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HOUSE BILL NO. 2452

House Amendments in [] - February 6, 2023

A *BILL to amend and reenact §§ 18.2-340.16, 18.2-340.19, 18.2-340.28:2, and 18.2-340.33 of the Code of Virginia, relating to charitable gaming; Texas Hold'em poker tournaments.*

Patron Prior to Engrossment—Delegate Brewer

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.16, 18.2-340.19, 18.2-340.28:2, and 18.2-340.33 of the Code of Virginia are amended and reenacted 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.

"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. Unless otherwise specified, "charitable gaming" includes electronic gaming authorized by this article.

"Charitable gaming permit" or "permit" means a permit issued by the Department to an organization that authorizes such organization to conduct charitable gaming, and if such organization is qualified as a social organization, electronic gaming.

"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 (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" or "electronic games" 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.

"Electronic gaming manufacturer" means a manufacturer of electronic devices used to conduct electronic gaming.

"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 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 that conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by mechanical equipment.

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HB2452E

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

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

65 "Management" means the provision of oversight of a gaming operation, which may include the
66 responsibilities of applying for and maintaining a permit or authorization, compiling, submitting, and
67 maintaining required records and financial reports, and ensuring that all aspects of the operation are in
68 compliance with all applicable statutes and regulations.

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

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

71 "Operation" means the activities associated with production of a charitable gaming or electronic
72 gaming activity, which may include (i) the direct on-site supervision of the conduct of charitable gaming
73 and electronic gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming
74 and electronic gaming designated by the organization's management.

75 "Organization" means any one of the following:

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

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

84 3. An athletic association or booster club or a band booster club established solely to raise funds for
85 school-sponsored athletic or band activities for a public school or private school accredited pursuant to
86 § 22.1-19 or to provide scholarships to students attending such school;

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

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

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

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

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

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

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

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

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

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

efforts;

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 Department 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 may qualify as a business expense, if so determined by the Department. 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. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia qualified under § 501(c)(3) 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, in addition to any specifications prescribed by the Department, 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 or electronic 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) (a) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) (b) who may be allowed to pay an additional fee, during set preannounced times

182 of the competition, to receive additional poker chips for use in the competition; ~~(iii)~~ (c) who may be
183 seated at one or more tables simultaneously playing Texas Hold'em poker games; ~~(iv)~~ (d) who upon
184 running out of poker chips are eliminated from the competition; and ~~(v)~~ (e) a pre-set number of whom
185 are awarded prizes of value according to how long such players remain in the competition *or (ii) who*
186 *(a) pay an initial seating fee for entry into the competition and an additional seating fee up to once*
187 *every 30 minutes, thereby allowing such players to purchase additional poker chips as needed for use in*
188 *the competition, and (b) may be seated at no more than [10 four] tables consisting of 10 players each*
189 *simultaneously playing Texas Hold'em poker games.*

190 **§ 18.2-340.19. Regulations of the Department.**

191 A. The Department shall adopt regulations that:

192 1. Require, as a condition of receiving a charitable gaming permit or authorization to conduct
193 electronic gaming, that the applicant use a predetermined percentage of its receipts for (i) those lawful
194 religious, charitable, community, or educational purposes for which the organization is specifically
195 chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or
196 repair of any interest in real property involved in the operation of the organization and used for lawful
197 religious, charitable, community, or educational purposes, as follows:

198 a. With respect to charitable gaming, other than electronic gaming, *and except as provided in*
199 *§ 18.2-340.28:2*, a predetermined percentage of its gross receipts.

200 b. With respect to electronic gaming, a predetermined percentage of its electronic gaming adjusted
201 gross receipts.

202 2. Specify the conditions under which a complete list of the organization's members who participate
203 in the management, operation, or conduct of charitable gaming may be required in order for the
204 Department to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of
205 § 18.2-340.24.

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

209 3. Prescribe fees for processing applications for charitable gaming permits and authorizing social
210 organizations to conduct electronic gaming. Such fees may reflect the nature and extent of the charitable
211 gaming activity proposed to be conducted.

212 4. Establish requirements for the audit of all reports required in accordance with §§ 18.2-340.30 and
213 18.2-340.30:2.

