



DIVISION OF GAMBLING CONTROL

BILL LOCKYER
Attorney General

HARLAN GOODSON
Director

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GAMBLING ESTABLISHMENT ADVISORY

NUMBER 1

“GAMING ACTIVITY”

A “gaming activity” encompasses any game of chance, including any gambling device, played for currency, check, credit, or any other thing of value. It also includes any other endeavor, game, device or promotional scheme that is appended to, references, or relies upon, any game of chance. All gaming activities offered by a gambling establishment must be reported to the Division of Gambling Control in compliance with the Division’s regulations. It shall be an unsuitable method of operation to engage in, or offer, any gaming activity without prior notification to,¹ or authorization from, the Division, as required by the Division’s regulations.

Purely promotional activities or schemes that are not appended to, reference, or rely upon, any game of chance need not be reported to the Division prior to their implementation.² However, it shall be an unsuitable method of operation, and subject the licensee to possible criminal and disciplinary action, should such promotional schemes be prohibited or made unlawful by federal, state or local law. Further, if it is determined that such promotional schemes are in fact gaming activities that were implemented without the necessary prior notification to, or authorization from, the Division, then the licensee shall be subject to possible disciplinary action for failing to give such prior notice or obtain such prior approval, regardless of the lawfulness of the actual gaming activity.

¹ Such notification should include: (1) the name of each gaming activity; (2) the rules for each gaming activity; including, where applicable, a description of the event that determines the winner of the gaming activity, the wagering conventions, and the fee collection and assessment methods; (3) a glossary of distinctive terms or phrases used in each gaming activity; and (4) a statement for each gaming activity that explains why that gaming activity is not prohibited or made unlawful by statute or local ordinance. If necessary, the Division may require the submission of additional information.

² However, this does not relieve the licensee of the necessity of providing this information to the Division upon request.

*For more information regarding this advisory, contact the California Department of Justice,
Division of Gambling Control, at (916) 263-3408.*