



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Jason S. Miyares
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

MEMORANDUM

TO: KELLY T. GEE
Acting Executive Director
Virginia Lottery

FROM: AMY K. DILWORTH
Senior Assistant Attorney General

DATE: May 13, 2022

SUBJECT: 11 VAC 5-60 [Self-Exclusion Program]

I am in receipt of the action to update regulations to incorporate casino gaming into the Self-Exclusion Program established pursuant to Virginia Code § 58.1-4103. This action is conducted as a fast-track rule pursuant to Virginia Code § 2.2-4012.1 applicable to regulations that are expected to be non-controversial. You have asked the Office of the Attorney General to review and confirm the Virginia Lottery Board has the legal authority to amend these regulations and the amendments comport with state and federal law.

Based on my review, it is my view that the Virginia Lottery Board pursuant to Virginia Code §§ 58.1-4007A.15 and 58.1-4103 B.1, has the authority to amend these regulations subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

Should you have any questions, please do not hesitate to contact me.