

DIVISION OF ALCOHOL AND TOBACCO CONTROL

Mike Kehoe
Governor

Mark S. James
Director, Public Safety



Christin H. Templeton
Acting State Supervisor

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No Chance Gaming Devices or “Gray Machines” – Update

On October 21, 2020, the Division of Alcohol and Tobacco Control (ATC) published an industry circular about developments regarding gaming devices containing a pre-reveal button, also known as “no chance gaming” or “gray” machines. ATC published an updated circular with additional developments on February 5, 2021. We are issuing today’s update to keep licensees informed about further recent developments regarding these devices.

On February 13, 2026, the United States District Court for the Eastern District of Missouri definitively ruled in *TNT Amusements, Inc. v. Torch Electronics, LLC, et al.*, 4:23-CV-330-JAR, that “no chance” gaming machines leased to retail establishments throughout Missouri by Defendant Torch Electronics are illegal. The federal judge’s ruling states “the [no chance] Torch Devices marketed and distributed by Defendants are ‘gambling devices’ under Mo. Rev. Stat. § 572.010 and therefore are illegal under Missouri law when operated outside a licensed casino.” Torch Electronics may yet appeal the judge’s ruling on this issue.

Separately, Missouri Attorney General Catherine Hanaway [announced](#) that her Office has filed suit against five retail shops for operating illegal gambling machines and providing public access to unlicensed and unregulated games in direct violation of the Missouri Merchandising Practices Act.

Notably, the Missouri Legislature also continues to discuss legislation aimed at regulating gray machines. ATC is closely monitoring this a developing area of state law and public policy.

We appreciate the commitment of our licensees to ensure that their conduct follows all applicable laws and regulations. Should you have any questions about how these new developments could impact your license, please contact your legal counsel. If you have questions specific to ATC’s licensure process, please contact us.