



BULLETIN

No. 1995-2

Date: October 24, 1995

Subject: Pull-Tab Sales on Indian Lands

The National Indian Gaming Commission (NIGC) has received numerous inquiries regarding the sale of pull-tabs on Indian lands. This bulletin is intended to clarify where and when pull-tabs may be sold on Indian lands to qualify as class II gaming under the Indian Gaming Regulatory Act (IGRA). Under the IGRA, pull-tabs are class II games only "if played in the same location" as bingo. 25 U.S.C. § 2703(7)(A)(i).

The NIGC interprets the "same location" requirement to mean that pull-tabs must be sold in the same building as bingo is played. The legislative history of IGRA provides guidance on whether pull-tabs and bingo are being played at the same location. The Senate Report states:

[25 U.S.C. 2703(7)(A)(i)] . . . makes clear the Committee's intent that pull-tabs . . . may be played as integral parts of bingo enterprises regulated by the act and, as opposed to free standing enterprises of these sub-games, state regulatory laws are not applicable to such subgames, just as they are not applicable to Indian bingo.

S. Rep. No. 466, 100th Cong., 2d Sess. 9 (1988). Therefore, to qualify as a class II game, pull-tabs must be played as a subgame to the playing of bingo and cannot be a free standing operation. Pull-tabs may be sold at locations not offering bingo (for example, at convenience stores, gas stations, or smokeshops) only if authorized under a tribal-state compact.

Questions have arisen as to how often bingo must be conducted in order for pull-tabs to qualify as a class II game. For pull-tabs to be a subgame of bingo, the bingo must be the primary game offered by the gaming operation. Thus, a full session of bingo must be conducted on a regular basis. The facility must seat an adequate number of people for bingo. If a bingo operation meets these requirements, the tribe may sell pull-tabs at that location at any time. If a bingo operation does not meet these requirements, pull-tabs may only be sold during the hours of operation of bingo to qualify as a class II game.

Again, if pull-tabs are sold at locations on Indian lands not offering bingo, pull-tabs are class III games and must be authorized pursuant to a tribal-state compact.

For additional information contact: the NIGC Legal Staff at (202) 632-7003.