

**CERTIFIED MAIL NO. 7004 1350 0000 5061 8716  
RETURN RECEIPT REQUESTED**

BAO # 2007-0109-0009

March 8, 2007

Margaret M. Wallick, Controller  
Clarence J. Venne, LLC  
1425 Hanford Street  
Levittown, PA 19057-4709

Re: Bingo Equipment and Supplies

Dear Ms. Wallick:

This advisory opinion responds to your request that the Texas Lottery Commission (Commission) received on January 9, 2007. You asked whether Clarence J. Venne, LLC can sell bingo chips and wands in Texas without a manufacturer's license.

**ANSWER:**

The Bingo Enabling Act (Tex. Occ. Code ch. 2001) §2001.201, provides:

A manufacturer<sup>1</sup> may not sell or supply to a person in this state or for use in this state bingo cards, boards, sheets, pads, or other supplies, or equipment designed to be used in playing bingo, or engage in any intrastate activity involving those items, unless the manufacturer holds a manufacturer's license under this subchapter.

---

<sup>1</sup> "Manufacturer" is defined in §2001.002(16) as

- (A) a person who assembles from raw materials or subparts a completed piece of bingo equipment or supplies for use in bingo games in this state; or
- (B) a person who converts, modifies, adds to, or removes parts from any bingo equipment, item, or assembly to further its promotion or sale for or use in a bingo game in this state.

“Bingo equipment” is defined in §2001.002(5) as

. . . equipment used, made, or sold for the purpose of use in bingo. The term:

(A) includes:

- (i) a machine or other device from which balls or other items are withdrawn to determine the letters and numbers or other symbols to be called;
- (ii) an electronic or mechanical cardminding device;
- (iii) a pull-tab dispenser;
- (iv) a bingo card;
- (v) a bingo ball; and
- (vi) any other device commonly used in the direct operation of a bingo game; . . .

Bingo chips and wands are devices commonly used in the direct operation of a bingo game, and, therefore, are bingo equipment. Thus, in accordance with Tex. Occ. Code §2001.201, a manufacturer may not sell bingo chips or wands in Texas without a manufacturer’s license.

---

## SUMMARY

In accordance with Tex. Occ. Code §§ 2001.201 and 2001.002, a manufacturer may not sell bingo chips or wands in Texas without a manufacturer’s license.

---

This advisory opinion cannot be construed as a tax ruling or otherwise interpretive of the Internal Revenue Code. The information provided is completely limited to the context of the Bingo Enabling Act and the Charitable Bingo Administrative Rules.

This advisory opinion is based on the laws, rules and regulations in effect at the time of its issuance. All of the information provided herein is subject to change in law.

This opinion is purely advisory in nature and is limited to the particular questions at issue and to the facts presented in the request. Therefore, this opinion must not be relied upon as a previous determination regarding any conduct which is not substantially consistent with the opinions and facts stated in the request.

Yours truly,

Philip D. Sanderson, Assistant Director  
Charitable Bingo Operations Division

cc: James A. Cox, Jr., Chairman  
C. Tom Clowe, Jr., Commissioner  
Anthony J. Sadberry, Executive Director  
Kimberly L. Kiplin, General Counsel