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HOUSE BILL NO. 1638

Offered January 9, 2019

Prefiled November 20, 2018

A *BILL to amend and reenact §§ 2.2-3711, 18.2-334.3, 23.1-3131, 30-309, 30-310, 37.2-304, 58.1-4000, 58.1-4002, 58.1-4007, 58.1-4027, 59.1-364, and 59.1-569 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, by adding a section numbered 58.1-4015.1, and by adding in Chapter 40 of Title 58.1 an article numbered 2, consisting of sections numbered 58.1-4030 through 58.1-4045; and to repeal § 58.1-4007.2 of the Code of Virginia, relating to Virginia Lottery; repeal prohibition against sale of lottery tickets over the Internet; sports betting; Problem Gambling Treatment and Support Fund; Major Research Project Subfund; Sports Betting Operations Fund; penalties.*

Patron—Sickles

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3711, 18.2-334.3, 23.1-3131, 30-309, 30-310, 37.2-304, 58.1-4000, 58.1-4002, 58.1-4007, 58.1-4027, 59.1-364, and 59.1-569 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, by adding a section numbered 58.1-4015.1, and by adding in Chapter 40 of Title 58.1 an article numbered 2, consisting of sections numbered 58.1-4030 through 58.1-4045, as follows:

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

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

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

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

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

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

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

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

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

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59 this subdivision shall be construed to permit the closure of a meeting merely because an attorney
60 representing the public body is in attendance or is consulted on a matter.

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

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

78 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
79 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of
80 Virginia of matters relating to specific gifts, bequests, and grants from private sources.

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

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

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

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

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

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

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

103 18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity
104 of, or information tending to identify, any prisoner who (i) provides information about crimes or
105 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the
106 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
107 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

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

116 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or
117 of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of
118 trustees of a trust established by one or more local public bodies to invest funds for postemployment
119 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title
120 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the

Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, and those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7.

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

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

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

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

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

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

182 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of
183 § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are
184 defined in § 33.2-1800, or any independent review panel appointed to review information and advise
185 the responsible public entity concerning such records.

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

190 30. Discussion or consideration of grant or loan application information subject to the exclusion in
191 subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation
192 and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory
193 Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

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

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

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

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

207 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
208 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative
209 files subject to the exclusion in subdivision B 1 of § 2.2-3706.

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

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

218 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
219 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
220 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
221 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment
222 Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in
223 subdivision 24 of § 2.2-3705.7.

224 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of
225 § 2.2-3705.6 related to economic development.

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

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

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

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

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

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

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

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

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

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

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

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

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

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

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

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

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

§ 11-16.1. Exemption; authorized sports betting.

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

§ 18.2-334.3. Exemptions to article; lottery; sports betting.

Nothing in this article shall apply to any:

1. Any lottery conducted by the Commonwealth of Virginia pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1; or

2. Any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1.

§ 23.1-3131. Virginia Research Investment Fund; Major Research Project Subfund.

A. There is hereby created in the state treasury a special nonreverting revolving fund to be known as

the Virginia Research Investment Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources public or private, shall be paid into the state treasury and credited to the Fund. Interest and other income earned on the Fund shall be credited to the Fund. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. 1. Notwithstanding any other provision of law, the General Assembly may specifically designate that certain moneys appropriated to the Fund be invested, reinvested, and managed by the Board of Trustees as provided in § 51.1-124.38. The State Treasurer shall not be held liable for losses suffered by the Virginia Retirement System on investments made under the authority of this subsection.

2. No more than \$4 million of moneys so invested, net of any administrative fee assessed pursuant to subsection E of § 51.1-124.38, may be awarded through grants or loans in a fiscal year for any purpose permitted by this article. At the direction of the Committee, the State Comptroller may annually request a disbursement of \$4 million from the moneys invested by the Board of Trustees, to be held with other moneys in the Fund not subject to such investment. At the end of each fiscal year, if less than \$4 million of such annual allocation is awarded as grants or loans in a calendar year, the Comptroller shall return the remainder of the annual \$4 million allocation to the Board of Trustees for reinvestment pursuant to § 51.1-124.38.

