

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-2455, 2.2-2456, 2.2-3705.6, 2.2-4002, 3.2-102, 18.2-325,*
 3 *18.2-340.15, 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22 through 18.2-340.26,*
 4 *18.2-340.26:2, 18.2-340.28:2, 18.2-340.30, 18.2-340.31, 18.2-340.33 through 18.2-340.34:2, and*
 5 *18.2-340.36 of the Code of Virginia, relating to the Virginia Department of Agriculture and*
 6 *Consumer Services; Charitable Gaming Board; powers and duties.*

7 [H 765]
 8 Approved

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

10 **1. That §§ 2.2-2455, 2.2-2456, 2.2-3705.6, 2.2-4002, 3.2-102, 18.2-325, 18.2-340.15, 18.2-340.16,**
 11 **18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22 through 18.2-340.26, 18.2-340.26:2, 18.2-340.28:2,**
 12 **18.2-340.30, 18.2-340.31, 18.2-340.33 through 18.2-340.34:2, and 18.2-340.36 of the Code of Virginia**
 13 **are amended and reenacted as follows:**

14 **§ 2.2-2455. Charitable Gaming Board; membership; terms; quorum; compensation; staff.**

15 A. The Charitable Gaming Board (the Board) is hereby established as a ~~policy~~ *an advisory* board
 16 within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board
 17 ~~shall be~~ *is* to advise the Department of Agriculture and Consumer Services on all aspects of the conduct
 18 of charitable gaming in Virginia.

19 B. The Board shall consist of ~~eleven~~ *nine* members who shall be appointed in the following manner:

20 1. Six nonlegislative citizen members appointed by the Governor subject to confirmation by the
 21 General Assembly as follows: one member who is a member of a charitable organization subject to
 22 Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department;
 23 one member who is a charitable gaming supplier registered and in good standing with the Department;
 24 one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; *at*
 25 *least* one member who is or has been a law-enforcement officer in Virginia but who (i) is not a
 26 charitable gaming supplier registered with the Department, (ii) is not a lessor of premises where
 27 charitable gaming is conducted, (iii) is not a member of a charitable organization, or (iv) does not have
 28 an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee
 29 of premises where charitable gaming is conducted; and ~~two members~~ *five citizens* who do not have an
 30 interest in or are not affiliated with a charitable organization, charitable gaming supplier, or owner,
 31 lessor, or lessee of premises where charitable gaming is conducted;

32 2. Three nonlegislative citizen members appointed by the Speaker of the House of Delegates as
 33 follows: ~~two members who are members of a charitable organization subject to Article 1.1:1~~
 34 ~~(§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one~~
 35 ~~member who does not have an interest in or is not affiliated with a charitable organization,~~ charitable
 36 ~~gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and~~

37 3. Two nonlegislative citizen members appointed by the Senate Committee on Rules as follows: one
 38 member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of
 39 Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an
 40 interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor,
 41 or lessee of premises where charitable gaming is conducted.

42 To the extent practicable, the Board shall consist of individuals from different geographic regions of
 43 the Commonwealth. Each member of the Board shall have been a resident of the Commonwealth for a
 44 period of at least three years next preceding his appointment, and his continued residency shall be a
 45 condition of his tenure in office. Members shall be appointed for four-year terms. Vacancies shall be
 46 filled by the ~~appointing authority~~ *Governor* in the same manner as the original appointment for the
 47 unexpired portion of the term. Each Board member shall be eligible for reappointment for a second
 48 consecutive term at the discretion of the ~~appointing authority~~ *Governor*. Persons who are first appointed
 49 to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive
 50 terms of four years each. No sitting member of the General Assembly shall be eligible for appointment
 51 to the Board. The members of the Board shall serve at the pleasure of the ~~appointing authority~~
 52 *Governor*.

53 C. The Board shall elect from among its members a chairman ~~who is a member of a charitable~~
 54 ~~organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2.~~ The Board shall
 55 elect a *and* vice-chairman from among its members.

56 D. A quorum shall consist of five members. The decision of a majority of those members present

57 and voting shall constitute a decision of the Board.

58 E. For each day or part thereof spent in the performance of his duties, each member of the Board
59 shall receive such compensation and reimbursement for his reasonable expenses as provided in
60 § 2.2-2104.

61 F. The Board shall adopt rules and procedures for the conduct of its business, including a provision
62 that Board members shall abstain or otherwise recuse themselves from voting on any matter in which
63 they or a member of their immediate family have a personal interest in a transaction as defined in
64 § 2.2-3101. The Board shall meet at least four times a year, and other meetings may be held at any time
65 or place determined by the Board or upon call of the chairman or upon a written request to the
66 chairman by any two members. Except for emergency meetings and meetings governed by § 2.2-3708.2
67 requiring a longer notice, all members shall be duly notified of the time and place of any regular or
68 other meeting at least 10 days in advance of such meeting.

69 G. Staff to the Board shall be provided by the Department of Agriculture and Consumer Services.

70 **§ 2.2-2456. Duties of the Charitable Gaming Board.**

71 The Board shall:

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

76 2. Advise the Department of Agriculture and Consumer Services on the conduct of charitable gaming
77 in Virginia and recommend changes to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;
78 and

79 2. *Advise on other matters related to charitable gaming that the Department of Agriculture and*
80 *Consumer Services may request or the Board may deem necessary; and*

81 3. Keep a complete and accurate record of its proceedings. A copy of such record and any other
82 public records not exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.)
83 shall be available for public inspection and copying during regular office hours at the Department of
84 Agriculture and Consumer Services.

85 **§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

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

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

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

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

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

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

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

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

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

116 9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and
117 cost projections provided by a private transportation business to the Virginia Department of

118 Transportation and the Department of Rail and Public Transportation for the purpose of conducting
 119 transportation studies needed to obtain grants or other financial assistance under the Transportation
 120 Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such
 121 information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce
 122 Act or other laws administered by the Surface Transportation Board or the Federal Railroad
 123 Administration with respect to data provided in confidence to the Surface Transportation Board and the
 124 Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to
 125 any wholly owned subsidiary of a public body.

126 10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or
 127 proprietary information by any person in connection with a procurement transaction or by any person
 128 who has submitted to a public body an application for prequalification to bid on public construction
 129 projects in accordance with subsection B of § 2.2-4317.

130 11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity,
 131 its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed
 132 under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private
 133 Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information
 134 was made public prior to or after the execution of an interim or a comprehensive agreement,
 135 § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public
 136 entity would be adversely affected and (ii) the basis for the determination required in clause (i) is
 137 documented in writing by the responsible public entity; and

138 b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or
 139 affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995
 140 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002
 141 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity;
 142 (ii) financial information of the private entity, including balance sheets and financial statements, that are
 143 not generally available to the public through regulatory disclosure or otherwise; or (iii) other information
 144 submitted by the private entity where if such information was made public prior to the execution of an
 145 interim agreement or a comprehensive agreement, the financial interest or bargaining position of the
 146 public or private entity would be adversely affected. In order for the information specified in clauses (i),
 147 (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written
 148 request to the responsible public entity:

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

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

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

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

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

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

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

179 person or entity would be adversely affected.

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

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

193 No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the
194 bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the
195 applicable franchising authority serves on the management board or as an officer of the bidder,
196 applicant, or franchisee.

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

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

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

207 17. Information relating to a grant or loan application, or accompanying a grant or loan application,
208 to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title
209 32.1 if disclosure of such information would (i) reveal proprietary business or research-related
210 information produced or collected by the applicant in the conduct of or as a result of study or research
211 on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information
212 has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the
213 competitive position of the applicant.

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

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

223 19. Confidential proprietary information and trade secrets developed by or for a local authority
224 created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to
225 provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of
226 Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive
227 position of the authority, except that information required to be maintained in accordance with
228 § 15.2-2160 shall be released.

229 20. Trade secrets or financial information of a business, including balance sheets and financial
230 statements, that are not generally available to the public through regulatory disclosure or otherwise,
231 provided to the Department of Small Business and Supplier Diversity as part of an application for
232 certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1
233 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the
234 provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or
235 other materials for which protection from disclosure is sought, (ii) identify the data or other materials for
236 which protection is sought, and (iii) state the reasons why protection is necessary.

