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SENATE BILL NO. 403

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology)

(Patron Prior to Substitute—Senator Reeves)

Senate Amendments in [] - February 14, 2022

A BILL to amend and reenact §§ 18.2-340.16, 18.2-340.19, 18.2-340.20, 18.2-340.23, 18.2-340.26:1, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, 18.2-340.30, and 18.2-340.31 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-340.26:3 and 18.2-340.30:2, relating to charitable gaming; electronic gaming.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.16, 18.2-340.19, 18.2-340.20, 18.2-340.23, 18.2-340.26:1, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, 18.2-340.30, and 18.2-340.31 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 18.2-340.26:3 and 18.2-340.30:2 as follows:

§ 18.2-340.16. Definitions.

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

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

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

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

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

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

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

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

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

"Electronic gaming" means any instant bingo, pull tabs, or seal card gaming that is conducted primarily by use of an electronic device. "Electronic gaming" does not include (i) the game of chance identified in clause (ii) of the definition of "bingo" or (ii) network bingo.

"Electronic gaming adjusted gross receipts" means the gross receipts derived from electronic gaming less the total amount in prize money paid out to players.

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

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

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

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

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

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

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

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

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

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

74 "Organization" means any one of the following:

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

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

83 3. An athletic association or booster club or a band booster club established solely to raise funds for
84 school-sponsored athletic or band activities for a public school or private school accredited pursuant to
85 § 22.1-19 or to provide scholarships to students attending such school;

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

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

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

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

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

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

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

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

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

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

121 14. A local chamber of commerce; or

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

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

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

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

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

"Social organization" means any qualified organization that provides certification to the Department that it is:

1. A club organized for pleasure, recreation, and other nonproftable purposes qualified under § 501(c)(7) of the Internal Revenue Code;

2. A fraternal beneficiary society, order, or association qualified under § 501(c)(8) of the Internal Revenue Code;

3. A domestic fraternal society, order, or association qualified under § 501(c)(10) of the Internal Revenue Code; or

4. A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization qualified under § 501(c)(19) of the Internal Revenue Code.

"Social quarters" means an area at a social organization's primary location that (i) such organization designates to be used predominantly by its members for social and recreational activities, (ii) is accessible exclusively to members of the social organization and their guests, and (iii) is not advertised or open to the general public. It shall not disqualify the area from being considered social quarters if guests occasionally accompany members into the area, so long as such guests do not spend their own funds to participate in charitable gaming activities conducted in the area. In determining if an area is social quarters for purposes of § 18.2-340.26:3, the Department may rely on publications of the Internal Revenue Service regarding the allowable participation of guests in an organization's social and recreational activities for purposes of § 501 of the Internal Revenue Code.

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

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

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

§ 18.2-340.19. Regulations of the Board.

A. The Board shall adopt regulations that:

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

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

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

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

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

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

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

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

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

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

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

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

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

13. *Prescribe the conditions under which a qualified organization may lease the premises of a permitted social organization for the purpose of selling instant bingo, pull tabs, or seal cards or conducting electronic gaming, and establish requirements for proper financial reporting of all disbursements and gross receipts or electronic gaming adjusted gross receipts and payment of all fees required under this article.*

B. In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this

article. Board-approved variations may include, but are not limited to, bingo games commonly referred to as player selection games and 90-number bingo.

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

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

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

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

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

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

B. Any (i) organization described in subdivision 15 of the definition of "organization" in § 18.2-340.16 or (ii) volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. *However, any such organization, department, agency, or unit that conducts electronic gaming shall be subject to such application and audit fees for its electronic gaming activities.* Nothing in this subsection shall be construed as exempting any organizations described in subdivision 15 of the definition of "organization" in § 18.2-340.16, volunteer fire departments, or volunteer emergency medical services agencies from any other provisions of this article or other Board regulations.

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

§ 18.2-340.26:1. Sale of instant bingo, pull tabs, or seal cards.

A. Instant bingo, pull tabs, or seal cards may be sold only (i) by a qualified organization, as defined in § 18.2-340.16, (ii) upon premises that are owned or exclusively and entirely leased by the qualified organization, and (iii) at such times that the premises in which the instant bingo, pull tabs, or seal cards are sold is open only to members and their guests via controlled access. ~~No~~ *Except as provided in subsection C, no* organization, ~~except for an association of war veterans or auxiliary units thereof organized in the United States or a fraternal association or corporation operating under the lodge system,~~ may sell instant bingo, pull tabs, or seal cards (a) at a location outside of the county, city, or town in which the organization's principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town or (b) at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization. Nothing in this article shall be construed to prohibit the conduct of games of chance involving the sale of pull tabs, or seal cards, commonly known as last sale games, conducted in accordance with this section *or, if such games are electronic games, in accordance with § 18.2-340.26:3.*

