§ 133-32. Gifts and favors regulated.

(a) It shall be unlawful for any contractor, subcontractor, or supplier who:
   (1) Has a contract with a governmental agency; or
   (2) Has performed under such a contract within the past year; or
   (3) Anticipates bidding on such a contract in the future
to make gifts or to give favors to any officer or employee of a governmental agency who is
charged with the duty of:
   (1) Preparing plans, specifications, or estimates for public contract; or
   (2) Awarding or administering public contracts; or
   (3) Inspecting or supervising construction.

It shall also be unlawful for any officer or employee of a governmental agency who is charged
with the duty of:
   (1) Preparing plans, specifications, or estimates for public contracts; or
   (2) Awarding or administering public contracts; or
   (3) Inspecting or supervising construction
willfully to receive or accept any such gift or favor.

(b) A violation of subsection (a) shall be a Class 1 misdemeanor.

(c) Gifts or favors made unlawful by this section shall not be allowed as a deduction for
North Carolina tax purposes by any contractor, subcontractor or supplier or officers or
employees thereof.

(d) This section is not intended to prevent a gift a public servant would be permitted to
accept under G.S. 163A-212, or the gift and receipt of honorariums for participating in
meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets. This
section is not intended to prevent any contractor, subcontractor, or supplier from making
donations to professional organizations to defray meeting expenses where governmental
employees are members of such professional organizations, nor is it intended to prevent
governmental employees who are members of professional organizations from participation in
all scheduled meeting functions available to all members of the professional organization
attending the meeting. This section is also not intended to prohibit customary gifts or favors
between employees or officers and their friends and relatives or the friends and relatives of
their spouses, minor children, or members of their household where it is clear that it is that
relationship rather than the business of the individual concerned which is the motivating factor
for the gift or favor. However, all such gifts knowingly made or received are required to be
reported by the donee to the agency head if the gifts are made by a contractor, subcontractor, or
supplier doing business directly or indirectly with the governmental agency employing the
recipient of such a gift. (1981, c. 764, s. 1; 1987, c. 399, s. 1; 1993, c. 539, s. 970; 1994, Ex.
Sess., c. 24, s. 14(c); 2007-348, s. 18.)