

3/23/2021

Virginia Administrative Code

Chapter 80. Sports Betting Consumer Protection Program

11VAC5-80-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Board" means the Virginia Lottery Board established by the Virginia Lottery Law.

"Department" or "Virginia Lottery" means the Virginia Lottery Department, the independent department that pursuant to § [58.1-4031](#) of the Code of Virginia is responsible for the operation of the Commonwealth's sports betting program set forth in Articles 1 (§ [58.1-4000](#) et seq.) and 2 (§ [58.1-4030](#) et seq.) of Chapter 40 of Title 58.1 of the Code of Virginia.

"Director" means the Executive Director of the Virginia Lottery or the director's designee.

"Individual" means a human being and not a corporation, company, partnership, association, trust, or other entity.

"Permit holder" means a person who has been issued a permit by the director to operate a sports betting platform.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

"Player" or "sports bettor" means an individual physically located in Virginia who participates in sports betting.

"Sports betting" means placing wagers on professional sports, college sports, sporting events, and any portion thereof, and includes placing wagers related to the individual performance statistics of athletes in such sports and events. "Sports betting" includes any system or method of wagering approved by the director, including single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets. "Sports betting" does not include (i) participating in charitable gaming authorized by Article 1.1:1 (§ [18.2-340.15](#) et seq.) of Chapter 8 of Title 18.2 of the Code of Virginia; (ii) participating in any lottery game authorized under Article 1 (§ [58.1-4000](#) et seq.) of Chapter 40 of Title 58.1 of the Code of Virginia; (iii) wagering on horse racing authorized by Chapter 29 (§ [59.1-364](#) et seq.) of Title 59.1 of the Code of Virginia; (iv) participating in fantasy contests authorized by Chapter 51 (§ [59.1-556](#) et seq.) of Title 59.1 of the Code of Virginia; (v) placing a wager on a college sports event in which a Virginia public or private institution of higher education is a participant; or (vi) placing a wager on

sports events organized by the International Olympic Committee.

"Sports betting law" means Article 2 (§ [58.1-4030](#) et seq.) of Chapter 40 of Title 58.1 of the Code of Virginia.

"Sports betting platform" means a website, mobile application, or other platform accessible via the internet or mobile, wireless, or similar communications technology that sports bettors use to participate in sports betting.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-20. Sports bettors' bill of rights.

A. A permit holder shall make conspicuously available on its platform a link to the Virginia Sports Bettors' Bill of Rights on the department's website and afford its players the protections found in that document.

B. A permit holder may not, as a condition of use of the permit holder's sports betting platform, require any player to waive any right, forum, or procedure including the right to pursue legal action or to file a complaint with, or otherwise notify, any instrument of the state or federal government, including a Commonwealth's Attorney, law enforcement, courts, and state and federal agencies, of any alleged violation of the sports betting law, this chapter, or any other applicable law, regulation, or administrative policy.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-30. Complaints.

A. A permit holder shall develop and publish procedures by which a sports bettor may file a complaint with the permit holder in person, in writing, online, or by other means about any aspect of the sports betting program.

B. A permit holder shall respond to any such complaint in writing, via email, or via live chat within 15 days of the filing of the complaint. If a sports bettor requests relief in a complaint and the requested relief or part thereof will not be granted, the response to the complaint shall state with specificity the reasons for the denial of relief.

C. If the response to a complaint is that additional information is needed, the form and nature of the necessary information shall be specifically stated. When additional information is received, further response shall be required within seven days.

D. All complaints received by a permit holder from a sports bettor and the permit holder's responses to complaints, including email and live chat transcripts, shall be retained by the permit holder for at least four years and made available to the department within seven days of any request from the department.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-40. Prohibition on out-of-state betting.

A permit holder shall ensure that only people physically located in Virginia are able to place bets through the permit holder's platform.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-50. Underage betting.

A. A permit holder shall implement age-verification procedures to verify that no sports bet is placed by or on behalf of an individual younger than 21 years of age.

B. A permit holder shall promptly refund any money wagered by or on behalf of a minor and close the account. A permit holder may withhold and, if practicable and as approved by the department, redistribute to other winners any winnings won by a minor upon a good faith determination, following reasonable investigation, that the minor misrepresented his age in order to place a sports bet.

C. A permit holder shall make available, publish, and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any sports betting platform.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-60. Compliance with tax laws; disclosure.

A permit holder shall comply with all applicable tax laws and regulations, including (i) laws and regulations applicable to tax reporting and (ii) laws and regulations applicable to providing information about winnings to taxing authorities and to sports bettors.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-70. Excluded individuals.

