

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 130*

Short Title: Allow Game Nights. (Public)

Sponsors: Representatives Boles, Lucas, Saine, and Floyd (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Alcoholic Beverage Control, if favorable, Judiciary, if favorable, Rules, Calendar,
and Operations of the House

February 21, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "GAME
3 NIGHTS," TO PROVIDE FOR THE REGULATION OF NONPROFIT ORGANIZATIONS
4 HOLDING "GAME NIGHTS," AND TO ALLOW THE CONSUMPTION OF
5 ALCOHOLIC BEVERAGES AT "GAME NIGHTS."

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-292 reads as rewritten:

8 **"§ 14-292. Gambling.**

9 Except as provided in Chapter 18C of the General Statutes or in Part 2 or Part 4 of this Article,
10 any person or organization that operates any game of chance or any person who plays at or bets
11 on any game of chance at which any money, property or other thing of value is bet, whether the
12 same be in stake or not, shall be guilty of a Class 2 misdemeanor. This section shall not apply to
13 a person who plays at or bets on any lottery game being lawfully conducted in any state."

14 **SECTION 2.** Article 37 of Chapter 14 of the General Statutes is amended by adding
15 a new Part to read:

16 "Part 4. Game Nights.

17 **"§ 14-309.25. Definitions.**

18 The following definitions apply in this Part:

19 (1) Exempt organization. – An organization that has been in continuous existence
20 in the county of operation of the game night for at least five years and that is
21 exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(5), or
22 501(c)(6) of the United States Internal Revenue Code.

23 (2) Game night. – A specific event at which games of chance are played and prizes
24 are awarded by raffle and that is sponsored by or on behalf of an exempt
25 organization for the primary purpose of raising funds for the exempt
26 organization or is sponsored by an employer or trade association pursuant to
27 G.S. 14-309.34.

28 (3) Local law enforcement agency. – Any county or municipal law enforcement
29 agency that has territorial and subject matter jurisdiction over the location at
30 which the game night is being held.

31 (4) Qualified facility. – As defined in G.S. 18B-1000.

32 **"§ 14-309.26. Game nights.**

33 (a) It is lawful for an exempt organization to conduct a game night at a qualified facility
34 in accordance with the provisions of this Part. It is lawful for persons to participate in a game



1 night conducted pursuant to this Part. It shall not constitute a violation of any State law to
2 advertise a game night conducted in accordance with this Part.

3 (b) If any exempt organization conducts a game night in violation of any provision of this
4 Part, the person indicated in G.S. 14-309.27(b)(2) is guilty of a Class 2 misdemeanor. In addition
5 to any fine that may be imposed, an exempt organization convicted of a violation under this Part
6 shall not conduct a game night for a period of one year from the date of the conviction.

7 **"§ 14-309.27. Permit procedure.**

8 (a) An exempt organization shall not operate a game night without first obtaining a permit
9 as provided by this Part. The application for a game night permit shall be on a form prescribed
10 by the Alcohol Law Enforcement Branch of the Department of Public Safety and shall be
11 submitted to either the central office or to the Alcohol Law Enforcement district office with
12 jurisdiction over the qualified facility agreeing to host the event. The exempt organization shall
13 apply at least 30 days in advance of the date for the game night event.

14 (b) Each application for a permit under this Part shall contain the following information:

15 (1) The name and address of the exempt organization that is applying for the
16 permit.

17 (2) The name, address, and signature of the person applying on behalf of the
18 exempt organization and who will be responsible for the event.

19 (3) Verification of the tax-exempt status of the exempt organization, except, if the
20 applicant is a local chapter, division, lodge, or branch of the exempt
21 organization, then verification of the tax-exempt status of the parent
22 organization.

23 (4) Verification of the exempt organization's status as a licensed or exempt
24 charitable or sponsor organization pursuant to Chapter 131F of the General
25 Statutes.

26 (5) The time, duration, date, and place of the event.

27 (6) The games proposed to be operated.

28 (7) The name and address of the person, firm, or corporation who will operate the
29 games and the relationship, if any, of such person, firm, or corporation to the
30 exempt organization or qualified facility.

31 (8) The area of the premises in which the event will be held.

32 (c) A separate application shall be required for each game night event. A fee of one
33 hundred dollars (\$100.00) shall be charged for each permit. The permit fees assessed under this
34 Part are payable to the Alcohol Law Enforcement Branch of the Department of Public Safety and
35 shall be collected and used by the Alcohol Law Enforcement Branch to defray the costs of issuing
36 game night permits. The permit shall be displayed at the event. A qualified facility shall not be
37 subject to civil or criminal liability for violating this Part if the exempt organization provides the
38 facility with a permit for the game night event.

39 **"§ 14-309.28. Limits on game night events.**

40 The following limitations apply to game night events:

41 (1) The number of game night events conducted or sponsored by an exempt
42 organization shall be limited to four events per year.

43 (2) The event shall not exceed a period of five hours each per event. No more than
44 one game night event shall be held in any quarter of a calendar year that begins
45 January 1.

46 (3) No more than two game night events shall be operated or conducted in any
47 one building, hall, or structure during any one calendar week, and if two events
48 are held, they must be held by different exempt organizations on different
49 nights of the week.

1 (4) There shall be no operation of a game night event between the hours of 2:00
2 A.M. and 12:00 noon Monday through Saturday or between the hours of 2:00
3 A.M. and 2:00 P.M. Sunday.