3. Any loans awarded pursuant to this article shall be paid by the Comptroller from the \$4 million annual allocation set forth in subdivision 2. The recipient of a loan shall repay the loan pursuant to the terms set forth by the Committee. At the end of each fiscal year, the Comptroller shall return any repayments received from loan recipients to the Board of Trustees for reinvestment pursuant to § 51.1-124.38.

C. 1. Moneys in the Fund shall be used primarily for grants and loans to (i) foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation opportunities; (ii) position the Commonwealth as a national leader in science-based and technology-based research, development, and commercialization; (iii) attract and effectively recruit and retain eminent researchers to enhance research superiority at public institutions of higher education; and (iv) encourage cooperation and collaboration among public institutions of higher education, and with the private sector, in areas and with activities that foster economic development and job creation in the Commonwealth.

2. Grants and loans from the Fund for innovative research, development, and commercialization efforts, projects, and programs shall (i) be awarded in areas of focus identified in the Roadmap and shall include the biosciences, personalized medicine, cybersecurity, data analytics, and other areas designated in the general appropriation act; (ii) be awarded solely to public institutions of higher education in the Commonwealth or collaborations between the public institutions of higher education and private entities; and (iii) require a match of funds at least equal to the amount awarded.

3. Moneys in the Fund may be used to pay administrative fees assessed by the Board of Trustees for its services in investing Fund moneys pursuant to § 51.1-124.38.

D. 1. *There is hereby created in the state treasury a special nonreverting revolving fund to be known as the Major Research Project Subfund (the Subfund). The Subfund shall be established on the books of the Comptroller and shall be a subfund of the Fund. All moneys appropriated by the General Assembly for the Subfund, all tax revenue accruing to the Subfund pursuant to § 58.1-4037, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Subfund. Interest and other income earned on the Subfund shall be credited to the Subfund. Any moneys remaining in the Subfund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Subfund.*

2. *The Subfund shall be administered in the same manner and for the same purpose as the Fund; however, the Subfund shall be used to fund only major research projects, and no grant or loan in an amount less than \$10 million shall be awarded from the Subfund.*

E. The disbursement of grants and loans, and the payment of administrative costs and service fees, from the Fund shall be made by the State Comptroller at the written request of the Committee.

§ 30-309. MEI Project Approval Commission; membership; terms; compensation and expenses; definition.

A. The MEI Project Approval Commission (the Commission) is established as an advisory commission in the legislative branch of state government. The purpose of the Commission shall be to review financing for individual incentive packages, including but not limited to packages offering tax incentives, for economic development projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or; (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package, including grants, tax incentives such as credits and

exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth, is in excess of \$10 million in value; or (iii) the incentive package to be provided includes a grant or loan from the Major Research Project Subfund established in § 23.1-3131.

B. The Commission shall consist of 10 members as follows: five members of the House Committee on Appropriations or the House Committee on Finance appointed by the chair of the House Committee on Appropriations and three members of the Senate Committee on Finance appointed by the chair of the Senate Committee on Finance. In addition, the Secretaries of Finance and Commerce and Trade shall serve as ex officio, nonvoting members of the Commission.

C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.

D. The members of the Commission shall elect a chairman and vice-chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.

F. As used in this chapter, "MEI project" means the same as that term is defined in § 2.2-2260.

§ 30-310. Review of incentive packages.