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

239 22. Trade secrets, including, but not limited to, financial information, including balance sheets and

240 financial statements, that are not generally available to the public through regulatory disclosure or
241 otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State
242 Inspector General for the purpose of an audit, special investigation, or any study requested by the Office
243 of the State Inspector General in accordance with law.

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

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

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

250 c. Stating the reasons why protection is necessary.

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

255 23. Information relating to a grant application, or accompanying a grant application, submitted to the
256 Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial
257 information of a grant applicant that is not a public body, including balance sheets and financial
258 statements, that are not generally available to the public through regulatory disclosure or otherwise, or
259 (c) research-related information produced or collected by the applicant in the conduct of or as a result of
260 study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when
261 such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful
262 to the competitive position of the applicant; and memoranda, staff evaluations, or other information
263 prepared by the Commission or its staff exclusively for the evaluation of grant applications. The
264 exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in
265 furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

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

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

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

272 c. Stating the reasons why protection is necessary.

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

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

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

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

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

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

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

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

299 25. Information of a proprietary nature furnished by an agricultural landowner or operator to the
300 Department of Conservation and Recreation, the Department of Environmental Quality, the Department

301 of Agriculture and Consumer Services, or any political subdivision, agency, or board of the
302 Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part
303 of a state or federal regulatory enforcement action.

304 26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of
305 § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the
306 submitting party shall (i) invoke this exclusion upon submission of the data or materials for which
307 protection from disclosure is sought, (ii) identify the data or materials for which protection is sought,
308 and (iii) state the reasons why protection is necessary.

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

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

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

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

318 c. Stating the reasons why protection is necessary.

319 28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or
320 investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority
321 (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory
322 committee of the Authority, or any other entity designated by the Authority to review such applications,
323 to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a
324 grant, loan, or investment application that is not a public body, including balance sheets and financial
325 statements, that are not generally available to the public through regulatory disclosure or otherwise; or
326 (c) research-related information produced or collected by a party to the application in the conduct of or
327 as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly
328 issues, when such information has not been publicly released, published, copyrighted, or patented, and
329 (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and
330 memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing
331 entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment
332 applications, including any scoring or prioritization documents prepared for and forwarded to the
333 Authority.

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

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

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

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

346 c. Stating the reasons why protection is necessary.

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

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

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

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

- 362 b. Identifying with specificity the data or other materials for which protection is sought; and
 363 c. Stating the reasons why protection is necessary.

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

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

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

- 382 a. Invoking such exclusion upon submission of the data or other materials for which protection from
 383 disclosure is sought;
 384 b. Identifying with specificity the data, information, or other materials for which protection is sought;
 385 and
 386 c. Stating the reasons why protection is necessary.

387 The Department shall determine whether the requested exclusion from disclosure is necessary to
 388 protect the trade secrets or confidential proprietary information of the applicant. The Department shall
 389 make a written determination of the nature and scope of the protection to be afforded by it under this
 390 subdivision.

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

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

400 **§ 2.2-4002. Exemptions from chapter generally.**

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

- 404 1. The General Assembly.
 405 2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly
 406 granted any of the powers of a court of record.
 407 3. The Department of Wildlife Resources in promulgating regulations regarding the management of
 408 wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et
 409 seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of
 410 Title 29.1.
 411 4. The Virginia Housing Development Authority.
 412 5. Municipal corporations, counties, and all local, regional, or multijurisdictional authorities created
 413 under this Code, including those with federal authorities.
 414 6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031,
 415 such educational institutions shall be exempt from the publication requirements only with respect to
 416 regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining
 417 of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of
 418 students.
 419 7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii)
 420 classification and allocation of milk, computation of sales, and shrinkage, and (iii) class prices for
 421 producers' milk, time and method of payment, butterfat testing, and differential.
 422 8. The Virginia Resources Authority.

- 423 9. Agencies expressly exempted by any other provision of this Code.
- 424 10. The Department of General Services in promulgating standards for the inspection of buildings for
425 asbestos pursuant to § 2.2-1164.
- 426 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising
427 guidelines pursuant to § 23.1-207.
- 428 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to
429 subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
- 430 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and
431 Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601,
432 subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206,
433 and subsection A of § 3.2-5406.
- 434 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,
435 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of
436 optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
- 437 15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to
438 § 2.2-2001.3.
- 439 16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to
440 § 22.1-203.2.
- 441 17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or
442 in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual
443 live horse racing at race meetings licensed by the Commission.
- 444 18. The Virginia Small Business Financing Authority.
- 445 19. The Virginia Economic Development Partnership Authority.
- 446 20. The Board of Agriculture and Consumer Services in adopting, amending, or repealing regulations
447 pursuant to subsection A (ii) of § 59.1-156.
- 448 21. The Insurance Continuing Education Board pursuant to § 38.2-1867.
- 449 22. The Board of Health in promulgating the list of diseases that shall be reported to the Department
450 of Health pursuant to § 32.1-35 and in adopting, amending, or repealing regulations pursuant to
451 subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to
452 restaurants or food service.
- 453 23. The Board of Pharmacy when specifying special subject requirements for continuing education
454 for pharmacists pursuant to § 54.1-3314.1.
- 455 24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant
456 to § 58.1-3219.7 or 58.1-3219.11.
- 457 25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any
458 training standards established by the Criminal Justice Services Board under § 9.1-102, provided such
459 actions are authorized by the Governor in the interest of public safety.
- 460 B. Agency action relating to the following subjects shall be exempted from the provisions of this
461 chapter:
- 462 1. Money or damage claims against the Commonwealth or agencies thereof.
- 463 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
- 464 3. The location, design, specifications, or construction of public buildings or other facilities.
- 465 4. Grants of state or federal funds or property.
- 466 5. The chartering of corporations.
- 467 6. Customary military, militia, naval, or police functions.
- 468 7. The selection, tenure, dismissal, direction, or control of any officer or employee of an agency of
469 the Commonwealth.
- 470 8. The conduct of elections or eligibility to vote.
- 471 9. Inmates of prisons or other such facilities or parolees therefrom.
- 472 10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other
473 state institutions as well as the treatment, supervision, or discharge of such persons.
- 474 11. Traffic signs, markers, or control devices.
- 475 12. Instructions for application or renewal of a license, certificate, or registration required by law.
- 476 13. Content of, or rules for the conduct of, any examination required by law.
- 477 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).
- 478 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent
479 with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are
480 published and posted.
- 481 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
482 finfish, or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
- 483 17. Any operating procedures for review of child deaths developed by the State Child Fatality

484 Review Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed
 485 by the Adult Fatality Review Team pursuant to § 32.1-283.5, any operating procedures for review of
 486 adult deaths developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and any
 487 operating procedures for review of the deaths of persons with a developmental disability developed by
 488 the Developmental Disabilities Mortality Review Committee pursuant to § 37.2-314.1.

489 18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the
 490 activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1
 491 (§ 54.1-2515 et seq.) of Title 54.1.

492 19. The process of reviewing and ranking grant applications submitted to the Commonwealth
 493 Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title
 494 51.5.

495 20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4
 496 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

497 21. The Virginia Breeders Fund created pursuant to § 59.1-372.

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

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

500 24. Any rules adopted by the ~~Charitable Gaming Board~~ *Department of Agriculture and Consumer*
 501 *Services* for the approval and conduct of game variations for the conduct of raffles, bingo, network
 502 bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1
 503 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

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

507 **§ 3.2-102. General powers and duties of the Commissioner.**

508 A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers
 509 and duties herein provided, and such other powers and duties as may be prescribed by law, including
 510 those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its
 511 orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless
 512 the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and
 513 develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement,
 514 and maintain programs within the Department including those that promote the development and
 515 marketing of the Commonwealth's agricultural products in domestic and international markets, including
 516 promotions, market development and research, marketing assistance, market information, and product
 517 grading and certification; promote the creation of new agribusiness including new crops, biotechnology
 518 and new uses of agricultural products, and the expansion of existing agribusiness within the
 519 Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety
 520 and quality of the Commonwealth's food supply through food and dairy inspection activities, industry
 521 and consumer education, and information on food safety; preserve the Commonwealth's agricultural
 522 lands; ensure animal health and protect the Commonwealth's livestock industries through disease control
 523 and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane
 524 treatment and care of animals; protect public health and the environment through regulation and proper
 525 handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species;
 526 protect crop and plant health and productivity; ensure consumer protection and fair trade practices in
 527 commerce; develop plans and emergency response protocols to protect the agriculture industry from
 528 bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the
 529 Commonwealth's response to natural disasters; develop and implement programs and inspection activities
 530 to ensure that the Commonwealth's agricultural products move freely in trade domestically and
 531 internationally; and enter into agreements with federal, state, and local governments, land grant
 532 universities, and other organizations that include marketing, plant protection, pest control, pesticides, and
 533 meat and poultry inspection.

