

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 2511

BY DELEGATES LINVILLE, HILLENBRAND, SHEEDY, CLAY,

BUTLER, HITE, RIDENOUR, D. SMITH, AND ROOP

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §47-20-2 of the Code of West Virginia, 1931 as amended; relating
2 to charitable bingo and alcohol or nonintoxicating beer sales and consumption while such
3 bingo is taking place; adding an exemption for the consumption or sale of alcohol or
4 nonintoxicating beer at bingo games conducted on the premises of a fraternal beneficiary
5 society, domestic fraternal society, veteran's organization, or volunteer fire department.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. CHARITABLE BINGO.

§47-20-2. Definitions.

1 For purposes of this article, unless specified otherwise:

2 (a) "Bingo" means the game wherein participants pay consideration for the use of one or
3 more paper or virtual cards bearing several rows of numbers in which no two cards played in any
4 one game contain the same sequence or pattern. When the game commences, numbers are
5 selected by chance, one by one, and announced. The players cover or mark those numbers
6 announced as they appear on the card or cards which they are using. The player who first
7 announces that he or she has covered a predetermined sequence or pattern which had been
8 preannounced for that game is, upon verification that he or she has covered the predetermined
9 sequence or pattern, declared the winner of that game. Bingo, as authorized by this article, may
10 be operated and played virtually over the Internet using an online bingo software system or web
11 application.

12 (b) "Bingo occasion" or "occasion" means a single gathering or session at which a series
13 of one or more successive bingo games is conducted by a single licensee.

14 (c) "Charitable or public service activity or endeavor" means any bona fide activity or
15 endeavor which directly benefits a number of people by:

16 (1) Assisting them to establish themselves in life as contributing members of society
17 through education or religion;

18 (2) Relieving them from disease, distress, suffering, constraint, or the effects of poverty;

(3) Increasing their comprehension of, and devotion to, the principles upon which this nation was founded and to the principles of good citizenship;

(4) Making them aware of, or educating them about, issues of public concern so long as the activity or endeavor is not aimed at influencing legislation or supporting or participating in the campaign of any candidate for public office;

(5) By lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people;

(6) Providing or supporting nonprofit community activities for youth, senior citizens, or the disabled; or

(7) Providing or supporting nonprofit cultural or artistic activities.

(d) "Charitable or public service organization" means a bona fide, not-for-profit, tax-exempt, benevolent, educational, philanthropic, humane, patriotic, civic, religious, fraternal, or eleemosynary incorporated or unincorporated association or organization; or a volunteer fire department, rescue unit, or other similar volunteer community service organization or association; but does not include any nonprofit association or organization, whether incorporated or not, which is organized primarily for the purposes of influencing legislation or supporting or promoting the campaign of any candidate for public office.

An organization or association is tax-exempt if it is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the Internal Revenue Code.

(e) "Commissioner" means the State Tax Commissioner.

(f) "Concession" means any stand, booth, cart, counter, or other facility, whether stationary or movable, where beverages, both alcoholic and nonalcoholic, food, snacks, cigarettes or other tobacco products, newspapers, souvenirs, or any other items are sold to patrons by an individual operating the facility. Notwithstanding anything contained in §60-7-12(a)(2) of this code to the

contrary, "concession" includes beverages which are regulated by, and are subject to, the provisions of chapter 60 of this code: *Provided*, That in no case may the sale or the consumption of alcoholic beverages or nonintoxicating beer be permitted in any area where bingo is conducted: *Provided however*, That the sale or the consumption of alcoholic beverages or nonintoxicating beer may be permitted in an area where bingo is conducted on the premises of a fraternal society or veteran's organization that is:

(1) A fraternal beneficiary society that is exempt from federal income tax under section 501(c)(8) of the Internal Revenue Code of 1986, as amended;

(2) A domestic fraternal society that is exempt from federal income tax under section 501(c)(10) of the Internal Revenue Code of 1986, as amended;

(3) A veterans' organization that is exempt from federal income tax under section 501(c)(19) of the Internal Revenue Code of 1986, as amended; or

(4) A volunteer fire department, as defined in §11-13JJ-2 of this code.

(g) "Conduct" means to direct the actual playing of a bingo game by activities including, but not limited to, handing out bingo cards, collecting fees, drawing the numbers, announcing the numbers, posting the numbers, verifying winners, and awarding prizes.

(h) "Expend net proceeds for charitable or public service purposes" means to devote the net proceeds of a bingo occasion or occasions to a qualified recipient organization or as otherwise provided by this article and approved by the commissioner pursuant to §47-20-15 of this code.

(i) "Gross proceeds" means all moneys collected or received from the conduct of bingo at all bingo occasions held by a licensee during a license period; this term does not include any moneys collected or received from the sale of concessions at bingo occasions.

(j) "Joint bingo occasion" means a single gathering or session at which a series of one or more successive bingo games is conducted by two or more licensees.

(k) "Licensee" means any organization or association granted an annual, limited occasion, or state fair bingo license pursuant to the provisions of this article.

71 (l) "Net proceeds" means all moneys collected or received from all the conduct of bingo at
72 bingo occasions held by a licensee during a license period after payment of expenses authorized
73 by §47-20-10, §47-20-13, §47-20-15, and §47-20-22 of this code; this term does not include
74 moneys collected or received from the sale of concessions at bingo occasions.

75 (m) "Person" means any individual, association, society, incorporated or unincorporated
76 organization, firm, partnership, or other nongovernmental entity or institution.

77 (n) "Patron" means any individual who attends a bingo occasion other than an individual
78 who is participating in the conduct of the occasion or in the operation of any concession, whether
79 or not the individual is charged an entrance fee or plays any bingo games.

80 (o) "Qualified recipient organization" means any bona fide, not-for-profit, tax-exempt, as
81 defined in subdivision (d) of this subsection, incorporated or unincorporated association or
82 organization which is organized and functions exclusively to directly benefit a number of people
83 as provided in paragraphs (1) through (7), inclusive, subdivision (c) of this subsection. "Qualified
84 recipient organization" includes, without limitation, any licensee which is organized and functions
85 exclusively as provided in this subdivision.

86 (p) "Venue" means the location in which bingo occasions are held.

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 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor