

Burgos, Alexander N

Subject: FW: ABC Commission rules - extension request

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, December 15, 2025 4:05 PM
To: SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: ABC Commission rules - extension request

Happy to help Renee.

I anticipate recommending approval of 14B NCAC 15B .1007 and .1008, and 14B NCAC 15C .0102 and .0104 at Thursday's meeting and recommending granting an extension for the remainder of the rules. I'll let you know if anything comes up before the meeting.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: ABC Commission rules - extension request

From: SVC_ABC.rules <rules@abc.nc.gov>
Sent: Monday, December 15, 2025 3:37 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: ABC Commission rules - extension request

Thank you for the call earlier, Seth.

There are several cross-references between 14B NCAC 15C .0200s and .0300s, so I would like to request an extension for the two sections until January.

14B NCAC 15B .1007 and .1008, and 15C .0102 and .0104 can proceed on Thursday. (15C .0103 had already been pulled for a significant rewrite and was just published in today's NC Register.)

Please let me know if you have any additional thoughts or concerns.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307

Location: 400 East Tryon Road, Raleigh, NC 27610

Disclaimer: I represent the NC ABC Commission and any information provided in this email is not legal advice and should not be relied upon as legal advice. I can only provide you with information about alcoholic beverage control laws. You should consult your own attorney for advice.

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Burgos, Alexander N

Subject: FW: RFC for ABC Rules - December 2025

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, December 15, 2025 12:54 PM
To: Metz, Renee <renee.metz@abc.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for ABC Rules - December 2025

Works for me.

Seth Ascher

Sent via the Samsung Galaxy A52 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: Metz, Renee <renee.metz@abc.nc.gov>
Sent: Monday, December 15, 2025 12:46:44 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for ABC Rules - December 2025

Seth,

I will plan to call at 3:00 today, unless you prefer another time.

Thank you.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919
Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307
Location: 400 East Tryon Road, Raleigh, NC 27610

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Burgos, Alexander N

Subject: FW: RFC for ABC Rules - December 2025

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, December 15, 2025 11:18 AM
To: SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for ABC Rules - December 2025

Renee,

I am free after 2 today, or 11:30 to 2 tomorrow. Let me know what works for you.

Note that you will not be able to add an additional rule to be reviewed by the RRC at this point to address the form issue. A new rule would have to go through publication, etc. However, you can add the form information to one or more of the rules that are currently before the RRC.

On readoption, I understand your confusion and realize now that it was because of a mistake on our end. The 14B NCAC 15C rules can be readopted at this point, though they are not due until March 1st, 2026. Therefore you can indicate readoption in the history note for those rules. The 15B rules are not yet up for readoption, but you are only amending those rules. Apologies for the confusion this may have caused.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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Burgos, Alexander N

Subject:

FW: RFC for ABC Rules - December 2025

From: SVC_ABC.rules <rules@abc.nc.gov>

Sent: Monday, December 15, 2025 8:31 AM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RFC for ABC Rules - December 2025

Thank you for your guidance, Seth. I'll get to work on the forms rule today.

Would you have time for a brief call today or tomorrow? I'm not understanding a couple of items: (1) the "readopted" versus "amended" and (2) "report and deadline set."

Kind regards,

Renee C. Metz

Assistant General Counsel

NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307

Location: 400 East Tryon Road, Raleigh, NC 27610

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Burgos, Alexander N

Subject: FW: RFC for ABC Rules - December 2025
Attachments: Response to RRC Counsel Request for Changes - .0100-.0300 -RRC Staff Response.docx

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, December 12, 2025 3:33 PM
To: SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for ABC Rules - December 2025

Renee,

Attached are my responses to your responses, in red.

Across all of the rules, the history note needs to indicate "amended" not "readopted". You can't do the actual readoption process before the report and deadline are set.

As mentioned in several of the rules, if a rule requires a form that is not currently described in rule or statute, I will have to recommend objection. You could solve this by adding to the contents of the form to the rules currently in front of the Commission (or adding it in one place and cross referencing it in the other rules.)

Note that if you want to fix the forms issue, but need more time, I would have no problem recommending that the Commission grant an extension to review these rules to January's meeting, particularly given that the holidays have cut short the time in December.

Let me know if you have any questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

ABC Commission Response to
Request for Changes Pursuant to G.S. § 150B-21.10

Rule: All **Resolved**

Intro statements have been amended for all rules.

