

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 801

Short Title: Game Nights/Residential Centers. (Public)

Sponsors: Representative Torbett.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Commerce, if favorable, Rules, Calendar, and Operations of the House

May 4, 2021

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN EXEMPT ORGANIZATIONS TO CONDUCT A GAME NIGHT AT A LOCATION THAT IS NOT A QUALIFIED FACILITY.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4 of Article 37 of Chapter 14 of the General Statutes reads as rewritten:

"Part 4. Game Nights.

"§ 14-309.26. Game nights.

(a) It is lawful for an exempt organization to conduct a game night at a qualified facility in accordance with the provisions of this Part. Each regional or county chapter of an exempt organization shall be eligible to conduct game nights in accordance with this Part independently of its parent organization, provided that the regional or county chapter has been in continuous existence for at least five years. It is lawful for persons to participate in a game night conducted pursuant to this Part. It shall not constitute a violation of any State law to advertise a game night conducted in accordance with this Part.

(a1) Notwithstanding subsection (a) of this section, an exempt organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and operates a specialized community residential center for individuals with developmental disabilities licensed pursuant to G.S. 122C-23, may conduct a game night in accordance with this Part in a location that is not a qualified facility if the exempt organization has been issued a special one-time permit under G.S. 18B-1002(a)(5) to be used for the game night.

...

"§ 14-309.27. Permit procedure.

(a) An exempt organization shall not operate a game night without first obtaining a permit as provided by this Part. The application for a game night permit shall be on a form prescribed by the Alcohol Law Enforcement ~~Branch~~-Division of the Department of Public Safety and shall be submitted to the Alcohol Law Enforcement Headquarters at least 30 days in advance of the date for the game night event.

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

...

(7a) The location of the facility at which the event will be held.

(8) The area of the ~~premises~~-facility in which the event will be held.

(c) A separate application shall be required for each game night event. A fee of one hundred dollars (\$100.00) shall be charged for each permit. The permit fees assessed under this Part are payable to the Alcohol Law Enforcement ~~Branch~~-Division of the Department of Public



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1 Safety and shall be collected and used by the Alcohol Law Enforcement ~~Branch~~Division to
2 defray the costs of issuing game night permits. The permit shall be displayed at the event. A
3 qualified facility shall not be subject to civil or criminal liability for violating this Part if the
4 exempt organization provides the facility with a permit for the game night event.

5 **"§ 14-309.28. Limits on game night events.**

6 The following limitations apply to game night events:

7 ...

- 8 (5) A ~~qualified facility, as defined in G.S. 18B-1000(5a),~~ facility authorized to
9 host a game night under this Part shall not host more than two game nights in
10 any calendar month.

11 ...

12 **"§ 14-309.35. Registration, possession, and transportation of gaming equipment.**

13 (a) Notwithstanding the provisions of G.S. 14-295 or G.S. 14-297, it shall be lawful to
14 possess or transport gaming tables and other gaming equipment, if the possession or
15 transportation is solely for use in game night events conducted pursuant to this Part. Gaming
16 tables and other gaming equipment possessed or transported pursuant to this Part shall not be
17 subject to seizure pursuant to G.S. 14-298 if they have been registered pursuant to the provisions
18 of this Article and are used solely in game night events conducted pursuant to this Part.

19 (b) A gaming table or other gaming equipment possessed or transported for use in a game
20 night event must be registered with the Alcohol Law Enforcement ~~Branch~~Division of the
21 Department of Public Safety and must have a sticker affixed with a unique number. A fee of
22 twenty-five dollars (\$25.00) shall be charged for each sticker and each sticker shall be renewed
23 annually. The sticker fees assessed under this section are payable to the Alcohol Law
24 Enforcement ~~Branch~~Division of the Department of Public Safety and shall be collected and used
25 by the Alcohol Law Enforcement ~~Branch~~Division to defray the costs of registering the gaming
26 tables and gaming equipment. The Alcohol Law Enforcement ~~Branch~~Division may inspect,
27 without prior notice, any gaming table or other gaming equipment used in a game night event at
28 any time immediately prior to or during the game night event. Use of a gaming table or gaming
29 equipment in a game night event that does not comply with the requirements of this subsection
30 shall be a Class 1 misdemeanor.

31 **"§ 14-309.36. Permit procedure for game night vendors.**

32 (a) No person, firm, or corporation may receive compensation for providing gaming
33 tables or gaming equipment for use in a game night without first obtaining a permit as provided
34 by this section. The application for a game night vendor permit shall be on a form prescribed by
35 the Alcohol Law Enforcement ~~Branch~~Division of the Department of Public Safety and shall be
36 submitted to the Alcohol Law Enforcement Headquarters.

37 (b) A fee of two thousand five hundred dollars (\$2,500) shall be charged annually for
38 each permit. The permit fees assessed under this section are payable to the Alcohol Law
39 Enforcement ~~Branch~~Division of the Department of Public Safety and shall be collected and used
40 by the Alcohol Law Enforcement ~~Branch~~Division to defray the costs of issuing game night
41 vendor permits and ensuring compliance with this section. The game night vendor permit shall
42 be displayed at any event the game night vendor conducts.

43 (c) The Alcohol Law Enforcement ~~Branch~~Division shall deny a permit to a person, firm,
44 or corporation that meets any of the following disqualifying conditions:

- 45 (1) Has a conviction for any violation of State or federal gambling laws within
46 the five years prior to the date of application.
47 (2) Has pending charges for any violation of State or federal gambling laws.
48 (3) Is subject to an active criminal or civil court order prohibiting involvement in
49 gambling activities.
50 (4) Has a conviction for any felony.

51 ...

1 (e) All gaming tables and gaming equipment owned or possessed by a game night vendor
2 must be registered pursuant to G.S. 14-309.35. The Alcohol Law Enforcement ~~Branch~~ Division
3 of the Department of Public Safety shall inspect the gaming tables and equipment of each game
4 night vendor at least one time per calendar year and may conduct any additional inspections
5 reasonably necessary to ensure compliance with G.S. 14-309.35 and this section. Inspections of
6 gaming tables and equipment shall occur (i) on the premises of a game night event that the game
7 night vendor has been employed to conduct, (ii) immediately prior to or during the game night
8 event, (iii) at locations, times, and dates chosen by the Alcohol Law Enforcement ~~Branch~~,
9 Division, and (iv) without prior notice to the game night vendor or any party that has obtained a
10 permit pursuant to G.S. 14-309.27.

11"

12 **SECTION 2.** This act becomes effective July 1, 2021, and applies to game nights
13 conducted on or after that date.