A. A permit holder shall take such actions and establish such procedures as may be necessary to identify and report to the department any activity prohibited by the board's regulations and § [58.1-4041](#) of the Code of Virginia. Such actions and procedures include:

1. Making known to all affected individuals and corporate entities the prohibition against disclosure of proprietary or nonpublic information that may affect sports betting or the outcome of sports betting to any individual permitted to participate in sports betting; and
2. Making commercially reasonable efforts to exclude individuals prohibited by the sports betting law from participating in sports betting. The department shall maintain and distribute the Virginia Lottery Exclusion List and a list of self-excluded individuals to permit holders for the purpose of monitoring for and excluding such individuals from platforms operated by the permit holder.

B. A permit holder, upon learning of a violation of § [58.1-4041](#) of the Code of Virginia, shall immediately bar an individual committing the violation from participating in or disclosing proprietary or nonpublic information about sports betting by:

1. Banning the individual committing the violation or disclosing or receiving prohibited information from all sports betting platforms operated by the permit holder;
2. Terminating any existing promotional agreements with the individual; and
3. Refusing to make any new promotional agreements that compensate the individual.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-80. Corporate responsible gambling policies.

A. A permit holder's website or mobile application shall prominently publish a responsible gambling logo in a manner approved by the director and shall direct a player to the permit holder's responsible gambling page.

B. A permit holder's website or mobile application shall contain, at a minimum, the following:

1. A prominent message that provides a toll-free number approved by the director for individuals to use if the individuals suspect they or someone they know may have a gambling problem; and

2. A clear statement of the permit holder's commitment to responsible gaming and problem gambling prevention.

C. A permit holder shall maintain a corporate policy on responsible gambling that addresses the following:

1. Corporate commitment to responsible gambling and problem gambling prevention;
2. Responsible gambling strategy with defined goals;
3. Senior executive staff members are accountable for responsible gambling policies and programs;
4. Responsible gambling programs are embedded across all activities of the organization;
5. Methods for tracking levels of understanding and implementation of responsible gambling practices across its organization; and
6. Measures to ensure staff understand the importance of responsible gaming and are knowledgeable about their roles and the company's expectations of their actions. Such measures should include:
 - a. Corporate responsible gambling policies are explained to employees along with local (e.g., site-specific) codes of practice, self-ban procedures, and regulations;
 - b. Staff learn about problem gambling and its impact as well as key responsible gambling information;
 - c. Staff are taught skills and procedures required of them for assisting players who may have problems with gambling;
 - d. Staff are trained to avoid messages that reinforce misleading or false beliefs;
 - e. All staff are trained upon hiring and are retrained regularly;

- f. Objectives are clear and accessible, training accommodates different learning styles, and material is tested or reviewed with staff;
- g. A formal evaluation process is in place; and
- h. Making reasonable efforts to ensure that the training program or evaluation is informed by evidence-based research.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-90. Sports betting platform features.

A sports betting platform must possess the following features:

1. A prominent link to information about the permit holder's self-exclusion program;
2. A mechanism for a player to take note of the passage of time;
3. The ability to initiate a "cooling off" period such as breaks in play and avoidance of excessive play;
4. Practices and procedures on the site do not reinforce myths and misconceptions about gambling;
5. Information about the website's terms and conditions is readily accessible;
6. Promotional or free games do not mislead players;
7. Notification to players of age-verification procedures;
8. Access to credit is prohibited;
9. Fund transfers and automatic deposits are prohibited or restricted; and
10. Games display credits and spending as cash.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-100. Security of funds and data.

A. A permit holder shall comply with all applicable state and federal requirements for data security.

B. A permit holder shall not share information that could be used to personally identify a sports bettor with any third party other than the department, law enforcement with a warrant or subpoena, or a credit-reporting agency, except when a bettor provides consent. Information that could be used to personally identify a sports bettor includes gaming habits, except when this information has been anonymized.

C. Funds in a sports bettor's player's account shall be held either (i) in trust for the sports bettor in a segregated account or (ii) in a special-purpose segregated account that is maintained and controlled by a properly constituted corporate entity that is not the permit holder and whose governing board includes one or more corporate directors who are independent of the permit holder and of any corporation related to or controlled by the permit holder. A corporate entity that maintains a special purpose segregated account shall:

1. Require a unanimous vote of all corporate directors to file bankruptcy and have articles of incorporation that prohibit commingling of funds with those of the permit holder except as necessary to reconcile the accounts of sports bettors with sums owed by those sports bettors to the permit holder;
2. Be restricted from incurring debt other than to sports bettors pursuant to the rules that govern their user accounts;
3. Be restricted from taking on obligations of the permit holder other than obligations to sports bettors pursuant to the rules that govern their user accounts; and
4. Be prohibited from dissolving, merging, or consolidating with another company, other than a special-purpose corporate entity established by another permit holder that meets the requirements of this section, while there are unsatisfied obligations to sports bettors.