Rule: 14B NCAC 15B .1007 **Recommend approval**

Line 8:

NC is still a prohibition state for alcoholic beverages – G.S. 18B-100 – prohibited unless specifically authorized. Before beer, wine, or spirituous liquor can be sold in stores to consumers, the citizens of the local jurisdiction, whether municipality or county, must vote to approve the sale of that particular type of alcoholic beverage. See G.S. 18B-602 for the different types of elections that can be held. For example, if wine has not been “voted in,” then industry members cannot advertise wine in that jurisdiction.

Line 36 and p. 2, line 1:

Currently, the standards for advertising are listed in 14B NCAC 15B .1001-.1005.

Page 2, line 1 and 2:

Added language based on your suggestion.

Rule: 14B NCAC 15B .1008 **Recommend approval**

Item (a)(5):

P. 1, line 12:

-Public concern: Typically expressed via complaint to our “contact us” email address.

-Public welfare: The phrase is not defined in statute, but is referenced multiple times, not only G.S. 18B-1116(b), but also:

-to protect the public welfare, safety, health and groundwater resources - G.S. 87-84

-placement in public welfare, mental health, or juvenile justice systems - G.S. 143B-150.6

-performance is related to the public welfare by safeguarding life, health, property, and the environment - G.S. 89F-3(4)

-In order to safeguard life, health, and property, and to promote the public welfare - G.S. 89C-2

-Unwholesome, adulterated, or misbranded poultry or poultry products are injurious to the public welfare - G.S. 106-549.50

P. 2, line 7:

27 CFR Part 5 and the ABC Commission's "North Carolina Liquor Quarterly" both list categories.

P. 2, line 31:

For limited supply products, local ABC boards may decide how to "award" or offer the opportunity to purchase a high-in-demand product. Some do by waiting lists, some do by "lotteries." Because local boards select the method, the ABC Commission has not established rules but merely provided guidance that the local board should post the rules by which the in-demand products will be distributed (some to restaurants, some to consumers).

Rule: 14B NCAC 15C .0104 Recommend approval

Paragraph (b):

*Just as the different states in the US have different alcohol laws and systems, so too do the countries that make up the European Union. All jurisdictions have requirements regarding the content of wine, such as the percentage of grapes from the Bordeaux region required for a wine to be labeled as a Bordeaux. Négociants typically don't have vineyards. One on-line explanation is: "A **Négociant wine** comes from a merchant (the négociant) who buys grapes, juice, or even finished wine from growers, then blends, ages, bottles, and sells it under their own brand, rather than producing it from their own vineyards. This model, especially prominent in Burgundy, allows for consistent quality and access to a wider range of wines by combining grapes from different plots, often providing a more affordable way to enjoy regional specialties than direct-from-domaine bottles." Because multiple French suppliers can have the same brand or wine name due to the grapes coming from the same vineyards, we needed a way to distinguish them.*

Rule: 14B NCAC 15C .0201 Does this rule reference two different forms? I see the Application for Label Approval on line 8 and Label/Product Approval Form on line 24. I assumed those were the same form. If not, the substance and contents of both forms will need to be in rule or law before the Commission can approve the rule.

Line 8 form:

The contents required for the Application for Label Approval are listed in part in 14B NCAC 15C .0302(b). There are instructions provided with the form that can be found at: <https://www.abc.nc.gov/product/malt-beverage-label-product-application/open>. However, I am aware I will need to create a new rule (potentially 15C .0105) where the contents of product approval forms are established similar to 15C .0102 for commercial permit applications.

Rule: 14B NCAC 15C .0202 See .0201.

Line 6 form:

The response for 15C .0201 immediately above also applies to the form mentioned in this rule.

Rule: 14B NCAC 15C .0203 You are correct that removing item (b) resolves most of these issues. However, the form referenced in item (c) will have the same problem as discussed in .0201.

Item (b)

I understand and agree.

Line 12

If Item (b) remains, I would replace “discretion of listings” with “discretion in which products are listed.” However, this may be moot if item (b) is removed.

Lines 11-16

No, they are not. G.S. 18B-203(a)(5) authorizes the ABC Commission to “determine what brands of alcoholic beverages may be sold in this State” and G.S. 18B-204(a1)-(b) provide some guardrails but not procedures or standards.

Line 14 “adequate sales”

This is not defined, but through my years here I know the Chairman and the Pricing Director look at whether product is moving through the warehouse or sitting in place. Because our warehouse space is limited, the administration team wants to give floor space to products that sell quickly.

Item (c), Line 19

Looks like there is another form I will need to add to the rules.

Rule: 14B NCAC 15C .0204 Recommend approval

Statement concerning internal management?

