

23104704D

HOUSE BILL NO. 1987

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 2, 2023)

(Patron Prior to Substitute—Delegate Krizek)

A *BILL to amend and reenact §§ 18.2-340.25, 18.2-340.26:1, and 18.2-340.28 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-340.25:2, relating to charitable gaming; temporary permits; limitations.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.25, 18.2-340.26:1, and 18.2-340.28 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-340.25:2 as follows:

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

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

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

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

C. In no case shall an organization receive more than one permit allowing it to conduct charitable gaming; *except that an organization may also apply for and receive a temporary permit pursuant to § 18.2-340.25:2.*

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

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

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

§ 18.2-340.25:2. Temporary permits authorized; limitations.

A. Any qualified organization described in subdivision 4 or 5 of the definition of "organization" in § 18.2-340.16 may obtain a temporary permit from the Department allowing such organization to sell instant bingo, pull tabs, or seal cards upon premises located anywhere in the Commonwealth during a convention, conference, or related event lasting no more than seven days held by such organization's affiliated state, regional, or national organization up to four times per year as designated in the permit.

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

All temporary permits shall be subject to regulation by the Department to ensure the public safety and welfare in the operation of charitable games. The temporary permit shall only be granted after a reasonable investigation has been conducted by the Department. The Department may require any prospective employee, permit holder, or applicant to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's, permit holder's, or applicant's

60 fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for
61 the purposes of obtaining criminal history record information regarding such prospective employee,
62 permit holder, or applicant. The Central Criminal Records Exchange upon receipt of a prospective
63 employee, permit holder, or applicant record or notification that no record exists shall forward the
64 report to the Commissioner of the Department or his designee, who shall belong to a governmental
65 entity. However, nothing in this subsection shall be construed to require the routine fingerprinting of
66 volunteer bingo workers.

67 C. In no case shall an organization receive more than one temporary permit allowing it to conduct
68 charitable gaming; however, an organization may also receive a permit in accordance with the
69 provisions of § 18.2-340.25.

70 D. Application for a temporary permit shall be made on forms prescribed by the Department and
71 shall be accompanied by payment of the fee for processing the application.

72 E. Applications for renewal of temporary permits shall be made in accordance with Department
73 regulations. If a complete renewal application is received 45 days or more prior to the expiration of the
74 temporary permit, the temporary permit shall continue to be effective until such time as the Department
75 has taken final action. Otherwise, the temporary permit shall expire at the end of its term.

76 F. The failure to meet any of the requirements of § 18.2-340.24 shall cause the automatic denial of
77 the temporary permit, and no organization shall conduct any charitable gaming in accordance with the
78 provisions of subsection A until such requirements are met and a temporary permit is obtained.

79 **§ 18.2-340.26:1. Sale of instant bingo, pull tabs, or seal cards.**

80 A. ~~Instant~~ Except as provided in subsection D, instant bingo, pull tabs, or seal cards may be sold
81 only (i) by a qualified organization, as defined in § 18.2-340.16, (ii) upon premises that are owned or
82 exclusively and entirely leased by the qualified organization or leased by the qualified organization
83 pursuant to subsection C, and (iii) at such times that the premises in which the instant bingo, pull tabs,
84 or seal cards are sold is open only to members and their guests via controlled access. Except as
85 provided in ~~subsection~~ subsections C and D, no organization may sell instant bingo, pull tabs, or seal
86 cards (a) at a location outside of the county, city, or town in which the organization's principal office, as
87 registered with the State Corporation Commission, is located or in an adjoining county, city, or town or
88 (b) at an establishment that has been granted a license pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title
89 4.1 unless such license is held by the organization. Nothing in this article shall be construed to prohibit
90 the conduct of games of chance involving the sale of pull tabs, or seal cards, commonly known as last
91 sale games, conducted in accordance with this section or, if such games are electronic games, in
92 accordance with § 18.2-340.26:3.

93 B. It is prohibited to use an electronic device to conduct instant bingo, pull tabs, or seal cards except
94 as permitted under § 18.2-340.26:3.

95 C. Notwithstanding the provisions of subsection A, a qualified organization may lease the premises
96 of any social organization authorized pursuant to § 18.2-340.26:3 for the purpose of selling instant
97 bingo, pull tabs, or seal cards.

98 D. Notwithstanding the provisions of subsection A, instant bingo, pull tabs, or seal cards may be
99 sold by a qualified organization that has received a temporary permit from the Department pursuant to
100 § 18.2-340.25:2 upon premises located anywhere in the Commonwealth during a convention, conference,
101 or related event lasting no more than seven days held by such organization's affiliated state, regional,
102 or national organization up to four times per year as designated in the temporary permit.

103 **§ 18.2-340.28. Conduct of instant bingo, network bingo, pull tabs, and seal cards.**

104 A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may
105 also play instant bingo, network bingo, pull tabs, or seal cards; however, such games shall be played
106 only at such times designated in the permit for regular bingo games and only at locations at which the
107 organization is authorized to conduct regular bingo games pursuant to subsections E and F of
108 § 18.2-340.27, except that a qualified organization that is issued a temporary permit pursuant to
109 § 18.2-340.25:2 shall be authorized to play instant bingo, pull tabs, or seal cards in accordance with
110 subsection D of § 18.2-340.26:1. It is prohibited to use an electronic device to conduct instant bingo,
111 pull tabs, or seal cards except as permitted under § 18.2-340.26:3.

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

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

122 D. No qualified organization or any person on the premises shall extend lines of credit or accept any
123 credit or other electronic fund transfer other than debit cards in payment of any charges or assessments
124 for players to participate in instant bingo, network bingo, pull tabs, or seal cards.