D. A permit holder shall maintain a reserve for bets that are settled, plus the amount of outstanding and unsettled bets.

E. A permit holder shall implement and prominently publish the following on its platform or within the terms and conditions inside the sports betting platform:

1. Policies that prevent unauthorized withdrawals from a sports bettor's account by a permit holder or others;
2. Notices that make clear that the funds in the segregated account do not belong to the permit holder and are not available to creditors other than the sports bettor whose funds are being held;
3. Policies that prevent commingling of funds in the segregated account with other funds, including funds of the permit holder;

4. Consistent with the provisions of § [58.1-4043](#) of the Code of Virginia, procedures for responding to and reporting on complaints by sports bettors that their accounts have been misallocated, compromised, or otherwise mishandled;

5. Procedures that allow a sports bettor to request withdrawal of funds from the sports bettor's user account whether such account is open or closed. The permit holder shall honor any sports bettor's request to withdraw funds by the later of five days after receipt of the request or 10 days after submission of any tax reporting paperwork required by law unless the permit holder believes in good faith that the sports bettor has engaged in either fraudulent conduct or other conduct that would put the permit holder in violation of this chapter, in which case the permit holder may decline to honor the request for withdrawal for a reasonable investigatory period until the permit holder's investigation is resolved if the permit holder provides notice of the nature of the investigation to the sports bettor. For the purposes of this subdivision, a request for withdrawal shall be considered honored if the request is processed by the permit holder but is delayed by a payment processor, a credit card issuer, or the custodian of a segregated account; and

6. Procedures that allow a sports bettor to permanently close a player account at any time and for any reason. The procedures shall allow for cancellation by any means, including by a sports bettor on any platform used by that sports bettor to make deposits into a segregated account.

F. If winnings are awarded to a sports bettor with a closed account, those winnings, to the extent that the winnings consist of funds, shall be distributed by the permit holder within seven days, provided, however, that if an account is closed on the basis of the permit holder's good faith belief after investigation that the sports bettor has engaged in fraud or has attempted to engage in behavior that would put the permit holder in violation of this chapter, such winnings may be withheld, provided that the winnings are redistributed in a manner that reflects the outcome that would have resulted had that sports bettor not participated.

G. If a sports bettor's segregated account remains unclaimed for five years after the balances are payable or deliverable to the sports bettor, the permit holder shall presume the account to be abandoned. The permit holder shall report and remit all segregated accounts presumed abandoned to the State Treasurer or his designee pursuant to Chapter 25 (§ [55.1-2500](#) et seq.) of Title 55.1 of the Code of Virginia. Before closing an account pursuant to this subsection, a permit holder shall attempt to contact the player by mail, phone, and email.

H. A permit holder shall prominently publish all contractual terms and conditions and rules of general applicability that affect a sports bettor's segregated account. Presentation of such terms, conditions, and rules at the time a sports bettor initially acquires a segregated account shall not be deemed sufficient to satisfy the provisions of this subsection.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-110. Limitations on user accounts.

A. A permit holder shall not allow a sports bettor to establish more than one user name or more than one user account per sports betting platform.

B. A permit holder shall take commercially and technologically reasonable measures to verify a sports bettor's identity and shall use such information to enforce the provisions of this section.

C. A permit holder shall implement procedures to terminate all accounts of any sports bettor who establishes or seeks to establish more than one user name or more than one account whether directly or by use of another individual as proxy. Such procedures may allow a sports bettor who establishes or seeks to establish more than one user name or more than one account to retain one account, provided that the permit holder investigates and makes a good faith determination that the sports bettor's conduct was not intended to commit fraud or otherwise evade the requirements of this chapter.

D. A permit holder shall not allow a sports bettor to use a proxy server for the purpose of misrepresenting the sports bettor's location in order to engage in sports betting.

E. A permit holder shall take commercially and technologically reasonable measures to prevent one sports bettor from acting as a proxy for another. Such measures shall include use of geolocation technologies to prevent simultaneous logins to a single account from geographically inconsistent locations.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-120. Protections for at-risk or problem bettors.

A. In accordance with [11VAC5-60](#), sports bettors have the right to self-exclude from and to self-impose restrictions on their participation in sports betting in the Commonwealth. Sports bettors may self-exclude through the voluntary exclusion program as provided in § [58.1-4015.1](#) of the Code of Virginia or directly with a permit holder. In addition to participation in the voluntary exclusion program as provided in § [58.1-4015.1](#), a permit holder shall honor requests from a sports bettor to self-exclude from all sports betting activities for a period of at least 72 hours, to set deposit limits, to set limits on the sports bettor's total betting activity, or to limit participation to bets below an established limit.