I cannot disagree.

Rule: 14B NCAC 15C .0206 With reference to the form, same problem as .0201. I don’t see that you corrected Line 14.

Line 7 form

This is the same form as mentioned in 15C .0201 and .0202 above, so the responses for those rules apply here.

Line 14

You are correct.

Burgos, Alexander N

Subject: FW: RFC for ABC Rules - December 2025

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, December 11, 2025 2:14 PM
To: SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for ABC Rules - December 2025

Renee,

Thanks for your timely response.

I will look these over and get back to you with an update tomorrow.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: RFC for ABC Rules - December 2025
Attachments: ABC RFC.docx; Response to RRC Counsel Request for Changes - .0100-.0300.docx; 14B NCAC 15C .0102 - Application Procedures - Adm Code - December 2025.docx; 14B NCAC 15C .0104 - Wine Product Brand - Adm Code - December 2025.docx; 14B NCAC 15C .0201 - Malt Beverage Product Approval - Listing in State - Adm Code - December 2025.docx; 14B NCAC 15C .0202 - Wine Approvals - Listing in State - Adm Code - December 2025.docx; 14B NCAC 15C .0203 - Spirituous Liquor Product Approvals - Adm Code - December 2025.docx; 14B NCAC 15C .0204 - Spirituous Liquor Product Lists - Adm Code - December 2025.docx; 14B NCAC 15C .0205 - Samples Required on Request - Adm Code - December 2025.docx; 14B NCAC 15C .0206 - New Filing Required Upon Transfer of Brand - Adm Code - December 2025.docx; 14B NCAC 15C .0301 - Packaging Requirements - Adm Code - December 2025.docx; 14B NCAC 15C .0302 - Labels to be Submitted to Commission - Adm Code - December 2025.docx; 14B NCAC 15C .0303 - Label Contents - Malt Beverages - Adm Code - December 2025.docx; 14B NCAC 15C .0304 - Label Contents - Wine - Adm Code - December 2025.docx; 14B NCAC 15C .0305 - All Containers to Have Label - Adm Code - December 2025.docx; 14B NCAC 15C .0306 - Label Alteration - Adm Code - December 2025.docx; 14B NCAC 15C .0307 - Growlers - Adm Code - December 2025.docx; 14B NCAC 15C .0308 - Growlers - Cleaning Sanitizing Filling and Sealing - Adm Code - December 2025.docx; 14B NCAC 15B .1007 - Advertising of Malt Beverages and Wine by Industry Members - Adm Code - December 2025.docx; 14B NCAC 15B .1008 - Advertising of Spirituous Liquor - Adm Code - December 2025.docx

From: SVC_ABC.rules <rules@abc.nc.gov>
Sent: Thursday, December 11, 2025 2:05 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Subject: RE: RFC for ABC Rules - December 2025

Good afternoon.

Although I have been listed as a Rulemaking Coordinator for several years, there has always been someone else who focused on the process. Thus, I am not confident with this submission.

Please let me know if there is anything I need to correct. Thank you for your patience.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307

Location: 400 East Tryon Road, Raleigh, NC 27610

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ABC Commission Response to
Request for Changes Pursuant to G.S. § 150B-21.10

Rule: All

Intro statements have been amended for all rules.

Rule: 14B NCAC 15B .1007

Line 8:

NC is still a prohibition state for alcoholic beverages – G.S. 18B-100 – prohibited unless specifically authorized. Before beer, wine, or spirituous liquor can be sold in stores to consumers, the citizens of the local jurisdiction, whether municipality or county, must vote to approve the sale of that particular type of alcoholic beverage. See G.S. 18B-602 for the different types of elections that can be held. For example, if wine has not been “voted in,” then industry members cannot advertise wine in that jurisdiction.

Line 36 and p. 2, line 1:

Currently, the standards for advertising are listed in 14B NCAC 15B .1001-.1005.

Page 2, line 1 and 2:

Added language based on your suggestion.

Rule: 14B NCAC 15B .1008

Item (a)(5):

P. 1, line 12:

-Public concern: Typically expressed via complaint to our “contact us” email address.

