

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

D

SENATE DRS35190-MAf-246 (03/24)

Short Title: Simulated Gaming Allowed/Certain ABC Outlets.

(Public)

Sponsors: Senator Bingham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN RESTAURANTS AND HOTELS TO PERMIT
3 SIMULATED GAMING ON THE LICENSED PREMISES IF THE EVENT IS A
4 SPONSORED EVENT AND THE PERMITTEE HAS REGISTERED THE EVENT
5 WITH THE ALCOHOLIC BEVERAGE CONTROL COMMISSION PRIOR TO THE
6 GAMING EVENT TAKING PLACE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 10 of Chapter 18B of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 18B-1010. Simulated gaming allowed at certain facilities; permit required.**

11 (a) A hotel or restaurant that has an on-premises malt beverage permit, an on-premises
12 unfortified wine permit, an on-premises fortified wine permit, or a mixed beverages permit may
13 apply to the Commission to register a gaming event. The Commission may issue a registration
14 for a gaming event if a permittee qualifies for registration pursuant to this section. If the
15 Commission issues a registration to a permittee pursuant to this section, the Commission shall
16 notify the ALE Division within 24 hours of the issuance of any registration for a gaming event.
17 The Commission shall not issue a registration pursuant to this section if the permittee fails to
18 apply at least 10 days in advance of the date for the gaming event.

19 (b) Notwithstanding any provision of Article 37 of Chapter 14 of the General Statutes,
20 G.S. 18B-1005, and Chapter 18C of the General Statutes, a permittee who has been issued a
21 registration for a gaming event pursuant to this section and the sponsor of the gaming event are
22 authorized to possess gaming tables and operate games of chance upon a licensed premises and
23 to allow patrons to participate in certain simulated games of chance at a gaming event and for
24 the permittee to sell and serve alcoholic beverages to the patrons at a gaming event and for
25 those patrons to purchase, possess, and consume alcoholic beverages at a gaming event for
26 which a registration is issued pursuant to this section. All sales and consumption of alcoholic
27 beverages on the licensed premises shall occur only during the hours of sales and consumption
28 set out in G.S. 18B-1004.

29 (c) A natural person at least 21 years of age, a firm, or an organization may serve as the
30 sponsor of a gaming event. An ABC permittee shall not serve as the sponsor of a gaming event.
31 The sponsor shall provide chips or markers to be used by the patrons at the event and shall not
32 require or accept any money or any other thing of value, directly or indirectly, from the patron
33 or the ABC permittee for the chips or markers. All patrons shall receive the equivalent number
34 of chips or markers from the sponsor, and no patron shall be permitted to purchase or obtain
35 any additional chips or markers from the sponsor. Other than the chips or markers issued by the



* D R S 3 5 1 9 0 - M A F - 2 4 6 *

1 sponsor, no money or any other thing or value shall be bet, put at stake, or put at risk. The
2 sponsor shall provide one or more prizes which may be obtained by the patrons only by the
3 exchange of the chips or markers issued by the sponsor. The prizes provided by the sponsor for
4 an event shall not exceed two thousand five hundred dollars (\$2,500) per prize or ten thousand
5 dollars (\$10,000) in the aggregate per event. The chips or markers shall not be redeemable for
6 any cash value or for any other thing of value, except for the prizes provided by the sponsor.
7 The sponsor, or its agents or employees, or the ABC permittee, or its agents or employees, may
8 operate the games only as permitted by the registration issued by the Commission. The sponsor
9 and the permittee of the facility at which the gaming event shall take place shall ensure that
10 only patrons with invitations for the event are allowed to access the gaming area or to
11 participate in the event. The gaming area shall be limited to a private room or other area of the
12 facility to which the general public is not permitted access and for which the tender of a written
13 invitation issued by the sponsor shall be required to gain access.

14 (d) The Commission may allow the games of blackjack, poker, roulette, craps, raffles,
15 and bingo at a registered game event. The Commission shall not permit punchboards, slot
16 machines, any video game machine prohibited by G.S. 14-306 or G.S. 14-306.1A, any game
17 terminal described in G.S. 14-306.3(b), or faro bank or faro table at any registered gaming
18 event.

19 (e) A permittee or a permittee's manager that has not been convicted of any ABC
20 violation within the past two years, and whose permits have not been suspended or revoked
21 within the past three years, is eligible to make application to the Commission for registration of
22 a gaming event. A registration applied for and issued pursuant to this section is not subject to
23 the provisions of G.S. 18B-900, 18B-901, 18B-902, or 18B-906. A separate application shall be
24 required for each gaming event, along with a nonrefundable fee of one hundred dollars
25 (\$100.00), and the Commission shall issue a separate registration for each gaming event. The
26 Commission shall not issue to a permittee for more than 12 gaming event registrations per
27 calendar year.

28 (f) The Commission shall develop a form of application for registration of a gaming
29 event. The application shall include the following information:

- 30 (1) The name and address of the permittee.
- 31 (2) The name, address, and signature of the permittee, sponsor, or person
32 applying on behalf of the permittee or sponsor who will be responsible for
33 the event.
- 34 (3) The time, duration, date, and place of the event.
- 35 (4) The games proposed to be operated.
- 36 (5) The name and address of the person, firm, or corporation who will operate
37 the games and the relationship, if any, of such person, firm, or corporation to
38 the permittee or sponsor.
- 39 (6) The area of the premises in which the event will be held.
- 40 (7) A description of each prize and the fair market value of each prize to be
41 made available for exchange at the event.
- 42 (8) Any other information required by the Commission to protect the health,
43 safety, and welfare of the public.

44 In issuing any registration to allow a gaming event, the Commission shall specify the games
45 permitted and may specify other requirements.

46 (g) The permittee and the sponsor shall conduct and operate the event in compliance
47 with this section and with the terms and conditions of the registration issued by the
48 Commission. A permittee that violates this section shall be guilty of a Class 1 misdemeanor and
49 shall not be eligible to apply for any other gaming event. A sponsor that violates this section
50 shall be guilty of a Class 1 misdemeanor and shall not be eligible to sponsor any other gaming
51 event. A permittee shall be solely responsible to the Commission for any administrative

1 penalties assessed pursuant to G.S. 18B-104 for violations of ABC law that occur on the
2 licensed premises."

3 **SECTION 2.** The ABC Commission shall make a report to the 2012 Regular
4 Session of the 2011 General Assembly detailing the administration of simulated gaming event
5 registrations, including the total number of applications received by permittee type, the total
6 number of registrations issued, the number of ABC violations reported at establishments where
7 gaming event registrations were issued, and any other information the ABC Commission deems
8 appropriate to report regarding this act and shall provide a recommendation as to whether the
9 General Assembly should repeal or modify this act. If the recommendation is to modify this
10 act, the ABC Commission shall submit recommended proposed legislation to the 2012 Regular
11 Session of the 2011 General Assembly.

12 **SECTION 3.** This act is effective October 1, 2011. Prosecutions for offenses
13 committed before the effective date of this act are not abated or affected by this act, and the
14 statutes that would be applicable but for this act remain applicable to those prosecutions.