code of Virginia, as created by this act, shall be**  
 2211 **exempt from the departmental procurement regulations promulgated by the Virginia Lottery Board**  
 2212 **pursuant to § 58.1-4007 of the Code of Virginia, as amended by this act.**

2213 **4. That prior to its procurement of a central monitoring system, the Virginia Lottery (the Department)**  
 2214 **is authorized to begin accepting applications for licensure in accordance with the provisions of Chapter**  
 2215 **42 (§ 58.1-4200 et seq.) of Title 58.1 of the Code of Virginia, as created by this act, as of July 1, 2026.**  
 2216 **Any applicant that has submitted a completed application to the Department on or after July 1, 2026,**  
 2217 **but before August 1, 2026, shall be authorized to begin manufacturing, distributing, placing, or**  
 2218 **operating electronic skill gaming devices immediately after the effective date of this act, even if such**  
 2219 **applicant's application for licensure with the Department is still pending. If, after review of an**  
 2220 **application, the Department fails to grant a license to an applicant, such applicant shall immediately**  
 2221 **cease all electronic skill gaming device operations in the Commonwealth. During such period, each**  
 2222 **distributor shall be responsible for remitting monthly to the Department by the 20th day of each**  
 2223 **month the gaming tax due for the preceding month. Notwithstanding the provisions of § 58.1-4205 of**  
 2224 **the Code of Virginia, as created by this act, the Department may, for an amount of time to be**  
 2225 **determined by the Virginia Lottery Board, require an applicant for licensure to pay all application fees**  
 2226 **at the time the applicant submits its application to the Department. Any applicant that, during such**

2227 period, submits an application and accompanying fee but is not granted a license by the Department  
2228 shall be reimbursed.

2229 5. Notwithstanding the provisions of § 58.1-4216 of the Code of Virginia, as created by this act, that  
2230 require each electronic skill gaming device and ticket redemption terminal operated in the  
2231 Commonwealth be connected to a central monitoring system established and operated by the Virginia  
2232 Lottery (the Department), the Department shall not enforce this requirement until 45 days after the  
2233 Department has obtained and placed into operation a central monitoring system.

2234 6. That the Virginia Lottery (the Department) and the Virginia Alcoholic Beverage Control Authority  
2235 shall enter into a memorandum of understanding (i) allowing the Department to access any licensing  
2236 records necessary to verify that any applicant for a host location license, in accordance with the  
2237 provisions of subdivisions A 1 and 2 of § 58.1-4208 of the Code of Virginia, as created by this act, has a  
2238 valid retail license to sell alcoholic beverages and (ii) to cooperate in the mutual enforcement of the  
2239 provisions of this act relating to electronic skill gaming devices in ABC-licensed establishments.

2240 7. That the Virginia Lottery (the Department) and the Department of Agriculture and Consumer  
2241 Services shall enter into a memorandum of understanding allowing the Department to access any  
2242 records necessary to verify whether an applicant for a host location license, in accordance with the  
2243 provisions of subdivision A 3 of § 58.1-4208 of the Code of Virginia, as created by this act, has a valid  
2244 charitable gaming permit.

2245 8. That the Virginia Lottery (the Department) shall collect data regarding the compliance of licensees  
2246 with the provisions of Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1 of the Code of Virginia, as created  
2247 by this act, including an estimate of the number of unlawful electronic skill gaming devices located in  
2248 the Commonwealth and the number of such gaming devices that have been seized by law enforcement  
2249 or are otherwise unavailable for play. The Department shall submit an annual report containing such  
2250 data on or before March 1 of each year to the Chairs of the House Committee on General Laws and the  
2251 Senate Committee on Rehabilitation and Social Services.

2252 9. That the provisions of this act may result in a net increase in periods of imprisonment or  
2253 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
2254 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;  
2255 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing  
2256 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of  
2257 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of  
2258 commitment to the custody of the Department of Juvenile Justice.

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