534 B. In addition, the Commissioner shall:

535 1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate
 536 and promote the purchase of Virginia farm products by schools, universities, and other educational
 537 institutions under the jurisdiction of the State Department of Education. The website shall present such
 538 current information as the availability of Virginia farm products, including the types and amount of
 539 products, and the names of and contact information for farmers, farm organizations, and businesses
 540 marketing such products; ~~and~~

541 2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of
 542 Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote,
 543 develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100.
 544 Such corporation shall provide wholesale wine distribution services for wineries and farm wineries

545 licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed
 546 of the Commissioner and four members appointed by the Board, including one owner or manager of a
 547 winery or farm winery licensee that is not served by a wholesaler when the owner or manager is
 548 appointed to the board; one owner or manager of a winery or farm winery licensee that produces no
 549 more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making
 550 appointments to the board of directors, the Board shall consider nominations of winery and farm winery
 551 licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the
 552 Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to
 553 him at least annually on its activities, including reporting the quantity of wine distributed for each
 554 winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement
 555 Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers
 556 granted under this section; and

557 3. *Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not*
 558 *inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1*
 559 *(§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations.*

560 **§ 18.2-325. Definitions.**

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

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

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

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

577 3. "Gambling device" includes:

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

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

590 c. Skill games.

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

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

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

598 6. "Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or
 599 other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate,
 600 activate, or play a game, the outcome of which is determined by any element of skill of the player and
 601 that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents,
 602 gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise;
 603 or anything of value whether the payoff is made automatically from the device or manually.

604 7. "Unregulated location" means any location that is not regulated or operated by the Virginia Lottery
 605 or Virginia Lottery Board, the Department of Agriculture and Consumer Services or the Charitable

606 Gaming Board, the Virginia Alcoholic Beverage Control Authority, or the Virginia Racing Commission.

607 **§ 18.2-340.15. State control of charitable gaming.**

608 A. Charitable gaming as authorized herein shall be permitted in the Commonwealth as a means of
609 funding qualified organizations but shall be conducted only in strict compliance with the provisions of
610 this article. The Department of Agriculture and Consumer Services (~~the Department~~) is vested with
611 control of all charitable gaming in the Commonwealth. The ~~Charitable Gaming Board~~ *Commissioner*
612 shall have the power to prescribe regulations and conditions under which such gaming shall be
613 conducted to ensure that it is conducted in a manner consistent with the purpose for which it is
614 permitted.

615 B. The conduct of any charitable gaming is a privilege that may be granted or denied by the
616 Department of Agriculture and Consumer Services or its duly authorized representatives in its discretion
617 in order to effectuate the purposes set forth in this article.

618 **§ 18.2-340.16. Definitions.**

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

620 "Bingo" means a specific game of chance played with (i) individual cards having randomly numbered
621 squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of
622 bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are
623 called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated
624 numbers on such cards conforming to a predetermined pattern of numbers selected at random.

625 "Board" means the ~~Charitable Gaming Board~~ created pursuant to ~~§ 2.2-2455~~.

626 "Bona fide member" means an individual who participates in activities of a qualified organization
627 other than such organization's charitable gaming activities.

628 "Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments,
629 and games of chance explicitly authorized by this article.

630 "Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers,
631 instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips,
632 and any other equipment or product manufactured for or intended to be used in the conduct of charitable
633 games. However, for the purposes of this article, charitable gaming supplies shall not include items
634 incidental to the conduct of charitable gaming such as markers, wands, or tape.

635 "Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

636 "Conduct" means the actions associated with the provision of a gaming operation during and
637 immediately before or after the permitted activity, which may include, but not be limited to, (i) selling
638 bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling
639 bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

640 "Department" means the Department of Agriculture and Consumer Services.

641 "Fair market rental value" means the rent that a rental property will bring when offered for lease by
642 a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no
643 necessity of leasing.

644 "Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and
645 administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such
646 other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

647 "Gross receipts" means the total amount of money generated by an organization from charitable
648 gaming before the deduction of expenses, including prizes.

649 "Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random
650 selection of one or more individually prepacked cards, including Department-approved electronic
651 versions thereof, with winners being determined by the preprinted or predetermined appearance of
652 concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses
653 and may include the use of a seal card which conceals one or more numbers or symbols that have been
654 designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical
655 equipment.

656 "Jackpot" means a bingo game that the organization has designated on its game program as a jackpot
657 game in which the prize amount is greater than \$100.

658 "Landlord" means any person or his agent, firm, association, organization, partnership, or corporation,
659 employee, or immediate family member thereof, which owns and leases, or leases any premises devoted
660 in whole or in part to the conduct of bingo games, and any person residing in the same household as a
661 landlord.

662 "Management" means the provision of oversight of a gaming operation, which may include, but is
663 not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling,
664 submitting and maintaining required records and financial reports, and ensuring that all aspects of the
665 operation are in compliance with all applicable statutes and regulations.

666 "Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

667 "Network bingo provider" means a person licensed by the Department to operate network bingo.

668 "Operation" means the activities associated with production of a charitable gaming activity, which
669 may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming;
670 (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the
671 organization's management.

672 "Organization" means any one of the following:

673 1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit
674 thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the
675 political subdivision where the volunteer fire department or volunteer emergency medical services
676 agency is located as being a part of the safety program of such political subdivision;

677 2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue
678 Code, is operated, and has always been operated, exclusively for educational purposes, and awards
679 scholarships to accredited public institutions of higher education or other postsecondary schools licensed
680 or certified by the Board of Education or the State Council of Higher Education for Virginia;

681 3. An athletic association or booster club or a band booster club established solely to raise funds for
682 school-sponsored athletic or band activities for a public school or private school accredited pursuant to
683 § 22.1-19 or to provide scholarships to students attending such school;

684 4. An association of war veterans or auxiliary units thereof organized in the United States;

685 5. A fraternal association or corporation operating under the lodge system;

686 6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue
687 Code and is operated, and has always been operated, exclusively to provide services and other resources
688 to older Virginians, as defined in § 51.5-116;

689 7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue
690 Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

691 8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue
692 Code and is operated, and has always been operated, exclusively to provide health care services or
693 conduct medical research;

694 9. An accredited public institution of higher education or other postsecondary school licensed or
695 certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt
696 from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

697 10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the
698 Internal Revenue Code;

699 11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the
700 Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and
701 foster a spirit of understanding among the people of the world; (ii) promote the principles of good
702 government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare
703 of the community; (iv) provide a forum for the open discussion of matters of public interest; (v)
704 encourage individuals to serve the community without personal financial reward; and (vi) encourage
705 efficiency and promote high ethical standards in commerce, industries, professions, public works, and
706 private endeavors;

707 12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue
708 Code and is operated, and has always been operated, exclusively to (i) raise awareness of
709 law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement
710 Officers Memorial and Museum; and (iii) raise funds for the charitable causes of other organizations that
711 are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

712 13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue
713 Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the
714 environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of
715 science and technology to advance the conservation of the environment, caves, or other natural
716 resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources
717 or provide grant opportunities to other nonprofit organizations that are devoted to such conservation
718 efforts;

719 14. A local chamber of commerce; or

720 15. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the
721 Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or
722 seal cards that generate annual gross receipts of \$40,000 or less, provided that such gross receipts, less
723 expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes.
724 Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included
725 when calculating an organization's annual gross receipts for the purposes of this subdivision.

726 "Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised
727 of participating charitable organizations for the conduct of network bingo games in which the purchase

728 of a network bingo card by a player automatically includes the player in a pool with all other players in
729 the network, and where the prize to the winning player is awarded based on a percentage of the total
730 amount of network bingo cards sold in a particular network.

