



September 1, 2023

Notice to Bingo Licensees, Contractors, & Equipment Companies

Persons licensed by the Arizona Department of Revenue can legally operate bingo games with certain regulations on the manner of play, according to [A.R.S. §§ 5-401](#) *et seq.* However, it is against the law, as well as a class 2 misdemeanor, to possess a bingo gambling device, according to [A.R.S. § 13-3306\(D\)](#).

State statute, [A.R.S. § 5-406\(X\)](#), requires that bingo licensees “offer assistance to players with disabilities”, thus allowing licensees to employ “technologic aids for bingo games that function only as electronic substitutes for bingo cards” (See A.R.S. § 5-406(X)(1)). This statute, through subsection (2) of section (X), allows for licensees to rent, rather than own, these technologic aids. Finally, this same subsection of the statute allows contractors to be involved in conducting certain licensees’ bingo games and, in particular, assist with the operation of the substitute bingo cards.

[A.R.S. § 5-406\(X\)](#) **does not legalize bingo gambling devices.** In order to address concerns that bingo licensees and third parties might be misinterpreting state statute, in particular the language on technologic aids, the Arizona Department of Gaming released a [public guidance notice](#) in 2017 emphasizing the correct legal use of bingo technologic aids. ***Possession of a bingo gambling device remains a crime. If you have any question about whether the technologic aid you are considering properly qualifies as an electronic substitute for a bingo card, please contact the Arizona Department of Gaming for further guidance. Note that providers of bingo devices may not understand state statute themselves.***

Licensees must operate bingo in the manner Arizona law requires. “Bingo” in Arizona is a multi-player game where balls or other objects marked with numbers or symbols are drawn from a receptacle, the results called out to players, and winners determined by obtaining a designated pattern or sequence of the drawn numbers or symbols on a card (See [A.A.C. R-15-7-201 and 207-213](#)). Legal games of bingo must take place at a licensee’s single location with all players, the licensee’s supervisor, the bingo equipment, the person drawing numbers, and the person calling numbers physically present on the premises where the game is actually conducted (See A.R.S. §§ [5-401\(23\)](#), [403.01](#), [404\(F\)](#), [405\(A\)\(4\) and \(B\)](#), and [406\(R\), \(S\) and \(V\)](#)). The games must use equipment (to include the marked objects in the receptacle) owned by the licensee (See [A.R.S. §§ 5-401\(7\)](#) and [406\(E\) and \(R\)](#)). Bingo cards (devices of play provided by a licensee to a player before the start of the game that bear parallel rows of spaces containing numbers or symbols) must be sold on the premises where the game is played (See [A.A.C. R15-7-201 and 215 \(A\)](#)). All bingo winners must be verified by a bingo worker in the presence of a disinterested player (See [A.A.C. R15-7-213\(A\)](#)). At the time a winner is announced, any player shall be

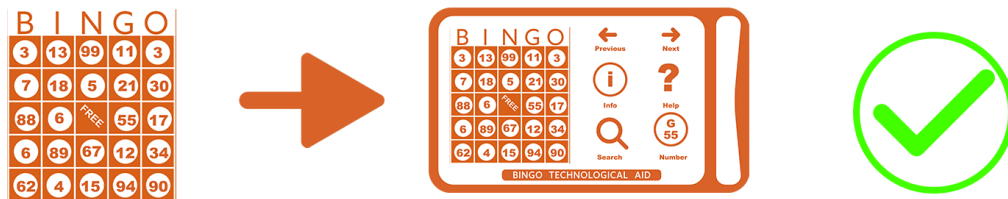
entitled to call for a verification, to take place in the immediate presence of the supervisor and in full view of the player, of numbers drawn and balls or objects remaining in the receptacle (See [A.R.S. § 406\(U\)](#)).

[A.R.S. § 5-406\(X\)](#) does reference the use of technologic aids for bingo games, but **only** those that function as electronic substitutes for bingo cards. Amendments made to statute in 2017 do not otherwise change the required manner in which licensees can legally operate bingo. The allowed technologic aids thus can be nothing more than replacements for paper bingo cards in the context of bingo games otherwise operated in compliance with the cited Arizona statutes and regulations. Bingo gambling devices and other technologic aids that replicate the on-site, physical game of bingo rather than just replace bingo cards in a live game, no matter what they are called and including those that contain or share random number generators or are linked to players or bingo games in other locations, do not and cannot meet all of the above described requirements of Arizona law.

As common sense suggests, technologic aids that function only as substitutes for bingo cards can only replace bingo cards. Electronic player stations cannot be used singly or as part of a network to replace the entire bingo game. That game must still be operated as required by Arizona law.

In conclusion, through the amendments made to state statute in 2017, [A.R.S. § 5-406](#) does not permit the operation of bingo gambling devices. The only technologic devices it permits are electronic devices that take the place of paper bingo cards and are used in a licensee’s real-time, on-site, multi-player bingo games in which balls are drawn, numbers are called, and physically present players mark their own card(s) in search of a winning pattern. ***By imposing disability access requirements, and permitting the use of electronic substitutes for bingo cards that permit players with disabilities to participate alongside those who can use paper cards, the changes to statute did not make otherwise impermissible electronic bingo gambling devices permissible in this state.***

In Arizona, **legal** bingo technologic aids look like this.



In Arizona, **illegal** bingo gambling devices tend to look like this.

