

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

House Bill 4700

By Delegates Fluharty, Winzenreid, Cannon, and

Hornbuckle

[Introduced January 15, 2024; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §29-22D-4 and §29-22D-15 of the Code of West Virginia, 1931, as
2 amended, all relating to giving the lottery commission rule making authority to promulgate
3 rules relating to banning certain persons from sports wagering.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.

§29-22D-4. Commission duties and powers.

1 (a) In addition to the duties set forth elsewhere in this article, §29-22-1 *et seq.*, §29-22A-1
2 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code, the commission
3 shall have the authority to regulate sports pools and the conduct of sports wagering under this
4 article.

5 (b) The commission shall examine the regulations implemented in other states where
6 sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework
7 through promulgation of rules and regulations.

8 (c) The commission has the authority, pursuant to §29A-1-1, *et seq.* and §29A-3-1, *et seq.*
9 of this code, to promulgate or otherwise enact any legislative, interpretive, and procedural rules
10 the commission considers necessary for the successful implementation, administration, and
11 enforcement of this article. Rules proposed by the commission before December 1, 2018, may be
12 promulgated as emergency rules pursuant to §29A-3-15 of this code.

13 (1) Regulations promulgated by the commission may include, but are not limited to, those
14 governing the acceptance of wagers on a sports event or a series of sports events; maximum
15 wagers which may be accepted by an operator from any one patron on any one sports event; type
16 of wagering tickets which may be used; method of issuing tickets; method of accounting to be used
17 by operators; types of records which shall be kept; use of credit and checks by patrons; type of
18 system for wagering; protections for patrons placing wagers; and promotion of social
19 responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know
20 has a gambling problem and wants help, call 1-800 GAMBLER," in every designated area

21 approved for sports wagering and on any mobile application or other digital platform used to place
22 wagers.

23 (2) The commission shall establish minimum internal control standards (MICS) and
24 approve minimum internal control standards proposed by licensed operators for administration of
25 sports wagering operations, wagering equipment and systems, or other items used to conduct
26 sports wagering, as well as maintenance of financial records and other required records.

27 (d) The commission shall promulgate a legislative rule pursuant to §29A-3-1 et seq. of this
28 code that enumerates the reasons for which patrons of sports gaming may be banned from
29 engaging in sports betting. The list of reasons for which patrons may be banned shall include, but
30 not be limited to:

31 (1) A prior conviction under §61-2-15a of this code;

32 (2) A prior violation of an order of the commission; and

33 (3) If the commission determines that the person poses a threat to the safety of patrons or
34 participants in a sporting event or determines that the person has engaged in a pattern of conduct
35 of harassing a sports official, coach, or any participants.

36 Such rule shall also set forth the procedure by which complaints against patrons are
37 lodged with and investigated by the commission. The commission shall notify a person of the
38 commission's intent to ban such person from sports betting, and such person is entitled to a
39 hearing before the commission pursuant to §29A-5-1 et seq. of this code.

40 (d) (e) The commission shall determine the eligibility of a person to hold or continue to hold
41 a license, shall issue all licenses, and shall maintain a record of all licenses issued under this
42 article. The commission may accept applications, evaluate qualifications of applicants, and
43 undertake initial review of licenses prior to promulgation of emergency rules upon the effective
44 date of this article.

45 ~~(e)~~ (f) The commission shall levy and collect all fees, surcharges, civil penalties, and
46 weekly tax on adjusted gross sports wagering receipts imposed by this article, and deposit all
47 moneys into the sports wagering fund, except as otherwise provided under this article.

48 ~~(f)~~ (g) The commission may sue to enforce any provision of this article or any rule of the
49 commission by civil action or petition for injunctive relief.

50 ~~(g)~~ (h) The commission may hold hearings, administer oaths, and issue subpoenas or
51 subpoenas duces tecum: *Provided*, That all hearings shall be conducted pursuant to the
52 provisions of the State Administrative Procedures Act, §29A-2-1, *et seq.* of this code and the
53 Lottery Administrative Appeal Procedures, W.Va. CSR §179-2-1, *et seq.*

54 ~~(h)~~ (i) The commission may exercise any other powers necessary to effectuate the
55 provisions of this article and the rules of the commission.

§29-22D-15. Authorization of sports wagering in this state; requirements.

1 (a) An operator shall accept wagers on sports events and other events authorized under
2 this article from persons physically present in a licensed gaming facility where authorized sports
3 wagering occurs, or from persons not physically present who wager by means of electronic
4 devices. A person placing a wager shall be at least 21 years of age.

5 (b) An operator may accept wagers from an individual physically located within this state
6 using a mobile or other digital platform or a sports wagering device, approved by the commission,
7 through the patron's sports wagering account.

8 (c) An operator may accept wagers from an individual physically located in a state or
9 jurisdiction with which the commission has entered into a sports wagering agreement using a
10 mobile or other digital platform or a sports wagering device through the patron's sports wagering
11 account, so long as the device or platform is approved by the commission and all other
12 requirements of the agreement are satisfied.

13 ~~(d) The commission or operator may ban any person from entering a gaming area of a~~
14 ~~gaming facility conducting sports wagering or the grounds of a gaming facility licensed under this~~

15 ~~article or from participating in the play or operation of any West Virginia Lottery sports wagering. A~~
16 ~~log of all excluded players shall be kept by the commission and each licensee, and no player on~~
17 ~~the commission's exclusion list or the licensed operator's exclusion list shall wager on any West~~
18 ~~Virginia Lottery sports wagering under this article.~~

19 ~~(e)~~ (d) The commission shall promulgate regulations implementing the provisions of §29-
20 22D-15(a) of this code by interpretive rule and minimum internal control standards.

21 ~~(f)~~ (e) The commission shall, when a federal law is enacted or repealed or when a federal
22 court decision is issued that permits a state to regulate sports wagering, publish a notice in the
23 State Register notifying the public of the enactment or repeal of federal law or of the issuance of
24 such court decision. The commission shall not be authorized to conduct sports wagering in this
25 state until the notice prescribed in this subsection is published in the State Register.

26 ~~(g)~~ (f) No licensed gaming facility employee may place a wager on any sports wagering at
27 the employer's facility or through any other mobile application or digital platform of their employer.

28 ~~(h)~~ (g) No commission employee may knowingly wager or be paid any prize from any
29 wager placed at any licensed gaming facility with West Virginia Lottery sports wagering within this
30 state or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a
31 sports wagering licensee.