731 "Qualified organization" means any organization to which a valid permit has been issued by the
732 Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

733 "Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or
734 prearranged number of one or more persons purchasing chances or (ii) a random contest in which the
735 winning name or preassigned number of one or more persons purchasing chances is determined by a
736 race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

737 "Reasonable and proper business expenses" means business expenses actually incurred by a qualified
738 organization in the conduct of charitable gaming and not otherwise allowed under this article or under
739 ~~Board~~ Department regulations on real estate and personal property tax payments, travel expenses,
740 payments of utilities and trash collection services, legal and accounting fees, costs of business furniture,
741 fixtures and office equipment and costs of acquisition, maintenance, repair or construction of an
742 organization's real property. For the purpose of this definition, salaries and wages of employees whose
743 primary responsibility is to provide services for the principal benefit of an organization's members shall
744 not qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer
745 Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper
746 business expense.

747 "Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming
748 supplies to any qualified organization.

749 "Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards
750 facedown that may be used individually, (ii) five cards shown face up are shared among all players in
751 the game, (iii) players combine any number of their individual cards with the shared cards to make the
752 highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the
753 rules of the game are governed by the official rules of the Poker Tournament Directors Association.

754 "Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i)
755 who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in
756 the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the
757 competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one
758 or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker
759 chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of
760 value according to how long such players remain in the competition.

761 **§ 18.2-340.18. Powers and duties of the Department.**

762 The Department shall have all powers and duties necessary to carry out the provisions of this article
763 and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties
764 shall include ~~but not be limited to~~ the following:

765 1. The Department is vested with jurisdiction and supervision over all charitable gaming authorized
766 under the provisions of this article and including all persons that conduct or provide goods, services, or
767 premises used in the conduct of charitable gaming. It may employ such persons as are necessary to
768 ensure that charitable gaming is conducted in conformity with the provisions of this article and ~~the~~
769 ~~regulations of the Board~~ Department regulations. The Department shall designate such agents and
770 employees as it deems necessary and appropriate who shall be sworn to enforce the provisions of this
771 article and the criminal laws of the Commonwealth and who shall be law-enforcement officers as
772 defined in § 9.1-101.

773 2. The Department, its agents and employees and any law-enforcement officers charged with the
774 enforcement of charitable gaming laws shall have free access to the offices, facilities, or any other place
775 of business of any organization, including any premises devoted in whole or in part to the conduct of
776 charitable gaming. These individuals may enter such places or premises for the purpose of carrying out
777 any duty imposed by this article, securing records required to be maintained by an organization,
778 investigating complaints, or conducting audits.

779 3. The Department may compel the production of any books, documents, records, or memoranda of
780 any organizations or supplier involved in the conduct of charitable gaming for the purpose of satisfying
781 itself that this article and its regulations are strictly complied with. In addition, the Department may
782 require the production of an annual balance sheet and operating statement of any person granted a
783 permit pursuant to the provisions of this article and may require the production of any contract to which
784 such person is or may be a party.

785 4. The Department may issue subpoenas for the attendance of witnesses before it, administer oaths,
786 and compel production of records or other documents and testimony of such witnesses whenever, in the
787 judgment of the Department, it is necessary to do so for the effectual discharge of its duties.

788 5. The Department may compel any person conducting charitable gaming to file with the Department

789 such documents, information, or data as shall appear to the Department to be necessary for the
790 performance of its duties.

791 6. The Department may enter into arrangements with any governmental agency of this or any other
792 state or any locality in the Commonwealth or any agency of the federal government for the purposes of
793 exchanging information or performing any other act to better ensure the proper conduct of charitable
794 gaming.

795 7. The Department may issue a charitable gaming permit while the permittee's tax-exempt status is
796 pending approval by the Internal Revenue Service.

797 8. The Department shall report annually to the Governor and the General Assembly, which report
798 shall include a financial statement of the operation of the Department and any recommendations for
799 legislation applicable to charitable gaming in the Commonwealth.

800 9. The Department, its agents, and employees may conduct such audits, in addition to those required
801 by § 18.2-340.31, as they deem necessary and desirable.

802 10. The Department may limit the number of organizations for which a person may manage, operate,
803 or conduct charitable games.

804 11. The Department may report any alleged criminal violation of this article to the appropriate
805 attorney for the Commonwealth for appropriate action.

806 12. Beginning July 1, 2024, and at least once every five years thereafter, the Department shall
807 convene a stakeholder work group to review the limitations on prize amounts and provide any
808 recommendations to the General Assembly by November 30 of the year in which the stakeholder work
809 group is convened.

810 **§ 18.2-340.19. Regulations of the Department.**

811 A. The ~~Board~~ Department shall adopt regulations that:

812 1. Require, as a condition of receiving a permit, that the applicant use a predetermined percentage of
813 its gross receipts for (i) those lawful religious, charitable, community, or educational purposes for which
814 the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition,
815 construction, maintenance, or repair of any interest in real property involved in the operation of the
816 organization and used for lawful religious, charitable, community, or educational purposes.

817 2. Specify the conditions under which a complete list of the organization's members who participate
818 in the management, operation, or conduct of charitable gaming may be required in order for the ~~Board~~
819 Department to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of
820 § 18.2-340.24.

821 Membership lists furnished to the ~~Board~~ Department in accordance with this subdivision shall not
822 be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of
823 Information Act (§ 2.2-3700 et seq.).

824 3. Prescribe fees for processing applications for charitable gaming permits. Such fees may reflect the
825 nature and extent of the charitable gaming activity proposed to be conducted.

826 4. Establish requirements for the audit of all reports required in accordance with § 18.2-340.30.

827 5. Define electronic and mechanical equipment used in the conduct of charitable gaming. ~~Board~~
828 Department regulations shall include capacity for such equipment to provide full automatic daubing as
829 numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant
830 bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull
831 tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic
832 cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a
833 slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or
834 more reels marked into horizontal segments by varying symbols, where the predetermined prize amount
835 depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other
836 similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely
837 intended to entice players to play. Such regulations shall not prohibit the use of multiple video monitors
838 or touchscreens on an electronic pull tab device.

839 6. Prescribe the conditions under which a qualified organization may (i) provide food and
840 nonalcoholic beverages to its members who participate in the management, operation, or conduct of
841 bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play
842 bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to
843 participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a
844 bona fide member of the organization during the bingo game.

845 7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle
846 drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

847 8. Prescribe the conditions under which persons who are bona fide members of a qualified
848 organization or a child, above the age of 13 years, of a bona fide member of such organization may
849 participate in the conduct or operation of bingo games.

850 9. Prescribe the conditions under which a person below the age of 18 years may play bingo,
851 provided that such person is accompanied by his parent or legal guardian.

852 10. Require all qualified organizations that are subject to ~~Board~~ *Department* regulations to post in a
853 conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free
854 telephone number for "Gamblers Anonymous" or other organization which provides assistance to
855 compulsive gamblers.

856 11. Prescribe the conditions under which a qualified organization may sell network bingo cards in
857 accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo
858 sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the
859 network bingo provider. The regulations shall also establish procedures for the retainage and ultimate
860 distribution of any unclaimed prize.

861 12. Prescribe the conditions under which a qualified organization may manage, operate, or contract
862 with operators of, or conduct Texas Hold'em poker tournaments.

863 B. ~~In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board~~ *The*
864 *Commissioner* may, by regulation, approve variations to the card formats for bingo games, provided that
865 such variations result in bingo games that are conducted in a manner consistent with the provisions of
866 this article. ~~Board-approved~~ *Department-approved* variations may include, ~~but are not limited to,~~ bingo
867 games commonly referred to as player selection games and 90-number bingo.

868 **§ 18.2-340.20. Denial, suspension, or revocation of permit; hearings and appeals.**

869 A. The Department may deny, suspend, or revoke the permit of any organization found not to be in
870 strict compliance with the provisions of this article and ~~the Department~~ regulations of ~~the Board~~ *only*
871 ~~after the proposed action by the Department has been reviewed and approved by the Board.~~ The action
872 of the Department in denying, suspending, or revoking any permit shall be subject to the Administrative
873 Process Act (§ 2.2-4000 et seq.).

874 B. Except as provided in §§ 18.2-340.25, 18.2-340.30 and 18.2-340.36, no permit to conduct
875 charitable gaming shall be denied, suspended, or revoked except upon notice stating the proposed basis
876 for such action and the time and place for the hearing. At the discretion of the Department, hearings
877 may be conducted by hearing officers who shall be selected from the list prepared by the Executive
878 Secretary of the Supreme Court. After a hearing on the issues, the Department may refuse to issue or
879 may suspend or revoke any such permit if it determines that the organization has not complied with the
880 provisions of this article or ~~the regulations of the Board~~ *Department regulations*.