A. 1. The Commission shall review individual incentive packages, including but not limited to packages offering tax incentives, for economic development projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package ~~or~~; (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package, including grants, tax incentives such as credits and exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth, is in excess of \$10 million in value; or (iii) the incentive package to be provided includes a grant or loan from the Major Research Project Subfund established in § 23.1-3131. The Commission shall also review economic development projects in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. The Commission shall recommend approval or denial of such packages and projects to the General Assembly. Factors that shall be considered by the Commission in its review shall include, but not be limited to ~~(i)~~ (a) return on investment, ~~(ii)~~ (b) the time frame for repayment of incentives to the Commonwealth, ~~(iii)~~ (c) average wages of the jobs created by the prospective MEI project or other economic development project, ~~(iv)~~ (d) the amount of capital investment that is required, and ~~(v)~~ (e) the need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

2. a. Any time a proposed individual incentive package is to be considered by the Commission, materials outlining (i) the value of the proposed incentives, (ii) assumed return on investment, (iii) the time frame for repayment of incentives to the Commonwealth, (iv) average wages of the jobs created by the prospective MEI project or other economic development project, (v) the amount of capital investment that is required, and (vi) the need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project, shall be provided to the Commission members not less than 48 hours prior to the scheduled Commission meeting.

b. The timing of any request for an endorsement of a proposed individual incentive package should be scheduled so that the MEI Commission could, at its discretion, have up to seven days subsequent to the presentation of the incentive package prior to endorsing or rejecting such proposal.

B. An affirmative vote by three of the five members of the Commission from the House of Delegates and two of the three members of the Commission from the Senate shall be required to endorse any incentive package, including but not limited to packages offering tax incentives, for economic development projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value. Such vote shall also be required to endorse any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality.

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.
 2. To employ the personnel required to carry out the purposes of this title.
 3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.
 4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.
 5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.
 6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.
 7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of (i) critical incidents, as that term is defined in § 37.2-709.1, or deaths of individuals receiving services in facilities and (ii) serious injuries, as that term is defined in regulations adopted by the Board pursuant to § 37.2-400, or deaths of individuals receiving services in programs operated or licensed by the Department within 15 working days of the critical incident, serious injury, or death.
 8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.
 9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.
 10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.
 11. To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to § 37.2-312.2.
 12. To submit a report for the preceding fiscal year by December 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finances Committees that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The report shall include a brief narrative and data on the number of individuals receiving state facility services or community services board services, including purchased inpatient psychiatric services; the types and amounts of services received by these individuals; and state facility and community services board service capacities, staffing, revenues, and expenditures. The annual report shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.
 13. *To administer the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.*
- Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.
- § 37.2-314.1. Problem Gambling Treatment and Support Fund.**
- There is hereby created in the state treasury a special nonreverting fund to be known as the Problem Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys required to be deposited into the Fund pursuant*

to subsection B of § 58.1-4037 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) providing counseling and other support services for compulsive and problem gamblers, (ii) developing and implementing problem gambling treatment and prevention programs, and (iii) providing grants to supporting organizations that provide assistance to compulsive gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

CHAPTER 40.

VIRGINIA LOTTERY LAW; SPORTS BETTING.

Article 1.

Powers and Duties of Virginia Lottery Board; Administration of Tickets and Prizes.

§ 58.1-4000. Short title.

This ~~chapter~~ article shall be known and may be cited as the Virginia Lottery Law.

§ 58.1-4002. Definitions.

~~For the purposes of~~ As used in this chapter, unless the context requires a different meaning:

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

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in this ~~chapter~~ article and sports betting pursuant to Article 2 (§ 58.1-4030 et seq.).

"Director" means the Director of the Virginia Lottery.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter.

"Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

"Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4015.1 that allows individuals to voluntarily exclude themselves from buying lottery tickets or shares and participating in sports betting, as defined in § 58.1-4030, by placing their name on a voluntary exclusion list and following the procedures set forth by the Board.

§ 58.1-4007. Powers of the Board.

