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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	11 VAC 15-50
<b>VAC Chapter title(s)</b>	Texas Hold'em Poker Tournament Regulations
<b>Action title</b>	Repeal Texas Hold'em Poker Tournament Regulations
<b>Final agency action date</b>	September 10, 2022
<b>Date this document prepared</b>	September 12, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This action will repeal Virginia's *Texas Hold'em Poker Tournament Regulations* (11 VAC 15-50 et seq.) and is necessary to conform the Virginia Administrative Code to a mandate of the General Assembly. The agency has no discretion in this matter.

The Charitable Gaming Board promulgated the *Texas Hold'em Poker Tournament Regulations*, which was published in the Virginia Register of Regulations on April 12, 2021, with an effective date of March 23, 2021. Item 105 of the 2021 Appropriation Act (Chapter 552, 2021 Acts of Assembly, Special Session I) provided that all regulations promulgated by the Charitable Gaming Board and in effect on March 1, 2021, shall remain in force and no additional regulations shall be promulgated. The third enactment of both Chapters 554 and 609 of the 2022 Acts of Assembly provides that "the regulations promulgated by the Charitable Gaming Board regarding Texas Hold'em poker games and tournaments, which became effective on March 23, 2021,...shall not take effect."

Chapters 554 and 609 of the 2022 Acts of Assembly also (i) amended Section 3.2-102 of the Code of Virginia (Code) to authorize the Commissioner of Agriculture and Consumer Services to promulgate regulations not inconsistent with the laws of Virginia necessary to carry out the provisions of the Charitable Gaming Law (Article 1.1:1 of Chapter 8 of Title 18.2 of the Code) and (ii) eliminated the provisions of the Code that authorized the Charitable Gaming Board to promulgate regulations.

### **Mandate and Impetus**

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The third enactment of both Chapters 554 and 609 of the 2022 Acts of Assembly provides that "the regulations promulgated by the Charitable Gaming Board regarding Texas Hold'em poker games and tournaments, which became effective on March 23, 2021, ... shall not take effect." This regulatory action to repeal *Texas Hold'em Poker Tournament Regulations* is necessary to conform to changes in Virginia statutory law and no agency discretion is involved and, as such, is exempt from the requirements of Article 2 of Chapter 40 of Title 2.2 of the Code pursuant to Section 2.2-4006(A)(4)(a) of the Code.

### **Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On September 10, 2022, the Commissioner of Agriculture and Consumer Services repealed the *Texas Hold'em Poker Tournament Regulations*, 11 VAC 15-50 *et seq.*