

Title 11 Gaming
Agency 5 Virginia Lottery Board
Sports Betting Consumer Protection Program

11 VAC 5-80-10 Definitions

“Board” means the Virginia Lottery Board established by the Virginia Lottery Law.

“Department” or “Lottery” means the Virginia Lottery Department, the independent Department responsible under the Virginia Sports Betting Law for the administration of the sports betting program in the Commonwealth pursuant to Article 2 of Chapter 40 of the Code of Virginia (§ [58.1-4030](#) et seq.).

“Director” means the Executive Director of the Virginia Lottery or his 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.

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

“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.

“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. “Sports betting” does not include placing a wager on a college sports event in which a Virginia public or private institution of higher education is a participant, nor does “sports betting” include placing a wager on sports events organized by the International Olympic Committee.

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

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

11 VAC 5-80-20 Sports bettors’ bill of rights

A. A permit holder shall publish prominently on its platform the Virginia Sports Bettors' Bill of Rights in the form established and made available by the Department on its website.

B. A permit holder may not, as a condition of use of the permit holder's 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 the Commonwealth's Attorney, law enforcement, courts, and state and federal agencies, of any alleged violation of the Virginia Sports Gaming Law, these regulations or any other applicable law, regulation, or administrative policy.

C. A permit holder's platform site must provide substantial and readily available information to enable players to make informed decisions about their gambling, including:

1. With regard to any sports bet, prominent publication of, at a minimum:
 - a. The handle of the bet;
 - b. The odds of winning the bet and the information used to calculate those odds; and
 3. The payout amounts and a schedule of payouts.
2. Information on play (e.g., player feedback); and
3. Designated player information or support services regarding play management tools.

11 VAC 5-80-30 Consumer complaints

A. A permit holder shall develop and prominently 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 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 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.

11 VAC 5-80-40 Prohibition on out-of-state betting

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

11 VAC 5-80-50 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 under the age of 21. Procedures for verifying an individual's age that satisfy this requirement include:

1. Providing a verification form to be signed by the individual and returned to the permit holder by postal mail, facsimile, or electronic scan;
2. Requiring the individual, in connection with a monetary transaction, to use a credit card, debit card, or other online payment system that provides notification of each discrete transaction to the primary account holder;
3. Having the individual call a toll-free telephone number staffed by trained personnel;
4. Having the individual contact trained personnel via video conferencing technology; or
5. Checking a form of government-issued identification provided by the individual against databases of such information, provided that the individual's identification is deleted from the permit holder's records promptly after the verification procedure is complete.

B. A permit holder shall promptly refund any money wagered by or on behalf of a minor. A permit holder may withhold and, if practicable and as approved by the Department, redistribute to other winners any prize 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, prominently publish, and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any sports betting platform.

11 VAC 5-80-60 Compliance with tax laws; disclosure.

A permit holder shall comply with all applicable tax laws and regulations, including laws and regulations applicable to tax withholding and laws and regulations applicable to providing information about winnings and withholdings to taxing authorities and to sports bettors.

11 VAC 5-80-70 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 Article 2, Chapter 40 (§ [58.1-4041](#)) of Title 58.1 of the Code of Virginia. Such actions and procedures include, but are not limited to:

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 obtain lists of individuals prohibited by the sports betting law from participating in sports betting 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 Article 2, Chapter 40 (§ [58.1-4041](#)) of Title 58.1 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 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.

11VAC 5-80-80 Corporate responsible gambling policies

A. A permit holder shall maintain an up-to-date, easily visible website link to its corporate policy on responsible gambling.

B. Each permit holder's corporate policy should address the following:

1. Corporate commitment to responsible gambling and problem gambling prevention;
2. Responsible gambling strategy with defined goals and a clear plan of action;
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 role 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
- h. The training program and/or evaluation is informed by the best available evidence

11 VAC 5-80-90 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. Ample opportunities for a player to take note of the passage of time
- 3. Game designs that promote breaks in play and avoidance of excessive play
- 4. All new games and technology are screened for adherence to responsible gaming standards
- 5. Practices and procedures on the site do not reinforce myths and misconceptions about gambling
- 6. Information about the website's terms and conditions is readily accessible
- 7. Promotional or free games do not mislead players
- 8. Notification to players of age-verification procedures
- 9. Access to credit is prohibited
- 10. Cash transfers and automatic deposits are prohibited or restricted
- 11. Games display credits/spending as cash

11 VAC 5-80-100 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. Information that could be used to personally identify a sports bettor includes gaming habits.
- C. Funds in a sports bettor's user 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 in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof in an amount approved by the Department and sufficient to pay all prizes and awards offered to a winning sports bettor.

E. A permit holder shall implement and prominently publish the following on its 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 Article 2, Chapter 40 (§ [58.1-4043](#)) of Title 58.1 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 his user account, whether such account is open or closed, including:

The permit holder shall honor any sports bettor's request to withdraw funds by the later of 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 its investigation is resolved if it 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 it is processed by the permit holder but 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 user 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 a prize is awarded to a sports bettor with a closed account, that prize, to the extent that it consists 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 prize may be withheld, provided that the prize is 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.

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.

11 VAC 5-80-110 Limitations on user accounts

A. A permit holder shall not allow a sports bettor to establish more than one username or more than one user account.

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

C. A permit holder shall implement and prominently publish procedures to terminate all accounts of any sports bettor who establishes or seeks to establish more than one username 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 username 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 or regulations thereof.

D. A permit holder shall not allow a sports bettor to use a proxy server for the purpose of misrepresenting his 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, without limitation, use of geolocation technologies to prevent simultaneous logins to a single account from geographically inconsistent locations.

11 VAC 5-80-120 Protections for at-risk or problem bettors.

A. In accordance with chapter 60 of this subtitle 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 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, 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 on a platform owned by the permit holder.

B. A permit holder shall institute and prominently publish procedures for sports bettors to implement the restrictions provided in subsection A. Such procedures shall include, at a minimum:

1. Opportunities to self-exclude from or to set self-imposed limits on any sports betting platform used by that sports bettor to make deposits into a segregated account;
2. Options to set pop-up warnings concerning excessive sports betting activity: and
3. Options to implement permit holder-enforced timeouts. Sports bettors shall have the option to adjust self-imposed limits to make them more restrictive as often as they like but shall not have the option to make limits less restrictive within 90 days of setting such limits.

C. A permit holder shall not 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 sports bettor if the sports bettor is self-excluded or otherwise barred from participating in sports betting.

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 honoring requests made by third parties to exclude or set limits for sports bettors. Such procedures shall include provisions for honoring requests to exclude sports bettors for whom the requester provides documentary evidence of sole or joint financial responsibility for the source of any funds wagered on sports betting on a platform owned by the permit holder, including:

1. Proof that the requester is jointly obligated on the credit or debit card associated with the sports bettor's wagers,
2. Proof of legal dependency of the sports bettor on the requester under state or federal law, or
3. Proof of the existence of a court order that makes the requester wholly or partially obligated for the debts of the individual for whom exclusion is requested; and
4. Provide for exclusion in situations in which the requester establishes the existence of a court order requiring the sports bettor to pay unmet child support obligations.

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 for recording interactions regarding gambling problems with players and a clear protocol for documenting and using the data to assist players.

11 VAC 5-80-130 Prohibition on the extension of credit.

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

11 VAC 5-80-140 Promotional offers

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, such as on a billboard, the promotional offer may not be advertised in that medium.

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.

11 VAC 5-80-150 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.

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

11 VAC 5-80-160 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.