



New Virginia Promotions Statute to Take Effect on July 1, 2010

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Effective July 1, 2010, a new gambling statute will go into effect in Virginia that could affect promotions conducted in the state. See Va. Code §§ 18.2-325, 18.2-325.1. The law provides that "any lawful game, contest, lottery, scheme, or promotional offering (the contest) may be conducted" so long as the sponsor satisfies several new disclosure requirements set out in the newly-added provision. Va. Code § 18.2-325.1. For instance, the sponsoring entity must make available a method of free entry to all participants who wish to enter the contest without purchase. Further, any implicated promotion must provide an equal opportunity to play and equal odds of winning for all participants. The new law also requires various written disclosures, including the terms and conditions of entry, the official promotion rules, the manner in which to request free entry, and the identity of the contest sponsor, among other required disclosures.

Although the new law contains standard disclosure requirements for promotions, it may foretell heightened scrutiny of consumer promotions run in Virginia. Thus, sponsors should be aware of Virginia's new requirements when including Virginia in nationwide promotions.

The full text of the bill, H. 1010, 2010 Sess. (Va. 2010), is available at <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0877>.

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