

**LETTER OPINION  
93-L-102**

March 22, 1993

Mr. Wade G. Enget  
Mountrail County State's Attorney  
P.O. Box 369  
Stanley, ND 58784-0369

RE: Age limitation with "bar bingo"

Dear Mr. Enget:

Thank you for your February 22, 1993, letter regarding charitable gaming at a building shared by a licensed alcoholic beverage establishment and bowling facility.

A question was raised concerning the play of "bar bingo" by persons under the age of 21 through the use of a public address system outside the bar area.

Additional information was received on March 12, 1993, in a telephone conversation with Don Zacharias, city auditor for Tioga. Mr. Zacharias informed this office that parents or other adults were purchasing bingo cards in the bar in the bowling alley in Tioga and taking them into the bowling lanes area to be played by persons under the age of 21.

North Dakota Administrative Code (N.D. Admin. Code)  
? 99-01-08-03(36) states as follows:

36. No gaming employee or volunteer may allow a person under eighteen years of age to play bingo at the gaming site unless at least one of the following conditions apply:

a. A person is accompanied by an adult who is at least eighteen years of age when that person buys the bingo card or package and an adult accompanies that person during the whole bingo session. The adult may not be a gaming employee or volunteer on duty at the bingo session.

b. A bingo session is conducted by an

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organization that has been issued a local permit.

c. A bingo session's potential primary prize does not exceed one thousand dollars, and the aggregate of potential bingo prizes does not exceed six thousand dollars annually.

Since the entire building in this case is the licensed site, the organization can conduct bingo in the bowling lanes area. However, a person under eighteen years of age can be allowed to play only if the requirements of N.D. Admin. Code ? 99-01-08-03(36)(a) or (c) are met.

Your letter also questioned the awarding of a cash prize if an individual under the age of 18 had the winning bingo. Under the guidance of N.D. Admin. Code ? 99-10-08-03(36)(a) and (c), persons under the age of 18 would be allowed to receive the winning prize amount.

I hope this response adequately addresses your concerns. Should you have further questions, please contact me.

Sincerely,

Heidi Heitkamp  
ATTORNEY GENERAL

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