-Public welfare: The phrase is not defined in statute, but is referenced multiple times, not only G.S. 18B-1116(b), but also:

-to protect the public welfare, safety, health and groundwater resources - G.S. 87-84

-placement in public welfare, mental health, or juvenile justice systems - G.S. 143B-150.6

-performance is related to the public welfare by safeguarding life, health, property, and the environment - G.S. 89F-3(4)

-In order to safeguard life, health, and property, and to promote the public welfare - G.S. 89C-2

-Unwholesome, adulterated, or misbranded poultry or poultry products are injurious to the public welfare - G.S. 106-549.50

P. 2, line 7:

27 CFR Part 5 and the ABC Commission's "North Carolina Liquor Quarterly" both list categories.

P. 2, line 31:

For limited supply products, local ABC boards may decide how to "award" or offer the opportunity to purchase a high-in-demand product. Some do by waiting lists, some do by "lotteries." Because local boards select the method, the ABC Commission has not established rules but merely provided guidance that the local board should post the rules by which the in-demand products will be distributed (some to restaurants, some to consumers).

Rule: 14B NCAC 15C .0104

Paragraph (b):

*Just as the different states in the US have different alcohol laws and systems, so too do the countries that make up the European Union. All jurisdictions have requirements regarding the content of wine, such as the percentage of grapes from the Bordeaux region required for a wine to be labeled as a Bordeaux. Négociants typically don't have vineyards. One on-line explanation is: "A **Négociant wine** comes from a merchant (the négociant) who buys grapes, juice, or even finished wine from growers, then blends, ages, bottles, and sells it under their own brand, rather than producing it from their own vineyards. This model, especially prominent in Burgundy, allows for consistent quality and access to a wider range of wines by combining grapes from different plots, often providing a more affordable way to enjoy regional specialties than direct-from-domaine bottles." Because multiple French suppliers can have the same brand or wine name due to the grapes coming from the same vineyards, we needed a way to distinguish them.*

Rule: 14B NCAC 15C .0201

Line 8 form:

The contents required for the Application for Label Approval are listed in part in 14B NCAC 15C .0302(b). There are instructions provided with the form that can be found at: <https://www.abc.nc.gov/product/malt-beverage-label-product-application/open>. However, I am aware I will need to create a new rule (potentially 15C .0105) where the contents of product approval forms are established similar to 15C .0102 for commercial permit applications.

Rule: 14B NCAC 15C .0202

Line 6 form:

The response for 15C .0201 immediately above also applies to the form mentioned in this rule.

Rule: 14B NCAC 15C .0203

Item (b)

I understand and agree.

Line 12

If Item (b) remains, I would replace “discretion of listings” with “discretion in which products are listed.” However, this may be moot if item (b) is removed.

Lines 11-16

No, they are not. G.S. 18B-203(a)(5) authorizes the ABC Commission to “determine what brands of alcoholic beverages may be sold in this State” and G.S. 18B-204(a1)-(b) provide some guardrails but not procedures or standards.

Line 14 “adequate sales”

This is not defined, but through my years here I know the Chairman and the Pricing Director look at whether product is moving through the warehouse or sitting in place. Because our warehouse space is limited, the administration team wants to give floor space to products that sell quickly.

Item (c), Line 19

Looks like there is another form I will need to add to the rules.

Rule: 14B NCAC 15C .0204

Statement concerning internal management?

I cannot disagree.

Rule: 14B NCAC 15C .0206

Line 7 form

This is the same form as mentioned in 15C .0201 and .0202 above, so the responses for those rules apply here.

Line 14

You are correct.

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;, and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
<https://www.oah.nc.gov/rule-format-examples>

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: All rules

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

The intro statement for each of these rules needs to be corrected to include the register publication information and if there have been changes since publication. See examples here: <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>

The formatting of the intro statement is essential to the correct functioning of our publication and web system.

For many of these rules, you indicated on your form that periodic review prompted these amendments. While you can certainly go forward with the amendments you've filed, this does not replace the report and readoption process required by G.S. 150B-21.3A.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15B .1007

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 8, what is "where sale of that product is unlawful" referring to?

On line 36 and p. 2 line 1, what are the standards for approving this category of advertising?

On p. 2, line 1 and 2, "encouraged" is usually an indication that something is not actually a rule, and thus not appropriate for inclusion in the code. Consider if this can be rewritten as a rule, i.e. "Advertising submitted at least month before distribution deadlines will be given priority for review."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: December 2, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15B .1008

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Item (a)(5) is potentially ambiguous.

On p. 1, line 12, how does the Commission determine if there is public concern?

On p. 1, line 12, what is the definition of "the public's welfare"?

On p. 2, line 7, what defines the category or type that a liquor belongs too? Is there a list of categories?