881 C. Any person aggrieved by a refusal of the Department to issue any permit, the suspension or
882 revocation of a permit, or any other action of the Department may seek review of such action in
883 accordance with Article 4 (§ 2.2-4025 et seq.) of the Administrative Process Act.

884 **§ 18.2-340.22. Only raffles, bingo, network bingo, instant bingo games, and Texas Hold'em**
885 **poker tournaments permitted; prizes not gaming contracts.**

886 A. This article permits qualified organizations to conduct raffles, bingo, network bingo, instant bingo
887 games, and Texas Hold'em poker tournaments. All games not explicitly authorized by this article or
888 ~~Board~~ *Department* regulations adopted in accordance with § 18.2-340.18 are prohibited. Nothing herein
889 shall be construed to authorize the ~~Board~~ *Department* to approve the conduct of any other form of poker
890 in the Commonwealth.

891 B. The award of any prize money for any charitable game shall not be deemed to be part of any
892 gaming contract within the purview of § 11-14.

893 C. Nothing in this article shall prohibit an organization from using the Virginia Lottery's Pick-3
894 number or any number or other designation selected by the Virginia Lottery in connection with any
895 lottery, as the basis for determining the winner of a raffle.

896 **§ 18.2-340.23. Organizations exempt from certain fees and reports.**

897 A. No organization that reasonably expects, based on prior charitable gaming annual results or any
898 other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period from
899 raffles conducted in accordance with the provisions of this article shall be required to (i) notify the
900 Department of its intention to conduct raffles or (ii) comply with ~~Board~~ *Department* regulations
901 governing raffles. If any organization's actual gross receipts from raffles for the 12-month period exceed
902 \$40,000, the Department shall require the organization to file by a specified date the report required by
903 § 18.2-340.30.

904 B. Any (i) organization described in subdivision 15 of the definition of "organization" in
905 § 18.2-340.16 or (ii) volunteer fire department or volunteer emergency medical services agency or
906 auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or
907 resolution of the political subdivision where the volunteer fire department or volunteer emergency
908 medical services agency is located as being part of the safety program of such political subdivision shall
909 be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees
910 required by § 18.2-340.31. Nothing in this subsection shall be construed as exempting any organizations

911 described in subdivision 15 of the definition of "organization" in § 18.2-340.16, volunteer fire
912 departments, or volunteer emergency medical services agencies from any other provisions of this article
913 or other ~~Board~~ Department regulations.

914 C. Nothing in this section shall prevent the Department from conducting any investigation or audit it
915 deems appropriate to ensure an organization's compliance with the provisions of this article and, to the
916 extent applicable, ~~Board~~ Department regulations.

917 **§ 18.2-340.24. Eligibility for permit; exceptions; where valid.**

918 A. To be eligible for a permit to conduct charitable gaming, an organization shall:

919 1. Have been in existence and met on a regular basis in the Commonwealth for a period of at least
920 three years immediately prior to applying for a permit.

921 The three-year residency requirement shall not apply (i) to any lodge or chapter of a national or
922 international fraternal order or of a national or international civic organization which is exempt under
923 § 501(c) of the United States Internal Revenue Code and which has a lodge or chapter holding a
924 charitable gaming permit issued under the provisions of this article anywhere within the Commonwealth;
925 (ii) to booster clubs which have been operating for less than three years and which have been
926 established solely to raise funds for school-sponsored activities in public schools or private schools
927 accredited pursuant to § 22.1-19; (iii) to recently established volunteer fire and rescue companies or
928 departments, after county, city, or town approval; or (iv) to an organization which relocates its meeting
929 place on a permanent basis from one jurisdiction to another, complies with the requirements of
930 subdivision 2 of this section, and was the holder of a valid permit at the time of its relocation.

931 2. Be operating currently and have always been operated as a nonprofit organization.

932 3. Have at least 50 percent of its membership consist of residents of the Commonwealth; however, if
933 an organization (i) does not consist of bona fide members and (ii) is exempt under § 501(c)(3) of the
934 United States Internal Revenue Code, the ~~Board~~ Department shall exempt such organizations from the
935 requirements of this subdivision.

936 B. Any organization whose gross receipts from all charitable gaming exceeds or can be expected to
937 exceed \$40,000 in any calendar year shall have been granted tax-exempt status pursuant to § 501(c) of
938 the United States Internal Revenue Code. At the same time tax-exempt status is sought from the Internal
939 Revenue Service, the same documentation may be filed with the Department in conjunction with an
940 application for a charitable gaming permit. If such documentation is filed, the Department may, after
941 reviewing such documentation it deems necessary, issue a charitable gaming permit.

942 C. A permit shall be valid only for the dates and times designated in the permit.

943 **§ 18.2-340.25. Permit required; application fee; form of application.**

944 A. Except as provided for in § 18.2-340.23, prior to the commencement of any charitable game, an
945 organization shall obtain a permit from the Department.

946 B. All complete applications for a permit shall be acted upon by the Department within 45 days from
947 the filing thereof. Upon compliance by the applicant with the provisions of this article, and at the
948 discretion of the Department, a permit may be issued. All permits when issued shall be valid for the
949 period specified in the permit unless it is sooner suspended or revoked. No permit shall be valid for
950 longer than two years. The application shall be a matter of public record.

951 All permits shall be subject to regulation by the Department to ensure the public safety and welfare
952 in the operation of charitable games. The permit shall only be granted after a reasonable investigation
953 has been conducted by the Department. The Department may require any prospective employee, permit
954 holder, or applicant to submit to fingerprinting and to provide personal descriptive information to be
955 forwarded along with employee's, licensee's, or applicant's fingerprints through the Central Criminal
956 Records Exchange to the Federal Bureau of Investigation for the purposes of obtaining criminal history
957 record information regarding such prospective employee, permit holder, or applicant. The Central
958 Criminal Records Exchange upon receipt of a prospective employee, licensee, or applicant record or
959 notification that no record exists, shall forward the report to the Commissioner of the Department or his
960 designee, who shall belong to a governmental entity. However, nothing in this subsection shall be
961 construed to require the routine fingerprinting of volunteer bingo workers.

962 C. In no case shall an organization receive more than one permit allowing it to conduct charitable
963 gaming.

964 D. Application for a charitable gaming permit shall be made on forms prescribed by the Department
965 and shall be accompanied by payment of the fee for processing the application.

966 E. Applications for renewal of permits shall be made in accordance with ~~Board~~ Regulations
967 Department regulations. If a complete renewal application is received 45 days or more prior to the
968 expiration of the permit, the permit shall continue to be effective until such time as the Department has
969 taken final action. Otherwise, the permit shall expire at the end of its term.

970 F. The failure to meet any of the requirements of § 18.2-340.24 shall cause the automatic denial of
971 the permit, and no organization shall conduct any charitable gaming until the requirements are met and a

972 permit is obtained.

973 **§ 18.2-340.26. Sale of raffle tickets; drawings.**

974 A. Except as provided in subsection B, a qualified organization may sell raffle tickets both in and
975 out of the jurisdiction designated in its permit and shall conduct the drawing within the Commonwealth.

976 B. A qualified organization may sell raffle tickets for a raffle drawing which will be held outside the
977 Commonwealth, provided the raffle is conducted in accordance with (i) ~~the~~ Department regulations of
978 ~~the Board~~ and (ii) the laws and regulations of the jurisdiction in which the raffle drawing will be held.

979 C. Before a prize drawing, each stub or other detachable section of each ticket sold or won through
980 some other authorized charitable game conducted by the same organization holding the raffle, shall be
981 placed into a receptacle from which the winning tickets are drawn. The receptacle shall be designed so
982 that each ticket placed in it has an equal chance of being drawn.

983 **§ 18.2-340.26:2. Sale of instant bingo, pull tabs, or seal cards by certain booster clubs.**

984 As a part of its annual fund-raising event, any qualified organization that is an athletic association or
985 booster club or a band booster club may sell instant bingo, pull tabs, or seal cards provided that (i) the
986 sale is limited to a single event in a calendar year and (ii) the event is open to the public. The
987 Department may require organizations authorized under this section to make such financial reporting as
988 it deems necessary.

