

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3310

By Delegates Fluharty, Riley, Cannon, and

Hornbuckle

[Introduced February 07, 2023; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §29-22D-15 of the Code of West Virginia, 1931, as amended,
2 relating to banning certain persons from sport wagering activities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.

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

21 (f) The commission shall, when a federal law is enacted or repealed or when a federal court

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

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

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

32 (i) A patron may be banned from sports betting pursuant to subsection (d) of this section if
33 the commission determines that the patron has harassed or shown a harmful pattern of conduct
34 directed at a sports official, coach or any participants of a sporting event.

NOTE: The purpose of this bill is to allow the Lottery Commission to ban persons from sports betting who have harassed or shown a harmful pattern of conduct directed at any person involved in a sporting event.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.