4 (5) A qualified facility, as defined in G.S. 18B-1000(5a), shall not host more than
5 two game nights in any calendar month.

6 **"§ 14-309.29. Game night; prizes and costs.**

7 No games at a game night event may be played for cash or cash prizes. Prizes shall be awarded
8 only through a raffle. Participants may exchange chips, markers, or tokens from the game night
9 event for raffle tickets. The cost of the prizes and expenses to operate the game night event,
10 excluding the cost of food, beverages, and entertainment, shall not exceed the proceeds derived
11 from the event. If the exempt organization hires a game night vendor for the event, payment shall
12 be by fixed fee.

13 **"§ 14-309.30. Operation of game night events.**

14 The following games are the only games that may be played at a game night event:

15 (1) Roulette.

16 (2) Blackjack.

17 (3) Poker.

18 (4) Craps.

19 (5) Simulated Horse Race.

20 (6) Merchandise wheel of fortune.

21 (7) Any other game specified in the permit application and approved by Alcohol
22 Law Enforcement.

23 **"§ 14-309.31. Use of proceeds.**

24 The exempt organization may use its own funds or funds received in connection with the
25 game night for prizes, advertising, utilities, space rental, and the purchase or rental of supplies
26 and equipment, including game night tables and related equipment, used in conducting the games.
27 Net proceeds from the game night shall inure to the benefit of the exempt organization and shall
28 be used to further the organization's tax-exempt purposes.

29 **"§ 14-309.32. Violation is gambling.**

30 A game night conducted other than in accordance with the provisions of this Part is
31 "gambling" within the meaning of G.S. 14-292 and G.S. 19-1, et seq., and proceedings against
32 such game night may be instituted as provided for in Chapter 19 of the General Statutes.

33 **"§ 14-309.33. Applicability.**

34 This Part is only applicable in areas of the State located east of I-26 as that interstate highway
35 was located on November 28, 2011.

36 **"§ 14-309.34. Applicability to employer paid events.**

37 (a) It shall be lawful (i) for an employer, with 25 or more employees, to hold a game
38 night event for employees and guests or a trade association, with 25 or more members, to hold a
39 game night event for its members and guests, and (ii) for persons to participate in a game night
40 conducted pursuant to this section, provided all of the following conditions are met:

41 (1) There is no cost or charge to the attendees.

42 (2) The employer or trade association obtains a permit and pays the required fee,
43 as provided in G.S. 14-309.27.

44 (3) The game night event is held at a qualified facility.

45 (b) Game night events conducted pursuant to this section shall be subject to the
46 limitations of G.S. 14-309.28 and G.S. 14-309.30.

47 (c) For purposes of this section, any reference to "exempt organization" in
48 G.S. 14-309.27 shall include the employer or trade association submitting an application as
49 required by this section, except that the verification required by subdivisions (3) and (4) of
50 subsection (b) of G.S. 14-309.27 shall not be required from an applicant for a permit if the
51 applicant is required to obtain the permit pursuant to subsection (a) of this section.

1 (d) If any employer or trade association conducts a game night in violation of any
2 provision of this section, the person indicated in G.S. 14-309.27(b)(2) is guilty of a Class 2
3 misdemeanor. In addition to any fine that may be imposed, the employer or trade association
4 convicted of a violation of this section shall not conduct a game night for a period of one year
5 from the date of the conviction.

6 **"§ 14-309.35. Possession and transportation of gaming equipment.**

7 Notwithstanding the provisions of G.S. 14-295 or G.S. 14-297, it shall be lawful to possess
8 or transport gaming tables and other gaming equipment, if the possession or transportation is
9 solely for use in game night events conducted pursuant to this Part. Gaming tables and other
10 gaming equipment possessed or transported pursuant to this section shall not be subject to seizure
11 pursuant to G.S. 14-298."

12 **SECTION 3.** G.S. 18B-1000 reads as rewritten:

13 **"§ 18B-1000. Definitions concerning establishments.**

14 The following requirements and definitions shall apply to this Chapter:

15 ...

16 (5a) Qualified facility. – A facility that has any of the following permits:

- 17 a. On-premises malt beverage.
- 18 b. On-premises unfortified wine.
- 19 c. On-premises fortified wine.
- 20 d. Mixed beverages.

21 ~~(5a)~~(5b) Residential private club. – A private club that is located in a privately
22 owned, primarily residential and recreational development.

23"

24 **SECTION 4.** The Department of Public Safety shall make a report to the 2020
25 Regular Session of the General Assembly detailing the administration of game night event
26 permits, including the total number of applications received by permittee type, the total number
27 of permits issued, the number of ABC violations reported at establishments that hosted game
28 night events, and any other information the Department deems appropriate to report regarding
29 this act, and shall provide a recommendation as to whether the General Assembly should modify
30 this act. If the recommendation is to modify this act, the Department of Public Safety shall submit
31 recommended proposed legislation to the 2020 Regular Session of the General Assembly.

32 **SECTION 5.** This act becomes effective May 1, 2019. If a final order by a court of
33 competent jurisdiction finds that any portion of Sections 1 through 4 of this act is
34 unconstitutional, or if the passage of Sections 1 through 4 of this act would cause the State to
35 forfeit payments due under a compact entered into between the State and a federally recognized
36 Indian tribe, Sections 1 through 4 of this act are void.