989 Nothing in this section shall be construed as exempting organizations authorized to sell instant bingo,
990 pull tabs, or seal cards under this section from any other provisions of this article or other ~~Board~~
991 Department regulations.

992 **§ 18.2-340.28:2. Conduct of Texas Hold'em poker tournaments by qualified organizations;**
993 **limitation of operator fee; conditions.**

994 A. Any organization qualified to conduct bingo games on or after July 1, 2019, may conduct Texas
995 Hold'em poker tournaments. The ~~Board~~ Commissioner shall promulgate regulations establishing
996 circumstances under which organizations qualified to conduct bingo games prior to July 1, 2019, may
997 conduct Texas Hold'em poker tournaments.

998 B. A qualified organization may contract with an operator to administer Texas Hold'em poker
999 tournaments. Limitations on operator fees shall be established by ~~Board~~ Department regulations.

1000 C. A qualified organization shall accept only cash or, at its option, checks in payment of any charges
1001 or assessments for players to participate in Texas Hold'em poker tournaments. However, no such
1002 organization shall accept postdated checks in payment of any charges or assessments for players to
1003 participate in Texas Hold'em poker tournaments.

1004 D. No qualified organization or any person on the premises shall extend lines of credit or accept any
1005 credit or debit card or other electronic fund transfer in payment of any charges or assessments for
1006 players to participate in Texas Hold'em poker tournaments.

1007 E. No qualified organization shall allow any individual younger than 18 years of age to participate in
1008 Texas Hold'em poker tournaments.

1009 **§ 18.2-340.30. Reports of gross receipts and disbursements required; form of reports; failure to**
1010 **file.**

1011 A. Each qualified organization shall keep a complete record of all inventory of charitable gaming
1012 supplies purchased, all receipts from its charitable gaming operation, and all disbursements related to
1013 such operation. Except as provided in § 18.2-340.23, each qualified organization shall file at least
1014 annually, on a form prescribed by the Department, a report of all such receipts and disbursements, the
1015 amount of money on hand attributable to charitable gaming as of the end of the period covered by the
1016 report and any other information related to its charitable gaming operation that the Department may
1017 require. In addition, the ~~Board~~ Commissioner, by regulation, may require any qualified organization
1018 whose net receipts exceed a specified amount during any three-month period to file a report of its
1019 receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of
1020 public record.

1021 B. All reports required by this section shall be filed on or before the date prescribed by the
1022 Department. The ~~Board~~ Commissioner, by regulation, shall establish a schedule of late fees to be
1023 assessed for any organization that fails to submit required reports by the due date.

1024 C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an
1025 outside individual or group who shall be responsible for filing an annual, and, if required, quarterly,
1026 financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming
1027 activities. The Department shall require such reports as it deems necessary until all proceeds of any
1028 charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in
1029 a manner approved by the Department.

1030 D. Each qualified organization shall maintain for three years a complete written record of (i) all
1031 charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved
1032 by the Department; (ii) the name and address of each individual to whom is awarded any charitable

1033 gaming prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication
 1034 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements,
 1035 including operating costs and use of proceeds incurred in operating bingo games.

1036 E. The failure to file reports within 30 days of the time such reports are due shall cause the
 1037 automatic revocation of the permit, and no organization shall conduct any bingo game or raffle
 1038 thereafter until the report is properly filed and a new permit is obtained. However, the Department may
 1039 grant an extension of time for filing such reports for a period not to exceed 45 days if requested by an
 1040 organization, provided the organization requests an extension within 15 days of the time such reports are
 1041 due and all projected fees are paid. For the term of any such extension, the organization's permit shall
 1042 not be automatically revoked, such organization may continue to conduct charitable gaming, and no new
 1043 permit shall be required.

1044 **§ 18.2-340.31. Audit of reports; exemption; audit and administration fee; additional gross**
 1045 **receipts assessment.**

1046 A. All reports filed pursuant to § 18.2-340.30 shall be subject to audit by the Department in
 1047 accordance with ~~Board~~ *Department* regulations. The Department may engage the services of independent
 1048 certified public accountants to perform any audits deemed necessary to fulfill the Department's
 1049 responsibilities under this article.

1050 B. The Department shall prescribe a reasonable audit and administration fee to be paid by any
 1051 organization conducting charitable gaming under a permit issued by the Department unless the
 1052 organization is exempt from such fee pursuant to § 18.2-340.23. Such fee shall not exceed one and
 1053 one-quarter percent of the gross receipts which an organization reports pursuant to § 18.2-340.30. The
 1054 audit and administration fee shall accompany each report for each calendar quarter.

1055 C. The audit and administration fee shall be payable to the Treasurer of Virginia. All such fees
 1056 received by the Treasurer of Virginia shall be separately accounted for and shall be used only by the
 1057 Department for the purposes of auditing and regulating charitable gaming.

1058 D. In addition to the fee imposed under subsection B, an additional fee of one-quarter of one percent
 1059 of the gross receipts that an organization reports pursuant to § 18.2-340.30 shall be paid by the
 1060 organization to the Treasurer of Virginia. All such amounts shall be collected and deposited in the same
 1061 manner as prescribed in subsections B and C and shall be used for the same purposes.

1062 **§ 18.2-340.33. Prohibited practices.**

1063 In addition to those other practices prohibited by this article, the following acts or practices are
 1064 prohibited:

1065 1. No part of the gross receipts derived by a qualified organization may be used for any purpose
 1066 other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, (iii)
 1067 those lawful religious, charitable, community, or educational purposes for which the organization is
 1068 specifically chartered or organized, and (iv) expenses relating to the acquisition, construction,
 1069 maintenance, or repair of any interest in the real property involved in the operation of the organization
 1070 and used for lawful religious, charitable, community, or educational purposes. For the purposes of clause
 1071 (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the
 1072 real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a
 1073 tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the
 1074 qualified organization is identical to such holding entity.

1075 2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or
 1076 otherwise employ for compensation any person for the purpose of organizing, managing, or conducting
 1077 any charitable games. However, organizations composed of or for deaf or blind persons may use a part
 1078 of their gross receipts for costs associated with providing clerical assistance in the management and
 1079 operation but not the conduct of charitable gaming.

1080 The provisions of this subdivision shall not prohibit the joint operation of bingo games held in
 1081 accordance with § 18.2-340.29.

1082 3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the
 1083 conduct of any charitable games, any consideration in excess of the current fair market rental value of
 1084 such property. Fair market rental value consideration shall not be based upon or determined by reference
 1085 to a percentage of the proceeds derived from the operation of any charitable games or to the number of
 1086 people in attendance at such charitable games.

1087 4. No person shall participate in the management or operation of any charitable game unless such
 1088 person is and, for a period of at least 30 days immediately preceding such participation, has been a bona
 1089 fide member of the organization. For any organization that is not composed of members, a person who
 1090 is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is
 1091 directly supervised by a bona fide official member of the organization.

1092 The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by
 1093 qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor

1094 of a qualified organization, provided such employees' participation is limited to the management,
 1095 operation, or conduct of no more than one raffle per year; (iii) the spouse or family member of any such
 1096 bona fide member of a qualified organization provided at least one bona fide member is present; or (iv)
 1097 persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance
 1098 with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b)
 1099 such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c)
 1100 such sales are conducted in the private social quarters of the organization.

1101 5. No person shall receive any remuneration for participating in the management, operation, or
 1102 conduct of any charitable game, except that:

1103 a. Persons employed by organizations composed of or for deaf or blind persons may receive
 1104 remuneration not to exceed \$30 per event for providing clerical assistance in the management and
 1105 operation but not the conduct of charitable games only for such organizations;

1106 b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for
 1107 youth activities in which they participate may receive nonmonetary incentive awards or prizes from the
 1108 organization;

1109 c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which
 1110 such bingo games are played for providing uniformed security for such bingo games even if such officer
 1111 is a member of the sponsoring organization, provided the remuneration paid to such member is in
 1112 accordance with off-duty law-enforcement personnel work policies approved by the local
 1113 law-enforcement official and further provided that such member is not otherwise engaged in the
 1114 management, operation, or conduct of the bingo games of that organization, or to private security
 1115 services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games,
 1116 provided that employees of such businesses shall not otherwise be involved in the management,
 1117 operation, or conduct of the bingo games of that organization;

1118 d. A member of a qualified organization lawfully participating in the management, operation, or
 1119 conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for
 1120 on-premises consumption during the bingo game provided the food and beverages are provided in
 1121 accordance with ~~Board~~ *Department* regulations;

1122 e. Remuneration may be paid to bingo managers or callers who have a current registration certificate
 1123 issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration
 1124 requirement. Such remuneration shall not exceed \$100 per session; and

1125 f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel
 1126 expenses, not to exceed \$50 per session.