A. The Board shall have the power to adopt regulations governing the establishment and operation of a lottery pursuant to this article and sports betting pursuant to Article 2 (§ 58.1-4030 et seq.). The regulations governing the establishment and operation of the lottery and sports betting shall be promulgated by the Board after consultation with the Director. Such regulations shall be in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The regulations shall provide for all matters necessary or desirable for the efficient, honest, and economical operation and administration of the lottery and sports betting and for the convenience of the purchasers of tickets or shares, and the holders of winning tickets or shares, and sports bettors. The regulations, which may be amended, repealed, or supplemented as necessary, shall include, but not be limited to, the following:

1. The type or types of lottery or game to be conducted in accordance with § 58.1-4001.
2. The price or prices of tickets or shares in the lottery.
3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii) returned to the Commonwealth as net revenues.
4. The manner of selecting the winning tickets or shares.
5. The manner of payment of prizes to the holders of winning tickets or shares.
6. The frequency of the drawings or selections of winning tickets or shares without limitation.
7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.
8. The method to be used in selling tickets or shares, including the sale of tickets or shares over the Internet.

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

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

11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to

551 provide for the adequate availability of tickets or shares to prospective buyers and for the convenience
552 of the public. Notwithstanding the provisions of this subdivision, the Board shall not be required to
553 approve temporary bonus or incentive programs for payments to licensed sales agents.

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

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

559 14. *The operation of sports betting pursuant to Article 2 (§ 58.1-4030 et seq.).*

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

561 The Department shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2;
562 however, the Board shall promulgate regulations, after consultation with the Director, relative to
563 departmental procurement which include standards of ethics for procurement consistent with the
564 provisions of Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 and which ensure that
565 departmental procurement will be based on competitive principles.

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

569 B. The Board shall carry on a continuous study and investigation of the lottery *and sports betting*
570 throughout the Commonwealth to:

571 1. Ascertain any defects of this chapter or the regulations issued hereunder which cause abuses in the
572 administration and operation of the lottery *and sports betting* and any evasions of such provisions.

573 2. Formulate, with the Director, recommendations for changes in this chapter and the regulations
574 promulgated hereunder to prevent such abuses and evasions.

575 3. Guard against the use of this chapter and the regulations promulgated hereunder as a subterfuge
576 for organized crime and illegal gambling.

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

579 C. The Board shall make a continuous study and investigation of (i) the operation and the
580 administration of similar laws ~~which that~~ may be in effect in other states or countries, (ii) any literature
581 on the subject ~~which that~~ may be published or available, (iii) any federal laws ~~which that~~ may affect the
582 operation of the lottery *and sports betting*, and (iv) the reaction of Virginia citizens to the potential
583 features of the lottery *and sports betting* with a view to recommending or effecting changes that will
584 serve the purpose of this chapter.

585 D. The Board shall hear and decide an appeal of any denial by the Director of the licensing or
586 revocation of a license of a lottery agent pursuant to subdivision A 10 of ~~subsection A~~ of this section
587 and subdivision B 5 of ~~subsection B~~ of § 58.1-4006 of this chapter. *The Board shall hear and decide an*
588 *appeal of any penalty, denial of a permit or renewal, or suspension or revocation of a permit imposed*
589 *by the Director pursuant to Article 2 (§ 58.1-4030 et seq.).*

590 E. The Board shall have the authority to initiate procedures for the planning, acquisition, and
591 construction of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3
592 (§ 2.2-1819 et seq.) of Chapter 18 of Title 2.2.

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

596 **§ 58.1-4015.1. Voluntary exclusion program.**

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

598 B. *The regulations shall include the following provisions:*

599 1. *Except as provided by regulation of the Board, an individual who participates in the voluntary*
600 *exclusion program agrees to refrain from buying lottery tickets or shares and from participating in*
601 *sports betting, as defined in § 58.1-4030.*

602 2. *Except as provided by regulation of the Board, a person who participates in the voluntary*
603 *exclusion program may not petition the Board for removal from the program.*