B. ~~Except as otherwise provided in subdivision 15 of the definition of "organization" in § 18.2-340.16, the proceeds from instant bingo, pull tabs, or seal cards shall not be included in determining the gross receipts for a qualified organization provided the gaming (i) is limited exclusively to members of the organization and their guests, (ii) is not open to the general public, and (iii) there is no public solicitation or advertisement made regarding such gaming~~ *It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 18.2-340.26:3.*

C. ~~No more than 18 devices that facilitate the play of electronic versions of instant bingo, pull tabs,~~

or seal cards, commonly referred to as electronic pull tabs, may be used upon the premises owned or exclusively leased by the organization and at such times as the portion of the premises in which the instant bingo, pull tabs, or seal cards are sold is open only to members and their guests. Notwithstanding the provisions of subsection A, a qualified organization may rent the premises of any social organization permitted pursuant to § 18.2-340.26:3 for the purpose of selling instant bingo, pull tabs, or seal cards.

§ 18.2-340.26:3. Electronic gaming.

A. The Department may issue a permit to a social organization to conduct electronic gaming within social quarters at the organization's primary location where it regularly conducts business. Any such permitted social organization may lease its premises to any qualified organization for the purpose of conducting electronic gaming. No other electronic gaming shall be allowed under this article. Any person who conducts or participates in electronic gaming that is not permitted under this section shall be subject to the penalties specified in § 18.2-340.37.

B. A social organization may apply to the Department for a permit under this section in accordance with the procedures established under §§ 18.2-340.20 and 18.2-340.25. Any fee charged by the Department for an electronic gaming permit shall be in addition to any fee charged for a charitable gaming permit. The Department may issue only one electronic gaming permit to each social organization. Any issued permit shall identify its expiration date and the number of electronic gaming devices authorized at the location.

C. A social organization and any qualified organization that leases the premises of a social organization pursuant to this section are prohibited from advertising electronic gaming to the general public.

D. The Department may authorize a maximum of 18 electronic gaming devices at a location. Each such device shall bear a mark indicating it has been authorized by the Department.

E. An electronic gaming manufacturer that has been issued a permit by the Department in accordance with § 18.2-340.34 shall report all receipts from electronic games pursuant to the provisions of § 18.2-340.30:2.

F. The use of electronic pull tab devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time.

G. No social organization shall allow any individual younger than 21 years of age to participate in electronic gaming. No individual younger than 21 years of age shall participate in electronic gaming or otherwise use an electronic device to play or redeem any instant bingo, pull tabs, or seal cards.

§ 18.2-340.27. Conduct of bingo games.

A. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in bingo games. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in bingo games.

B. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in bingo games.

C. Bingo games may be held by qualified organizations on any calendar day.

D. Qualified organizations may hold an unlimited number of bingo sessions on any calendar day.

E. Any organization may conduct bingo games only in the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town. An organization shall have only one principal office. An organization may not conduct bingo games at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1 unless such license is held by the organization. This subsection shall not apply to any association of war veterans or auxiliary units thereof organized in the United States or any fraternal association or corporation operating under the lodge system.

§ 18.2-340.28. Conduct of instant bingo, network bingo, pull tabs, and seal cards.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may also play instant bingo, network bingo, pull tabs, or seal cards; however, such games shall be played only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to subsection E of § 18.2-340.27. It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except as permitted under § 18.2-340.26:3.

B. Any organization conducting instant bingo, network bingo, pull tabs, or seal cards shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where the gaming is being conducted.

C. No qualified organization shall sell any instant bingo, network bingo, pull tabs, or seal cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any instant bingo, network bingo, pull tabs, or seal cards.

D. ~~The use of electronic pull tab devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time.~~

§ 18.2-340.28:1. Conduct of network bingo.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may also sell network bingo cards; however, network bingo shall be sold only at such times designated in the permit for regular bingo games and only at locations at which the organization is authorized to conduct regular bingo games pursuant to subsection E of § 18.2-340.27.

B. Any organization selling network bingo cards shall maintain a record of the date and quantity of network bingo cards purchased from a licensed network bingo provider. The organization shall also maintain a written invoice or receipt from a licensed supplier verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization or by electronic fund transfer. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where network bingo cards are sold.

C. No qualified organization shall sell any network bingo cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any network bingo cards.

D. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in any network bingo game. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in network bingo games.

E. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in network bingo games.

F. No qualified organization shall conduct network bingo more frequently than one day in any calendar week, which shall not be the same day of each week.

G. No network bingo games shall be permitted in the social quarters of an organization ~~that are open only to the organization's members and their guests.~~

H. No qualified organization shall sell network bingo cards on the Internet or other online service or allow the play of network bingo on the Internet or other online service. However, the location where network bingo games are conducted shall be equipped with a video monitor, television, or video screen, or any other similar means of visually displaying a broadcast or signal, that relays live, real-time video of the numbers as they are called by a live caller. The Internet or other online service may be used to relay information about winning players.