1127 6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the
 1128 conduct, management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for
 1129 consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other
 1130 game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer,
 1131 distributor, or supplier of bingo supplies or equipment be used by the organization.

1132 The provisions of this subdivision shall not apply to any qualified organization conducting bingo
 1133 games on its own behalf at premises owned by it.

1134 7. No qualified organization shall enter into any contract with or otherwise employ or compensate
 1135 any member of the organization on account of the sale of bingo supplies or equipment.

1136 8. No organization shall award any bingo prize money or any merchandise valued in excess of the
 1137 following amounts:

1138 a. No bingo door prize shall exceed \$250 for a single door prize or \$500 in cumulative door prizes
 1139 in any one session;

1140 b. No regular bingo or special bingo game prize shall exceed \$100. However, up to 10 games per
 1141 bingo session may feature a regular bingo or special bingo game prize of up to \$200;

1142 c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$2,000;

1143 d. Except as provided in this subdivision 8, no bingo jackpot of any nature whatsoever shall exceed
 1144 \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000.
 1145 Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted
 1146 for separately from the bingo cards or sheets used for any other bingo games; and

1147 e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo
 1148 cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

1149 9. The provisions of subdivision 8 shall not apply to:

1150 Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded
 1151 on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to
 1152 exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded
 1153 if the predetermined numbers or patterns are covered when a certain number of numbers is called,
 1154 provided that (a) there are no more than six such games per session per organization, (b) the amount of

1155 increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in
 1156 such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the
 1157 organization separately accounts for the proceeds from such sale, and (e) such games are otherwise
 1158 operated in accordance with the Department's rules of play.

1159 10. No organization shall award any raffle prize valued at more than \$100,000.

1160 The provisions of this subdivision shall not apply to a raffle conducted no more than three times per
 1161 calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of
 1162 the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100
 1163 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost
 1164 of acquisition of the land and materials, are donated to lawful religious, charitable, community, or
 1165 educational organizations specifically chartered or organized under the laws of the Commonwealth and
 1166 qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any
 1167 one geographical region of the Commonwealth.

1168 11. No qualified organization composed of or for deaf or blind persons which employs a person not
 1169 a member to provide clerical assistance in the management and operation but not the conduct of any
 1170 charitable games shall conduct such games unless it has in force fidelity insurance, as defined in
 1171 § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

1172 12. No person shall participate in the management or operation of any charitable game if he has ever
 1173 been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or
 1174 financial crimes within the preceding five years. No person shall participate in the conduct of any
 1175 charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the
 1176 preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial
 1177 crimes. In addition, no person shall participate in the management, operation, or conduct of any
 1178 charitable game if that person, within the preceding five years, has participated in the management,
 1179 operation, or conduct of any charitable game which was found by the Department or a court of
 1180 competent jurisdiction to have been operated in violation of state law, local ordinance, or ~~Board~~
 1181 *Department* regulation.

1182 13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not
 1183 circumvent any restrictions and prohibitions which would otherwise apply if a single organization were
 1184 conducting such games. These restrictions and prohibitions shall include, but not be limited to, the
 1185 frequency with which bingo games may be held, the value of merchandise or money awarded as prizes,
 1186 or any other practice prohibited under this section.

1187 14. A qualified organization shall not purchase any charitable gaming supplies for use in the
 1188 Commonwealth from any person who is not currently registered with the Department as a supplier
 1189 pursuant to § 18.2-340.34.

1190 15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross
 1191 receipts shall be used for an organization's social or recreational activities.

1192 **§ 18.2-340.34. Suppliers of charitable gaming supplies; manufacturers of electronic games of**
 1193 **chance systems; permit; qualification; suspension, revocation, or refusal to renew certificate;**
 1194 **maintenance, production, and release of records.**

1195 A. No person shall offer to sell, sell, or otherwise provide charitable gaming supplies to any qualified
 1196 organization and no manufacturer shall distribute electronic games of chance systems for charitable
 1197 gaming in the Commonwealth unless and until such person has made application for and has been
 1198 issued a permit by the Department. An application for permit shall be made on forms prescribed by the
 1199 Department and shall be accompanied by a fee in the amount of \$1,000. Each permit shall remain valid
 1200 for a period of one year from the date of issuance. Application for renewal of a permit shall be
 1201 accompanied by a fee in the amount of \$1,000 and shall be made on forms prescribed by the
 1202 Department.

1203 B. The ~~Board~~ *Commissioner* shall have authority to prescribe by regulation reasonable criteria
 1204 consistent with the provisions of this article for the registration of suppliers and manufacturers of
 1205 electronic games of chance systems for charitable gaming. The Department shall refuse to issue a permit
 1206 to any supplier or manufacturer who has, or which has any officer, director, partner, or owner who has,
 1207 (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been
 1208 convicted of any offense that, if committed in the Commonwealth, would be a felony; (ii) been
 1209 convicted of or pleaded nolo contendere to a crime involving gambling; (iii) violated the gaming laws of
 1210 any jurisdiction within the last five years, including violations for failure to register; or (iv) had any
 1211 license, permit, certificate, or other authority related to charitable gaming suspended or revoked in the
 1212 Commonwealth or in any other jurisdiction within the last five years. The Department may refuse to
 1213 issue a permit to any supplier or manufacturer who has, or which has any officer, director, partner, or
 1214 owner who has, (a) failed to file or has been delinquent in excess of one year in the filing of any tax
 1215 returns or the payment of any taxes due the Commonwealth or (b) failed to establish a registered office

1216 or registered agent in the Commonwealth if so required by § 13.1-634 or 13.1-763.

1217 C. The Department shall suspend, revoke, or refuse to renew the permit of any supplier or
1218 manufacturer for any conduct described in clause (i), (ii), (iii), or (iv) of subsection B. The Department
1219 may suspend, revoke, or refuse to renew the permit of any supplier or manufacturer for any conduct
1220 described in clause (a) or (b) of subsection B or for any violation of this article or regulation of the
1221 ~~Board~~ Department. Before taking any such action, the Department shall give the supplier or
1222 manufacturer a written statement of the grounds upon which it proposes to take such action and an
1223 opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the
1224 Administrative Process Act (§ 2.2-4000 et seq.).

1225 D. Each supplier shall document each sale of charitable gaming supplies, including electronic games
1226 of chance systems, and other items incidental to the conduct of charitable gaming, such as markers,
1227 wands, or tape, to a qualified organization on an invoice which clearly shows (i) the name and address
1228 of the qualified organization to which such supplies or items were sold; (ii) the date of the sale; (iii) the
1229 name or form and serial number of each deal of instant bingo cards and pull-tab raffle cards, the
1230 quantity of deals sold, and the price per deal paid by the qualified organization; (iv) the serial number
1231 of the top sheet in each packet of bingo paper, the serial number for each series of uncollated bingo
1232 paper, and the cut, color, and quantity of bingo paper sold; and (v) any other information with respect to
1233 charitable gaming supplies, including electronic games of chance systems, or other items incidental to
1234 the conduct of charitable gaming as the ~~Board~~ Commissioner may prescribe by regulation. A legible
1235 copy of the invoice shall accompany the charitable gaming supplies when delivered to the qualified
1236 organization.

1237 Each manufacturer of electronic games of chance systems shall document each distribution of such
1238 systems to a qualified organization or supplier on an invoice which clearly shows (a) the name and
1239 address of the qualified organization or supplier to which such systems were distributed; (b) the date of
1240 distribution; (c) the serial number of each such system; and (d) any other information with respect to
1241 electronic games of chance systems as the ~~Board~~ Commissioner may prescribe by regulation. A legible
1242 copy of the invoice shall accompany the electronic games of chance systems when delivered to the
1243 qualified organization or supplier.

