

SENATE BILL NO. 1142

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General laws

on February 9, 2023)

(Patron Prior to Substitute--Senator McPike)

A BILL to amend and reenact § 58.1-4030 of the Code of Virginia, relating to sports betting; adjusted gross revenue.

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-4030 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-4030. Definitions.

As used in this article, unless the context requires a different meaning:

"Adjusted gross revenue" means gross revenue minus:

1. a. All cash and the cash value of merchandise paid out as winnings to bettors, and the

b. The value of all bonuses or promotions provided to patrons as an incentive to place or as a result of their having placed Internet sports betting wagers through the first 12 months of sports betting activity for a permit holder, beginning with the first month a permit holder collects wagers related to sports betting.

c. The value of all bonuses or promotions provided to patrons as an incentive to place or as a result of their having placed Internet sports betting wagers, not to exceed 1.75 percent of the total amount of all sports betting wagers placed with the permit holder each month after the first 12 months of sports betting activity for a permit holder;

2. Uncollectible gaming receivables, which shall not exceed two percent, or a different percentage as determined by the Board pursuant to subsection F of § 58.1-4007, of gross revenue minus all cash paid out as winnings to bettors;

3. If the permit holder is a significant infrastructure limited licensee, as defined in § 59.1-365, any funds paid into the horsemen's purse account pursuant to the provisions of subdivision 14 of § 59.1-369; and

27 4. All excise taxes on sports betting paid pursuant to federal law.

28 "Amateur sports" means any sports or athletic event that is not professional sports, college sports,
29 Virginia college sports, or youth sports. "Amateur sports" includes domestic, international, and Olympic
30 sports or athletic events. "Amateur sports" does not include charitable gaming, as defined in § 18.2-340.16;
31 fantasy contests, as defined in § 59.1-556; or horse racing, as defined in § 59.1-365.

32 "College sports" means an athletic event (i) in which at least one participant is a team from a public
33 or private institution of higher education, regardless of where such institution is located, and (ii) that does
34 not include a team from a Virginia public or private institution of higher education.

35 "Covered persons" means athletes; umpires, referees, and officials; personnel associated with
36 clubs, teams, leagues, and athletic associations; medical professionals and athletic trainers who provide
37 services to athletes and players; and the immediate family members and associates of such persons.

38 "Gross revenue" means the total of all cash, property, or any other form of remuneration, whether
39 collected or not, received by a permittee from its sports betting operations.

40 "Major league sports franchise" means a professional baseball, basketball, football, hockey, or
41 soccer team that is at the highest-level league of play for its respective sport.

42 "Motor sports facility" means an outdoor motor sports facility that hosts a National Association
43 for Stock Car Auto Racing (NASCAR) national touring race.

44 "Official league data" means statistics, results, outcomes, and other data relating to a professional
45 sports event obtained by a permit holder under an agreement with a sports governing body or with an
46 entity expressly authorized by a sports governing body for determining the outcome of tier 2 bets.

47 "Permit holder" means a person to which the Director issues a permit pursuant to §§ 58.1-4032
48 and 58.1-4033.

49 "Personal biometric data" means any information about an athlete that is derived from his DNA,
50 heart rate, blood pressure, perspiration rate, internal or external body temperature, hormone levels, glucose
51 levels, hydration levels, vitamin levels, bone density, muscle density, or sleep patterns, or other
52 information as may be prescribed by the Board by regulation.

53 "Principal" means any individual who solely or together with his immediate family members (i)
54 owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is
55 a permit holder or (ii) has the power to vote or cause the vote of five percent or more of the voting securities
56 or other ownership interests of such entity. "Principal" includes any individual who is employed in a
57 managerial capacity for a sports betting platform or sports betting facility on behalf of a permit holder.

58 "Professional sports" means an athletic event involving at least two human competitors who
59 receive compensation, in excess of their expenses, for participating in such event. "Professional sports"
60 does not include charitable gaming, as defined in § 18.2-340.16; fantasy contests, as defined in § 59.1-
61 556; or horse racing, as defined in § 59.1-365.

62 "Prohibited conduct" means any statement, action, or other communication intended to influence,
63 manipulate, or control a betting outcome of a sports event or of any individual occurrence or performance
64 in a sports event in exchange for financial gain or to avoid financial or physical harm. "Prohibited conduct"
65 includes statements, actions, and communications made to a covered person by a third party. "Prohibited
66 conduct" does not include statements, actions, or communications made or sanctioned by a sports team or
67 sports governing body.

68 "Proposition bet" means a bet on an individual action, statistic, occurrence, or non-occurrence to
69 be determined during an athletic event and includes any such action, statistic, occurrence, or non-
70 occurrence that does not directly affect the final outcome of the athletic event to which it relates.

71 "Sports betting" means placing wagers on professional sports, college sports, amateur sports,
72 sporting events, or any other event approved by the Director, and any portion thereof, and includes placing
73 wagers related to the individual performance statistics of athletes in such sports and events. "Sports
74 betting" includes any system or method of wagering approved by the Director, including single-game bets,
75 teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets,
76 proposition bets, and straight bets. "Sports betting" does not include participating in charitable gaming
77 authorized by Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2; participating in any lottery
78 game authorized under Article 1 (§ 58.1-4000 et seq.); wagering on horse racing authorized by Chapter
79 29 (§ 59.1-364 et seq.) of Title 59.1; or participating in fantasy contests authorized by Chapter 51 (§ 59.1-

80 556 et seq.) of Title 59.1. "Sports betting" does not include placing a wager on a college sports event in
81 which a Virginia public or private institution of higher education is a participant.

82 "Sports betting facility" means an area, kiosk, or device located inside a casino gaming
83 establishment licensed pursuant to Chapter 41 (§ 58.1-4100 et seq.) that is designated for sports betting.

84 "Sports betting permit" means a permit to operate a sports betting platform or sports betting facility
85 issued pursuant to the provisions of §§ 58.1-4032, 58.1-4033, and 58.1-4034.

86 "Sports betting platform" means a website, app, or other platform accessible via the Internet or
87 mobile, wireless, or similar communications technology that sports bettors use to participate in sports
88 betting.

89 "Sports betting program" means the program established by the Board to allow sports betting as
90 described in this article.

91 "Sports bettor" means a person physically located in Virginia who participates in sports betting.

92 "Sports event" or "sporting event" means professional sports, college sports, amateur sports, and
93 any athletic event, motor race event, electronic sports event, competitive video game event, or any other
94 event approved by the Director.

95 "Sports governing body" means an organization, headquartered in the United States, that prescribes
96 rules and enforces codes of conduct with respect to a professional sports or college sports event and the
97 participants therein. "Sports governing body" includes a designee of the sports governing body.

98 "Stadium" means the physical facility that is the primary location at which a major league sports
99 franchise hosts athletic events and any appurtenant facilities.

100 "Tier 1 bet" means a bet that is placed using the Internet and that is not a tier 2 bet.

101 "Tier 2 bet" means a bet that is placed using the Internet and that is placed after the event it concerns
102 has started.

103 "Virginia college sports" means an athletic event in which at least one participant is a team from a
104 Virginia public or private institution of higher education.

105 "Youth sports" means an athletic event (i) involving a majority of participants under age 18 or (ii)
106 in which at least one participant is a team from a public or private elementary, middle, or secondary school,

107 regardless of where such school is located. However, if an athletic event meets the definition of college
108 sports or professional sports, such event shall not be considered youth sports regardless of the age of the
109 participants. An international athletic event organized by the International Olympic Committee shall not
110 be considered to be youth sports, regardless of the age of the participants.

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