

DIVISION OF ALCOHOL AND TOBACCO CONTROL

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INDUSTRY CIRCULAR

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 recent developments regarding gaming devices containing a pre-reveal button, also known as “no chance gaming” or “gray” machines. ATC would like to update our licensees about some recent developments regarding these devices.

On September 22, 2020, in *State v. Integrity Vending, LLC*, 19AE-CR00948-01, the Platte County Circuit Court determined that Integrity Vending, LLC had illegally promoted gambling in the first degree, a class E felony under section 572.030, RSMo, by setting up and operating no chance gaming machines at retail establishments in Platte County. Sentencing was held on December 4, 2020, where the Court imposed a \$7,500.00 fine. Integrity Vending chose not to appeal the Court’s determination, meaning that the decision from Platte County is final at this time.

With the finality of the decision from the Platte County Circuit Court, we have been made aware that county prosecutors in other jurisdictions are filing criminal charges against businesses and individuals owning and operating no chance gaming machines. While these cases are not final, ATC will continue to monitor the situation.

We appreciate the commitment from 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.

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