

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**ENROLLED**

## **House Bill 4700**

BY DELEGATES FLUHARTY, WINZENREID, CANNON, AND

HORNBUCKLE

[Passed March 8, 2024; in effect ninety days from  
passage.]



1 AN ACT to amend and reenact §29-22D-4 and §29-22D-15 of the Code of West Virginia, 1931,  
2 as amended, all relating to banning certain persons from sport wagering activities;  
3 directing the Lottery Commission to propose a rule for legislative approval specifying  
4 reasons for which patrons of sports gaming may be banned from engaging in sports  
5 betting; setting forth a non-inclusive list of reasons for which a patron may be banned;  
6 requiring the rule contain a procedure for lodging complaints against patrons and for  
7 investigation of complaints; and allowing the Commission or an operator to continue  
8 banning persons from certain areas of a gaming facility until the Commission promulgates  
9 the rule.

*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-  
2 1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code, the commission  
3 may regulate sports pools and the conduct of sports wagering under this article.

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

7 (c) The commission may, pursuant to §29A-1-1, *et seq.* and §29A-3-1, *et seq.* of this code,  
8 promulgate or otherwise enact any legislative, interpretive, and procedural rules the commission  
9 considers necessary for the successful implementation, administration, and enforcement of this  
10 article.

11 (1) Rules promulgated by the commission may include, but are not limited to, those  
12 governing the acceptance of wagers on a sports event or a series of sports events; maximum  
13 wagers which may be accepted by an operator from any one patron on any one sports event;  
14 type of wagering tickets which may be used; method of issuing tickets; method of accounting to

15 be used by operators; types of records which shall be kept; use of credit and checks by patrons;  
16 type of system for wagering; protections for patrons placing wagers; and promotion of social  
17 responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know  
18 has a gambling problem and wants help, call 1-800 GAMBLER," in every designated area  
19 approved for sports wagering and on any mobile application or other digital platform used to place  
20 wagers.

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

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

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

30 (2) A prior violation of an order of the commission; or

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

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

38 (f) The commission shall determine the eligibility of a person to hold or continue to hold a  
39 license, shall issue all licenses, and shall maintain a record of all licenses issued under this article.

40 (g) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly  
41 tax on adjusted gross sports wagering receipts imposed by this article, and deposit all moneys  
42 into the sports wagering fund, except as otherwise provided under this article.

43 (h) The commission may sue to enforce any provision of this article or any rule of the  
44 commission by civil action or petition for injunctive relief.

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

49 (j) The commission may exercise any other powers necessary to effectuate the provisions  
50 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) Until such time as a rule proposed by the commission is approved for promulgation by  
14 the Legislature, the commission or operator may ban any person from entering a gaming area of

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

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

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

27 (g) A licensed gaming facility employee may not place a wager on any sports wagering  
28 at the employer's facility or through any other mobile application or digital platform of his or her  
29 employer.

30 (h) A commission employee may not knowingly wager or be paid any prize from any wager  
31 placed at any licensed gaming facility with West Virginia Lottery sports wagering within this state  
32 or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a sports  
33 wagering licensee.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2024.

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*Governor*