B. A permit holder shall institute and prominently publish procedures for sports bettors to implement the restrictions provided in subsection A of this section. Such procedures shall include,

at a minimum:

1. Opportunities to self-exclude from or to set self-imposed limits on each permit holder's sports betting platform used by that sports bettor to make deposits into a segregated account;
2. Options to set pop-up warnings concerning sports betting activity; and
3. Options to implement limits and timeouts (e.g. cooling off periods). Sports bettors shall have the option to adjust self-imposed limits to make the limits more restrictive as often as the sports bettors like but shall not have the option to make limits less restrictive until the prior restriction has expired.

C. A permit holder shall not directly market sports betting by mail, phone, email, or social media or by knowingly directing any form of individually targeted advertisement or marketing material to a prohibited individual as defined in [11VAC5-70-100](#).

D. A permit holder shall prominently publish a description of opportunities for at-risk or problem bettors to receive assistance or that direct sports bettors to a reputable source accessible in the Commonwealth of such information.

E. A permit holder shall train employees on at-risk or problem betting. Such training shall include training on policies and best practices for identifying and assisting sports bettors who may be at-risk or problem sports bettors.

F. A permit holder shall establish clear protocols for staff to respond appropriately to:

1. A player in crisis or distress;
2. A player who discloses that he may have a problem with gambling; and
3. Third-party concerns.

G. A permit holder shall develop and prominently publish procedures for considering requests made by third parties to exclude or set limits for sports bettors.

H. A permit holder's platform shall have systems in place to identify players who may be at risk of having or developing problem gambling to enable staff to respond appropriately.

I. A permit holder shall maintain a database of interactions regarding gambling problems with players and a clear protocol for documenting and using the data to assist players.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-130. Prohibition on the extension of credit.

A permit holder shall not extend credit to a sports bettor.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-140. Promotional offers.

A. A permit holder shall fully and accurately disclose the material terms of all promotional offers involving sports betting at the time any such offer is advertised and provide full disclosure of the terms of and limitations on the offer before the sports bettor provides anything of value in exchange for the offer. If the material terms of a promotional offer cannot be fully and accurately disclosed within the constraints of a particular advertising medium, the material terms and conditions shall be accessed by hyperlink that takes the individual directly to the material terms or directs the individual to the site to access the offer or bonus terms and in reasonably prominent size.

B. No promotional offer available to a sports bettor who sets up a new user account may contain terms that delay full implementation of the offer by the permit holder for a period of longer than 90 days, regardless of the number or amount of wagers in that period by the sports bettor.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-150. Advertising in general.

A. An advertisement for sports betting shall disclose the identity of the permit holder.

B. An advertisement for sports betting may not depict:

1. Minors, other than professional athletes who may be minors;
2. Students;
3. Schools or colleges; or
4. School or college settings.

Incidental depiction of nonfeatured minors shall not be deemed a violation of this subsection.

C. An advertisement for sports betting shall not state or imply endorsement by:

1. Minors, other than professional athletes who may be minors;
2. Collegiate athletes;
3. Schools or colleges; or
4. School or college athletic associations.

D. A permit holder shall not intentionally use characteristics of at-risk or problem bettors to target potentially at-risk or problem bettors with advertisements.

E. An advertisement for sports betting in published media shall (i) include information concerning assistance available to at-risk or problem bettors or (ii) direct consumers to a reputable source for such information. If an advertisement is not of sufficient size or duration to reasonably permit inclusion of such information, that advertisement shall refer to a website, application, or telephone hotline that does prominently include such information.

F. Any representation concerning winnings:

1. Shall be accurate and capable of substantiation at the time the representation is made;
2. Shall not mislead bettors about the outcomes of gambling; and
3. Shall not misrepresent the odds of winning.

G. An advertisement is misleading if it makes representations about average winnings without representing with equal prominence the average net winnings of all sports bettors.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

11VAC5-80-160. Restrictions on advertising to minors or at schools or school sporting events.

A. An advertisement for sports betting published, disseminated, circulated, broadcast, or placed before the public in the Commonwealth shall not be aimed exclusively or primarily at minors.

B. A permit holder shall not advertise or run promotional activities at elementary or secondary schools or on college campuses in the Commonwealth.

Statutory Authority

§§ [58.1-4007](#), [58.1-4015.1](#), and [58.1-4030](#) through [58.1-4047](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 37, Issue 04](#), eff. October 12, 2020.

Forms (11VAC5-80-9999)

[Virginia Sports Bettors' Bill of Rights](#)

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.