604 3. *The name of a person participating in the program shall be included on a list of excluded*
605 *persons. The list of persons entering the voluntary exclusion program and the personal information of*
606 *the participants shall be confidential, with dissemination by the Board limited to sales agents and permit*
607 *holders, as defined in § 58.1-4030, for purposes of enforcement. The Board shall disseminate the list to*
608 *other parties upon request by the participant and agreement by the Board.*

609 4. *Sales agents and permit holders shall make all reasonable attempts as determined by the Board to*
610 *cease all direct marketing efforts to a person participating in the program. The voluntary exclusion*
611 *program shall not preclude sales agents and permit holders from seeking the payment of a debt incurred*
612 *by a person before entering the program.*

§ 58.1-4027. Judicial review.

The action of the Board in (i) granting, ~~or in refusing to grant,~~ or denying a license or registration or in suspending or revoking any license or registration under the provisions of this ~~chapter~~ article and (ii) granting, denying, suspending, or revoking any permit or imposing any penalty pursuant to Article 2 (§ 58.1-4030 et seq.) shall be subject to review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Such review shall be limited to the evidential record of the proceedings provided by the Board. Both the petitioner and the Board shall have the right to appeal to the Court of Appeals from any order of the court.

Article 2.
Sports Betting.

§ 58.1-4030. Definitions.

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

"Adjusted gross revenue" means gross revenue minus:

1. All cash and the cash value of merchandise, including bonuses or promotions, paid out as winnings to bettors; and

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

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

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

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

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

"Sports betting" means placing wagers on professional sports and college sports. "Sports betting" does not include participating in charitable gaming authorized by Article 1.1:1 (§ 18.2-340.15) of Chapter 8 of Title 18.2; wagering on horse racing authorized by Chapter 29 (§ 59.1-364 et seq.) of Title 59.1; or participating in fantasy contests authorized by Chapter 51 (§ 59.1-556 et seq.) of Title 59.1.

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

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

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

"Virginia college sports" means an athletic event in which at least one participant is a team from a Virginia public or private institution of higher education.

"Youth sports" means an athletic event (i) involving a participant under age 18 or (ii) in which at least one participant is a team from a public or private elementary, middle, or secondary school, regardless of where such school is located.

§ 58.1-4031. Powers and duties of the Director related to sports betting; reporting.

A. The Board shall operate a sports betting program under the direction of the Director who shall allow applicants to apply for permits to engage in sports betting operations in the Commonwealth. The Department shall regulate such operations.

B. The Board may establish a program, to be directed by the Director, under which the Department operates a sports betting platform. Any revenue received from such platform shall be distributed according to the formula described in § 58.1-4037.

C. The Director may:

1. Require bond or other surety satisfactory to the Director from permit holders in such amount as provided in the rules and regulations of the Board adopted under this article;

2. Suspend, revoke, or refuse to renew any permit issued pursuant to this article or the rules and regulations adopted under this article; and

3. Enter into contracts for the operation of the sports betting program, and enter into contracts with other states related to sports betting, provided that a contract awarded or entered into by the Director shall not be assigned by the holder thereof except by specific approval of the Director.

D. The Director shall:

1. Certify monthly to the State Comptroller and the Board a full and complete statement of sports betting revenues and expenses for the previous month;

674 2. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate
675 Committee on Finance, House Committee on Finance, and House Committee on Appropriations the total
676 sports betting revenues and expenses for the previous month and make an annual report, which shall
677 include a full and complete statement of sports betting revenues and expenses, to the Governor and the
678 General Assembly, including recommendations for changes in this article as the Director and Board
679 deem prudent;

680 3. Report immediately to the Governor and the General Assembly any matters that require immediate
681 changes in the laws of the Commonwealth in order to prevent abuses and evasions of this article or the
682 rules and regulations adopted under this article or to rectify undesirable conditions in connection with
683 the administration or operation of the sports betting program; and

684 4. Provide for the withholding of the applicable amount of state and federal income tax of persons
685 who receive income from sports betting.