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

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

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

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

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

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

243 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 conducting bingo, network bingo, instant bingo, pull tabs, seal cards, and electronic gaming permitted under this article and establish requirements for proper financial reporting of all disbursements, gross receipts, and electronic gaming adjusted gross receipts and payment of all fees required under this article.

B. The Commissioner 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. Department-approved variations may include bingo games commonly referred to as player selection games and 90-number bingo.

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

A. Any organization qualified to conduct bingo games ~~on or after~~ *for at least one year between July 1, 2019, and December 31, 2022,* may conduct Texas Hold'em poker tournaments; ~~however, no such organization may conduct individual Texas Hold'em poker games. The Commissioner shall promulgate regulations establishing circumstances under which organizations qualified to conduct bingo games prior to July 1, 2019, may conduct Texas Hold'em poker tournaments.~~

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

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

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

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

F. *No qualified organization shall charge any initial or additional seating fee in excess of \$8 for the conduct of any Texas Hold'em poker tournament conducted in accordance with clause (ii) of the definition of "Texas Hold'em poker tournament" in § 18.2-340.16.*

G. *A qualified organization that conducts Texas Hold'em poker tournaments in accordance with clause (ii) of the definition of "Texas Hold'em poker tournament" in § 18.2-340.16 shall set the big blind at a maximum of \$5. For purposes of this subsection, "big blind" shall have the meaning ascribed to it by the official rules of the Poker Tournament Directors Association.*

H. *No qualified organization shall collect a rake on any amounts wagered by the players during the conduct of any Texas Hold'em poker tournament.*

I. *No qualified organization shall conduct any Texas Hold'em poker tournament unless it has hired [an armed a] security officer licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 to be present during the times that any tournament is being played.*

J. *A qualified organization that conducts Texas Hold'em poker tournaments in accordance with the provisions of this article shall use at least 30 percent of its gross receipts derived from the conduct of such Texas Hold'em poker tournaments for [(i)] those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized [or (ii) those expenses related 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].*

[K. *A qualified organization that conducts Texas Hold'em poker tournaments in accordance with the provisions of this article shall certify that any individual acting as a dealer during any such Texas Hold'em poker tournament (i) is 21 years of age or older and (ii) possesses the knowledge, skill, and competence required to properly shuffle and deal the cards, supervise the tournament, and ensure that all players follow the rules of the game.*]

§ 18.2-340.33. Prohibited practices.

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

1. No part of the gross receipts or electronic gaming adjusted gross receipts derived by a qualified

organization may be used for any purpose other than (i) gaming expenses; (ii) reasonable and proper business expenses; and (iii) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized.

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

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

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

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

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation, or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees and (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards.

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

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

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

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

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

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

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

6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease, or otherwise provide for consideration any bingo supplies, including bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor, or supplier of bingo supplies or equipment be used by the organization.

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

7. No qualified organization shall enter into any contract with or otherwise employ or compensate

any member of the organization on account of the sale of bingo supplies or equipment.

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

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

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

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

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

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

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

Any progressive bingo game, in which (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided that (a) there are no more than six such games per session per organization, (b) the amount of increase of the progressive prize per session is no more than \$200, (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (d) the organization separately accounts for the proceeds from such sale, and (e) such games are otherwise operated in accordance with the Department's rules of play.

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

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

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

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

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

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

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

16. No organization qualified to conduct Texas Hold'em poker tournaments pursuant to § 18.2-340.28:2 shall conduct any Texas Hold'em poker games where the game has no predetermined end time and the players wager actual money or poker chips that have cash value in accordance with clause (ii) of the definition of "Texas Hold'em poker tournament" in § 18.2-340.16 more than [five four

428] *days per week or [~~12~~ eight] hours per day.*

429 **2. That the Commissioner of the Department of Agriculture and Consumer Services' (the**
430 **Commissioner) initial adoption of regulations necessary to implement the provisions of this act**
431 **shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia),**
432 **except that the Commissioner shall provide an opportunity for public comment on the regulations**
433 **prior to adoption. The Commissioner shall complete work on such regulations no later than**
434 **September 15, 2023.**

435 **3. That the Department of Agriculture and Consumer Services shall make applications for a**
436 **charitable gaming permit, amended in accordance with the provisions of this act, available**
437 **pursuant to the provisions of § 18.2-340.25 of the Code of Virginia no later than July 15, 2023.**