I. Qualified organizations may award network bingo prizes on a graduated scale; however, no single network bingo prize shall exceed \$25,000.

J. Nothing in this section shall be construed to prohibit an organization from participating in more than one network bingo network.

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

A. 1. Each qualified organization shall keep a complete record of all ~~inventory:~~

a. Inventory of charitable gaming supplies purchased; ~~all receipts.~~

b. Receipts from its charitable gaming operation, ~~and all disbursements including a breakdown of receipts attributable to each type of game offered.~~

c. Disbursements related to ~~such~~ its charitable gaming operation, including a breakdown of disbursements for each purpose specified in subdivision 1 of § 18.2-340.33.

2. Except as provided in §§ 18.2-340.23 and 18.2-340.30:2, each qualified organization shall file at least annually, on a form prescribed by the Department, a report of all ~~such~~ receipts and disbursements *specified in subdivision 1*, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report, and any other information related to its charitable gaming operation that the Department may require. In addition, the Board, by regulation, may require any qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed pursuant to this section shall be a matter of public record.

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

C. Except as provided in § 18.2-340.23, each qualified organization shall designate or compensate an outside individual or group who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming

activities. The Department shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Department.

D. Each qualified organization shall maintain for three years a complete written record of (i) all charitable gaming sessions using Department prescribed forms or reasonable facsimiles thereof approved by the Department; (ii) the name and address of each individual to whom is awarded any charitable gaming prize or jackpot that meets or exceeds the requirements of Internal Revenue Service Publication 3079, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

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

§ 18.2-340.30:2. Reports of electronic gaming adjusted gross receipts required; form of reports; failure to file.

A. Each electronic gaming manufacturer that holds a permit issued by the Department pursuant to § 18.2-340.34 shall keep a complete record of all electronic gaming adjusted gross receipts and shall file at least annually, on a form prescribed by the Department, a report of all such receipts and any other information related to the manufacture of electronic games that the Department may require.

B. The report required by this section shall be filed on or before the date prescribed by the Department. The Board, by regulation, shall establish a schedule of late fees to be assessed for any electronic gaming manufacturer that fails to submit required reports by the due date.

C. Each electronic gaming manufacturer shall maintain for three years a complete written record of all electronic gaming adjusted gross receipts.

D. The failure to file the report required by this section within 30 days of the time such report is due shall cause the automatic revocation of the electronic gaming manufacturer's permit, and no such manufacturer shall manufacture any new electronic gaming device until the report is properly filed and a new permit is obtained. However, the Department may grant an extension of time for filing such report for a period not to exceed 45 days if requested by a manufacturer, provided that the manufacturer requests an extension within 15 days of the time such report is due and all projected fees are paid. For the term of any such extension, the manufacturer's permit shall not be automatically revoked, such manufacturer may continue to manufacture electronic gaming devices, and no new permit shall be required.

§ 18.2-340.31. Audit of reports; exemption; audit and administration fee; additional assessment of gross receipts and electronic gaming adjusted gross receipts.

A. All reports filed pursuant to §§ 18.2-340.30 and 18.2-340.30:2 shall be subject to audit by the Department in accordance with Board regulations. The Department may engage the services of independent certified public accountants to perform any audits deemed necessary to fulfill the Department's responsibilities under this article.

B. The Department shall prescribe a reasonable audit and administration fee to be paid by (i) any organization conducting charitable gaming under a permit issued by the Department unless the organization is exempt from such fee pursuant to § 18.2-340.23 and (ii) any electronic gaming manufacturer that holds a permit issued by the Department pursuant to § 18.2-340.34. Such fee shall not exceed one and one-quarter percent of the gross receipts which that an organization reports pursuant to § 18.2-340.30 or one and one-quarter percent of the electronic gaming adjusted gross receipts that an electronic gaming manufacturer reports pursuant to § 18.2-340.30:2. The audit and administration fee shall accompany each report for each calendar quarter.

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

D. In addition to the fee imposed under subsection B, an additional fee of one-quarter of one percent of the gross receipts that an organization reports pursuant to § 18.2-340.30 and one-quarter of one percent of the electronic gaming adjusted gross receipts that an electronic gaming manufacturer reports pursuant to § 18.2-340.30:2 shall be paid by the organization or electronic gaming manufacturer to the Treasurer of Virginia. All such amounts shall be collected and deposited in the same manner as prescribed in subsections B and C and shall be used for the same purposes.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the

491 necessary appropriation cannot be determined for periods of imprisonment in state adult
492 correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I,
493 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of
494 \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
495 appropriation cannot be determined for periods of commitment to the custody of the Department
496 of Juvenile Justice.
497 [3. That the provisions of this act shall not become effective unless an appropriation effectuating
498 the purposes of this act is included in a general appropriation act passed in 2022 by the General
499 Assembly that becomes law.]

ENGROSSED

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