686 **§ 58.1-4032. Applications for sports betting permits; penalty.**

687 A. An applicant for a sports betting permit shall:

688 1. Submit an application to the Director, on forms prescribed by the Director, containing the
689 information prescribed in subsection B; and

690 2. Pay to the Department a fee of \$250,000.

691 B. An application for a sports betting permit shall include the following information:

692 1. The applicant's background in sports betting;

693 2. The applicant's experience in wagering activities in other jurisdictions, including the applicant's
694 history and reputation of integrity and compliance;

695 3. The applicant's proposed internal controls, including controls to ensure that no excluded or
696 prohibited person will be able to participate in sports betting;

697 4. The applicant's history of working to prevent compulsive gambling, including training programs
698 for its employees; and

699 5. Any other information the Director deems necessary.

700 C. The chief security officer of the Department shall conduct a background investigation on the
701 applicant. The background investigation shall include a credit history check, a tax record check, and a
702 criminal history records check.

703 D. The Director shall issue no more than five permits pursuant to this section; however, if a permit
704 is revoked, expires, or otherwise becomes not effective, such permit shall not count against the limit. If
705 there are more than five applicants, the Director shall issue permits to those five applicants who he
706 determines will be best able to meet the duties of a permit holder, as specified in § 58.1-4034, and
707 maximize tax revenue pursuant to § 58.1-4036.

708 E. The Director shall approve an application and grant a permit within 60 days of receipt unless (i)
709 he is prohibited from issuing additional permits pursuant to the provisions of subsection D or (ii) he
710 finds grounds for denial as described in subsection F. The Director's action shall be final unless
711 appealed in accordance with § 58.1-4007.

712 F. The following shall be grounds for denial of a permit or renewal of a permit:

713 1. The Director reasonably believes the applicant will be unable to satisfy the duties of a permit
714 holder as described in subsection A of § 58.1-4034;

715 2. The Director reasonably believes that the applicant or its directors lack good character, honesty,
716 or integrity;

717 3. The Director reasonably believes that the applicant's prior activities, criminal record, reputation,
718 or associations are likely to either (i) pose a threat to the public interest, (ii) impede the regulation of
719 sports betting, or (iii) promote unfair or illegal activities in the conduct of sports betting.

720 4. The applicant or its directors knowingly make a false statement of material fact or deliberately
721 fail to disclose information requested by the Director;

722 5. The applicant or its directors knowingly fail to comply with the provisions of this article or any
723 requirements of the Director;

724 6. The applicant or its directors were convicted of a felony, a crime of moral turpitude, or any
725 criminal offense involving dishonesty or breach of trust within the 10 years prior to the submission date
726 of the permit application;

727 7. The applicant's license, registration, or permit to conduct a sports betting operation issued by any
728 other jurisdiction has been suspended or revoked;

729 8. The applicant defaults in payment of any obligation or debt due to the Commonwealth; or

730 9. The applicant's application is incomplete.

731 G. Prior to issuance of a permit, each permit holder shall either (i) be bonded by a surety company
732 entitled to do business in the Commonwealth in such amount and penalty as may be prescribed by the
733 regulations of the Board or (ii) provide other surety as may be satisfactory to the Director, payable to
734 the Department, and conditioned on performance of its duties under this article. Such surety shall be
735 prescribed by Board regulations and shall not exceed a reasonable amount.

H. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application pursuant to this article is guilty of a Class 1 misdemeanor.

§ 58.1-4033. Renewals of permits.

A. A permit issued pursuant to § 58.1-4032 shall be valid for three years from the date issued.

B. At least 60 days before the expiration of a permit, the permit holder shall submit a renewal application, on forms prescribed by the Director, with a renewal fee of \$200,000.

C. The Director may deny a permit renewal if he finds grounds for denial as described in subsection F of § 58.1-4032. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

§ 58.1-4034. Duties of permit holders.

