

§ 14-292.2. Class III gaming on Indian lands.

(a) Except as otherwise provided in this section, and notwithstanding any laws which make Class III gaming, as defined by the federal Indian Gaming Regulatory Act, 25 U.S.C. § 2701, et seq., unlawful in this State, the Class III gaming activities listed in subsection (b) of this section may legally be conducted on Indian lands that are held in trust by the United States government for and on behalf of federally recognized Indian tribes, if all the following apply:

- (1) The Class III games are conducted in accordance with a valid Class III Tribal-State Gaming Compact or an amendment to a Compact, applicable to the tribe, that has been negotiated and entered into by the Governor under the authority provided in G.S. 147-12(a)(14) and G.S. 71A-8.
- (2) The Tribal-State Gaming Compact has been approved by the U.S. Department of the Interior.
- (3) The Tribal-State Gaming Compact requires that all monies paid by the tribe under the Compact be paid to the Indian Gaming Education Revenue Fund established by law.

(b) The following Class III games may lawfully be conducted pursuant to subsection (a) of this section:

- (1) Gaming machines.
- (2) Live table games.
- (3) Raffles, as defined in G.S. 14-309.15(b).
- (4) Video games, as defined in G.S. 14-306 and G.S. 14-306.1A.
- (5) Sports and horse race wagering.

(c) Nothing in this section shall modify or affect laws applicable to persons or entities other than federally recognized Indian tribes operating games in accordance with subsection (a) of this section.

(d) Notwithstanding any other provision of law, there shall be no more than three Class III gaming facilities authorized by a Compact entered under subsection (a) of this section on the lands of any single Indian tribe, and a Compact that authorizes or allows for the operation of more than three such facilities shall be invalid.

(e) As used in this section, the following terms mean:

- (1) Gaming machine. – A machine that meets the definition of any of the following:
 - a. As set forth in G.S. 14-306.
 - b. "Gaming machine" as set forth in 25 C.F.R. § 542.2.
 - c. "Gambling device" as set forth in 15 U.S.C. § 1171.
- (2) Live table games. – Games that utilize real nonelectronic cards, dice, chips, or equipment in the play and operation of the game.
- (3) Sports wagering. – The placing of wagers on the outcome of professional and collegiate sports contests. For purposes of this subdivision, the wager shall be deemed to occur where it is initiated and received, all of which must occur on Indian lands within the State lawfully permitted to conduct Class III gaming activities pursuant to G.S. 14-292.2(a).
- (4) Horse race wagering. – Fixed odds or pari-mutuel wagering on thoroughbred, harness or other racing of horses, including simulcasting and off-track betting. For purposes of this subdivision, the wager shall be deemed to occur where it is initiated and received, all of which must occur on Indian lands within the State lawfully permitted to conduct Class III gaming activities pursuant to G.S. 14-292.2(a). (2012-6, s. 2; 2019-163, s. 1.)