1244 E. Each supplier and manufacturer shall maintain a legible copy of each invoice required by
1245 subsection D for a period of three years from the date of sale. Each supplier and manufacturer shall
1246 make such documents immediately available for inspection and copying to any agent or employee of the
1247 Department upon request made during normal business hours. This subsection shall not limit the right of
1248 the Department to require the production of any other documents in the possession of the supplier or
1249 manufacturer which relate to its transactions with qualified organizations. All documents and other
1250 information of a proprietary nature furnished to the Department in accordance with this subsection shall
1251 not be a matter of public record and shall be exempt from disclosure under the provisions of the
1252 Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

1253 F. Each supplier and manufacturer shall provide to the Department the results of background checks
1254 and any other records or documents necessary for the Department to enforce the provisions of
1255 subsections B and C.

1256 **§ 18.2-340.34:1. Bingo managers and callers; remuneration; registration; qualification;**
1257 **suspension, revocation, or refusal to renew certificate; exceptions.**

1258 A. No person shall receive remuneration as a bingo manager or caller from any qualified
1259 organization unless and until such person has made application for and has been issued a registration
1260 certificate by the Department. Application for registration shall be made on forms prescribed by the
1261 Department and shall be accompanied by a fee in the amount of \$75. Each registration certificate shall
1262 remain valid for a period of one year from the date of issuance. Application for renewal of a registration
1263 certificate shall be accompanied by a fee in the amount of \$75 and shall be made on forms prescribed
1264 by the Department.

1265 B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide
1266 member of the qualified organization for at least 12 consecutive months prior to making application for
1267 registration and (ii) be required to complete a reasonable training course developed and conducted by the
1268 Department.

1269 As a condition of registration as a bingo caller, the applicant shall be required to complete a
1270 reasonable training course developed and conducted by the Department.

1271 The Department may refuse to register any bingo manager or caller who has (a) been convicted of or
1272 pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense
1273 which, if committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded nolo
1274 contendere to a crime involving gambling; (c) had any license, permit, certificate, or other authority
1275 related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the
1276 Commonwealth or in any other jurisdiction; or (d) failed to file or has been delinquent in excess of one

1277 year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

1278 C. The Department may suspend, revoke, or refuse to renew the registration certificate of any bingo
 1279 manager or caller for any conduct described in subsection B or for any violation of this article or
 1280 *Department* regulations of the Board. Before taking any such action, the Department shall give the bingo
 1281 manager or caller a written statement of the grounds upon which it proposes to take such action and an
 1282 opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the
 1283 Administrative Process Act (§ 2.2-4000 et seq.).

1284 D. The provisions of subsection A requiring registration for bingo callers with the Department shall
 1285 not apply to a bingo caller for a volunteer fire department or volunteer emergency medical services
 1286 agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance
 1287 or resolution of the political subdivision where the volunteer fire department or volunteer emergency
 1288 medical services agency is located as being a part of the safety program of such political subdivision.

1289 **§ 18.2-340.34:2. Licensing of network bingo providers; qualification; suspension, revocation, or**
 1290 **refusal to renew license; maintenance, production, and release of records.**

1291 A. No person shall sell or offer to sell or otherwise provide access to a network bingo network to
 1292 any qualified organization unless and until such person has made application for and has been issued a
 1293 license by the Department. An application for license shall be made on forms prescribed by the
 1294 Department and shall be accompanied by a fee in the amount of \$500. Each license shall remain valid
 1295 for a period of two years from the date of issuance. Application for renewal of a license shall be
 1296 accompanied by a fee in the amount of \$500 and shall be made on forms prescribed by the Department.

1297 B. The ~~Board~~ *Commissioner* shall have authority to prescribe by regulation reasonable criteria
 1298 consistent with the provisions of this article for the licensure of network bingo providers. The
 1299 Department may refuse to issue a license to any network bingo provider that has any officer, director,
 1300 partner, or owner who has (i) been convicted of or pleaded nolo contendere to a felony in any state or
 1301 federal court or has been convicted of any offense that, if committed in the Commonwealth, would be a
 1302 felony; (ii) been convicted of or pleaded nolo contendere to a crime involving gambling; (iii) had any
 1303 license, permit, certificate, or other authority related to activities defined as charitable gaming in the
 1304 Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; (iv) failed to
 1305 file or been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes
 1306 due the Commonwealth; or (v) failed to establish a registered office or registered agent in the
 1307 Commonwealth if so required by § 13.1-634 or 13.1-763.

1308 C. The Department may suspend, revoke, or refuse to renew the license of any network bingo
 1309 provider for any conduct described in subsection B or for any violation of this article or regulation of
 1310 the ~~Board~~ *Department*. Before taking any such action, the Department shall give the network bingo
 1311 provider a written statement of the grounds upon which it proposes to take such action and an
 1312 opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the
 1313 Administrative Process Act (§ 2.2-4000 et seq.).

1314 D. The ~~Department~~ *Commissioner* by regulation shall require network bingo providers to have onsite
 1315 independent supervision of network bingo games as the numbers are called.

1316 E. Each network bingo provider shall document each sale of network bingo supplies and other items
 1317 incidental to the conduct of network bingo to a qualified organization on an invoice that clearly shows
 1318 (i) the name and address of the qualified organization to which such supplies or items were sold; (ii) the
 1319 date of the sale; (iii) the name or form and serial number of each network bingo card, the quantity of
 1320 cards sold, and the price per card paid by the qualified organization; and (iv) any other information
 1321 required by the Department. A legible copy of the invoice shall accompany the network bingo supplies
 1322 when delivered to the qualified organization.

1323 F. Each network bingo provider shall maintain a legible copy of each invoice required by subsection
 1324 E for a period of three years from the date of sale. Each network bingo provider shall make such
 1325 documents immediately available for inspection and copying to any agent or employee of the
 1326 Department upon request made during normal business hours. This subsection shall not limit the right of
 1327 the Department to require the production of any other documents in the possession of the network bingo
 1328 provider that relate to its transactions with qualified organizations. All documents and other information
 1329 of a proprietary nature furnished to the Department in accordance with this subsection shall be exempt
 1330 from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

1331 **§ 18.2-340.36. Suspension of permit.**

1332 A. When any officer charged with the enforcement of the charitable gaming laws of the
 1333 Commonwealth has reasonable cause to believe that the conduct of charitable gaming is being conducted
 1334 by an organization in violation of this article or the *Department* regulations of the Board, he may apply
 1335 to any judge, magistrate, or other person having authority to issue criminal warrants for the immediate
 1336 suspension of the permit of the organization conducting the bingo game or raffle. If the judge,
 1337 magistrate, or person to whom such application is presented is satisfied that probable cause exists to

1338 suspend the permit, he shall suspend the permit. Immediately upon such suspension, the officer shall
1339 notify the organization in writing of such suspension.

1340 B. Written notice specifying the particular basis for the immediate suspension shall be provided by
1341 the officer to the organization within one business day of the suspension and a hearing held thereon by
1342 the Department or its designated hearing officer within 10 days of the suspension unless the organization
1343 consents to a later date. No charitable gaming shall be conducted by the organization until the
1344 suspension has been lifted by the Department or a court of competent jurisdiction.

1345 **2. That the regulations of the Charitable Gaming Board shall be administered by the Department**
1346 **of Agriculture and Consumer Services and shall remain in full force and effect until the**
1347 **Commissioner of Agriculture and Consumer Services promulgates regulations pursuant to this act.**

1348 **3. That notwithstanding the second enactment of this act, the regulations promulgated by the**
1349 **Charitable Gaming Board regarding Texas Hold'em poker games and tournaments, which became**
1350 **effective on March 23, 2021, and were rescinded by the General Assembly pursuant to Item 105 of**
1351 **Chapter 552 of the Acts of Assembly of 2021, Special Session I, shall not take effect. The**
1352 **Commissioner of Agriculture and Consumer Services (the Commissioner) shall promulgate**
1353 **regulations regarding Texas Hold'em poker tournaments consistent with the provisions of Chapter**
1354 **982 of the Acts of Assembly of 2020. The Commissioner's initial adoption of regulations necessary**
1355 **to implement the provisions of this enactment shall be exempt from the Administrative Process**
1356 **Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Commissioner shall provide an**
1357 **opportunity for public comment on the regulations prior to adoption.**

1358 **4. That this act shall not be construed to affect existing appointments to the Charitable Gaming**
1359 **Board for the terms that have not expired. However, all new appointments made on or after July**
1360 **1, 2022, shall be made in accordance with the provisions of this act.**