A. A permit holder shall ensure that its sports betting operation takes reasonable measures to:

1. Ensure that only persons physically located in Virginia are able to place bets through its sports betting platform;

2. Protect the confidential information of bettors using its sports betting platform;

3. Prevent betting on events that is prohibited by § 58.1-4038, underage betting as prohibited by § 58.1-4039, and bets by persons who are prohibited from sports betting by § 58.1-4040;

4. Allow persons to restrict themselves from placing bets with the permit holder, including sharing, at the person's request, his request for self-exclusion with the Department for the sole purpose of disseminating the request to other permit holders;

5. Establish procedures to detect suspicious or illegal betting activity, including measures to immediately report such activity to the Department; and

6. Provide for the withholding of the applicable amount of state and federal income tax of persons who receive income from sports betting.

B. A permit holder shall maintain records on:

1. All bets, including the bettor's personal information, the amount and type of bet, the time and location of the bet, and the outcome of the bet; and

2. Suspicious or illegal betting activity.

C. A permit holder shall disclose the records described in subsection B to the Department upon request and shall maintain such records for at least three years after the related sports event occurs.

D. In advertising its sports betting operations, a permit holder shall ensure that its advertisements:

1. Do not target persons under the age of 21;

2. Disclose the identity of the permit holder;

3. Provide information about or links to resources related to gambling addiction; and

4. Are not misleading to a reasonable person.

E. A permit holder shall not sublicense, convey, concede, or otherwise transfer its permit to a third party. A permit holder is prohibited from holding itself out to the public as a sports betting operation under more than two brands. The permit holder shall conspicuously display its identity to sports bettors.

§ 58.1-4035. Civil penalties; suspension and revocation of permits.

If the Director determines that a permit holder has violated this article, he may, with at least 15 days' notice and a hearing, (i) suspend or revoke the permit holder's permit and (ii) impose a monetary penalty of not more than \$1,000 for each violation of this article. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

§ 58.1-4036. Tax on adjusted gross revenue.

A. There shall be imposed a tax of 15 percent on a permit holder's adjusted gross revenue.

B. The tax imposed pursuant to this section is due monthly to the Department, and the permit holder shall remit it on or before the twentieth day of the next succeeding calendar month. If the permit holder's accounting necessitates corrections to a previously remitted tax, he shall document such corrections when it pays the following month's taxes.

§ 58.1-4037. Distribution of tax revenue.

A. The Department shall allocate 2.5 percent of the tax revenue collected pursuant to § 58.1-4036 to the Sports Betting Operations Fund established pursuant to § 58.1-4042.

B. The Department shall allocate 2.5 percent of the tax revenue collected pursuant to § 58.1-4036 to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.

C. The Department shall allocate the remaining 95 percent of the tax revenue collected pursuant to § 58.1-4036 to the Major Research Project Subfund established pursuant to § 23.1-3131.

§ 58.1-4038. Events on which betting is prohibited; penalty.

A. No person shall place or accept a bet on:

1. Virginia college sports; or

2. Youth sports.

B. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 58.1-4039. Underage betting prohibited; penalty.

797 A. No person shall knowingly accept or redeem a sports bet by, or knowingly offer to accept or
798 redeem a sports bet on behalf of, a person under the age of 21 years.

799 B. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

800 **§ 58.1-4040. Persons prohibited from sports betting; penalty.**

801 A. The following persons shall be prohibited from sports betting:

802 1. Any Board member, officer, or employee of the Department;

803 2. Any permit holder; and

804 3. Any officer or employee of any entity working directly on a contract with the Department related
805 to sports betting.

806 B. Any competitor, coach, trainer, employee, or owner of a team in a professional sports event, or
807 any referee for a professional sports event, shall be prohibited from placing a bet on such event.

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

809 **§ 58.1-4041. Operation and advertising of unpermitted facilities prohibited; penalty.**

810 A. No person shall make his premises available for placing wagers on sports betting using the
811 Internet or advertise that his premises may be used for such purpose.

