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Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

Agency name	Charitable Gaming Board
Virginia Administrative Code (VAC) citation	11 VAC15-40
Regulation title	Charitable Gaming Regulations
Date	December 8, 2017

This information is required pursuant to Executive Order 17 (2014).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.

Section 2.2-2455 of the Code of Virginia establishes the Charitable Gaming Board (Board) as a policy board. Section 18.2-340.15 of the Code of Virginia authorizes the Board to prescribe regulations and conditions under which charitable gaming is to be conducted in Virginia to ensure it is conducted in a manner consistent with the purpose for which such gaming is permitted.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

The agency has determined that no viable alternatives exist. The regulation prescribes fees, sets condition for obtaining a charitable gaming license, and sets conditions required to conduct charitable gaming activities in Virginia. The regulation also establishes the technical requirements that are

necessary to ensure the integrity of gaming devices used in the conduct of charitable gaming in the Commonwealth. The agency determined these requirements are not unnecessarily burdensome and provide an important means of ensuring the proper conduct, controls, reporting, and recordkeeping for licensees who conduct charitable gaming activities. The regulation also provides a means of ensuring charitable gaming activities are conducted in a manner consistent with the purpose for which they are permitted under the charitable gaming statutes.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received during the public comment period that followed the publication of the Notice of Periodic Review on October 2, 2017. An informal advisory group was not formed for the purpose of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation assists in ensuring the integrity of charitable gaming in Virginia, thereby protecting the public safety and economic welfare of Virginians, including the organizations that conduct charitable gaming. The regulation is clearly written and easily understandable.

Result

Please state that the reason why the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation stay in effect without change, as it provides an important means of ensuring the proper conduct, controls, reporting, and recordkeeping for licensees who conduct charitable gaming activities. Additionally, there have been no changes in the industry that necessitate amendments to the current regulation.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain

the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The agency determined requirements established in the Charitable Gaming Regulations are not unnecessarily burdensome and provide an important means of ensuring the proper conduct, controls, reporting, and recordkeeping for licensees who conduct charitable gaming activities. The regulation also provides a means of ensuring charitable gaming activities are conducted in a manner consistent with the purpose for which they are permitted in the charitable gaming statutes. The agency has determined that this regulation is not unnecessarily complex and that the complexity of this regulation is not such that it would have an economic impact on small businesses.

Charitable Gaming Regulations (11 VAC 15-40) do not appear to overlap, duplicate, or conflict with any federal or state law or regulation. The regulation was last amended in November 2016. The agency has determined that no change in the affected industry has occurred since the regulation was last amended that would necessitate the amendment or repeal of this regulation.