812 B. The Director may impose a monetary penalty of for each violation of this section. For a person
813 determined to have made his premises available for placing wagers on sports betting using the Internet,
814 the penalty shall not exceed \$1,000 per day per individual who places a wager. For a person
815 determined to have advertised that his premises may be used for such purpose, the penalty shall not
816 exceed \$10,000 per violation.

817 **§ 58.1-4042. Sports Betting Operations Fund.**

818 There is hereby created in the state treasury a special nonreverting fund to be known as the Sports
819 Betting Operations Fund, referred to in this section as "the Fund." The Fund shall be established on the
820 books of the Comptroller. All revenues allocated by the Department under § 58.1-4037 for deposit into
821 the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in
822 the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including
823 interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in
824 the Fund. Moneys in the Fund shall be used by the Lottery to fund its operations as it relates to the
825 administration and regulation of sports betting pursuant to this article. Expenditures and disbursements
826 from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written
827 request signed by the chairman of the Board.

828 **§ 58.1-4043. Liquidity pools.**

829 The Board may promulgate rules authorizing permit holders to offset loss and manage risk, directly
830 or with a third party approved by the Department, through the use of a liquidity pool in Virginia or
831 another jurisdiction so long as such permit holder, or an affiliate of such permit holder, is licensed by
832 such jurisdiction to operate a sports betting business. However, a permit holder's use of a liquidity pool
833 shall not eliminate its duty to ensure that it has sufficient funds available to pay bettors.

834 **§ 58.1-4044. Intermediate routing of electronic data.**

835 All sports betting shall be initiated and received within Virginia unless otherwise permitted by
836 federal law. Consistent with the intent of the United States Congress as expressed in the Unlawful
837 Internet Gambling Act, 31 U.S.C. § 5361 et seq., the intermediate routing of electronic data relating to
838 lawful intrastate sports betting authorized under this article shall not determine the location in which
839 such bet is initiated and received.

840 **§ 58.1-4045. Certain provisions in Article 1 (§ 58.1-4000 et seq.) to apply, mutatis mutandis.**

841 Except as provided in this article, the provisions of Article 1 (§ 58.1-4000 et seq.) shall apply to
842 sports betting under this article. The Board shall promulgate regulations to interpret and clarify the
843 applicability of Article 1 to this article.

844 **§ 59.1-364. Control of racing with pari-mutuel wagering.**

845 A. Horse racing with pari-mutuel wagering as licensed herein shall be permitted in the
846 Commonwealth for the promotion, sustenance and growth of a native industry, in a manner consistent
847 with the health, safety and welfare of the people. The Virginia Racing Commission is vested with
848 control of all horse racing with pari-mutuel wagering in the Commonwealth, with plenary power to
849 prescribe regulations and conditions under which such racing and wagering shall be conducted, so as to
850 maintain horse racing in the Commonwealth of the highest quality and free of any corrupt, incompetent,
851 dishonest or unprincipled practices and to maintain in such racing complete honesty and integrity. The
852 Virginia Racing Commission shall encourage participation by local individuals and businesses in those
853 activities associated with horse racing.

854 B. The conduct of any horse racing with pari-mutuel wagering participation in such racing or
855 wagering and entrance to any place where such racing or wagering is conducted is a privilege which
856 may be granted or denied by the Commission or its duly authorized representatives in its discretion in
857 order to effectuate the purposes set forth in this chapter.

858 C. The award of any prize money for any pari-mutuel wager placed at a racetrack or satellite facility

licensed by the Commission shall not be deemed to be a part of any gaming contract within the purview of § 11-14.

D. This section shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1.

§ 59.1-569. Fantasy contests not illegal gambling or sports betting.

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

B. This section shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1.

2. That § 58.1-4007.2 of the Code of Virginia is repealed.