On p. 2, line 31, what is "a lottery of spiritous liquor"? Is that process spelled out in rule or statute?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B 15C .0104

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In paragraph (b), what is the "French negociant" system? Is that defined in law somewhere?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B 15C .0201

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

For the form first referenced on line 8, are the contents or substantive requirements prescribed by rule or statute as required by G.S. 150B-2(8a)d.? If so, where?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0202

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

For the form first referenced on line 6, are the contents or substantive requirements prescribed by rule or statute as required by G.S. 150B-2(8a)d.? If so, where?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0203

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Item (b) does not appear to meet the definition of a rule pursuant to § 150B-2(8a). Policies are distinct from rules and often fit into “non-binding interpretive statements”, (8a)c. “Statements concerning only internal management” are also not rules, (8a)a.

On line 12 “discretion of listings” is an awkward phrase. Is this a typo?

Are the procedures and standards for the listing determinations (lines 11-16) identified in rule or statute?

What are “adequate sales” on line 14?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0204

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

This rule appears to be a "Statement concerning only internal management" and thus not appropriate for a rule pursuant to G.S. 150B-2(8a)a. What is the agencies' position?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0206

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

For the form referenced on line 7, are the contents or substantive requirements prescribed by rule or statute as required by G.S. 150B-2(8a)d.? If so, where?

On line 14, grammatically I believe you need a "that" after "nonwithstanding".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15B .1007 is amended with changes as published in 40:05 NCR 460 as follows:

2
3 **14B NCAC 15B .1007 ADVERTISING OF MALT BEVERAGES AND WINE ALCOHOLIC**
4 **BEVERAGES BY INDUSTRY MEMBERS**

5 (a) Billboards; Media. Industry members may advertise ~~malt beverages or wine~~ alcoholic beverages on outdoor
6 billboards, by radio, television, ~~newspaper or magazine, and by other similar means.~~ newspaper, magazine, the internet,
7 and social media. ~~Outdoor Industry members shall not display billboards or signs shall not be displayed on the~~
8 ~~premises of any a retail permittee's establishment nor or in areas where sale of that product is unlawful.~~

9 (b) Aerial Display. ~~Industry members may advertise by Malt beverages and wine may be advertised by industry~~
10 ~~members by means of~~ aerial displays or tethered inflatables, including banner-towing, hot air balloons and parachutes,
11 if:

12 (1) ~~One~~ The industry member submits one or more photographs or drawings of the displays ~~have been~~
13 ~~submitted to the Commission at legal@abc.nc.gov and the permittee has received~~ receives prior
14 written approval;

15 (2) The advertising on the aerial display ~~is in conformity~~ conforms with all other rules in this Section;
16 and

17 (3) ~~No~~ The aerial display or inflatable is not placed on or over the premises of a retail ~~permittee's~~
18 ~~establishment permittee.~~

19 (c) Delivery Trucks and Uniforms. Trucks owned ~~by or leased exclusively to or leased by~~ an industry member may
20 be used for advertising ~~purposes purposes,~~ limited to the permittee's name or trade name ~~of the permittee,~~ and the
21 brand names, slogans, house ~~marks marks,~~ or trademarks of the alcoholic beverages manufactured or sold by the
22 permittee. Wholesale permittees and spirituous liquor industry members may display on ~~the uniforms of their~~
23 ~~employees their employee uniforms the names name~~ of their company and the brand names of the products ~~handled~~
24 by them they are authorized to represent.

25 (d) Other Signs. Industry members may maintain ~~any~~ signs required by the laws of the United States to be displayed
26 on their premises ~~as well as signs on the premises and signs~~ indicating the brand names of ~~malt beverages and wine~~
27 alcoholic beverages sold by them, including the word "beer," ~~or words describing other malt beverages and~~
28 ~~wine, "wine," "spirituous liquor," or words describing malt beverages, wine, or spirituous liquor.~~

29 (e) Price. Industry members shall not advertise the ~~price of malt beverages or wine.~~ prices of their alcoholic beverages.
30 A wholesaler may give to retail permittees a wholesale price list that contains the brand names and prices of ~~his the~~
31 wholesaler's products to retail permittees products.

32 (f) College Campuses. ~~All print advertising, including posters, flyers, display ads, or point of sale materials that are~~
33 ~~published primarily for distribution to college students or for dissemination on college campuses shall first be~~
34 ~~submitted to the Commission for approval prior to any publication or distribution.~~ Industry members shall submit
35 print advertising, including posters, flyers, display ads, or point-of-sale materials that are published for distribution to
36 college students or for dissemination on college campuses, to the Commission at legal@abc.nc.gov for review and
37 approval before use. Industry members are encouraged to who submit such advertising at least ~~two months~~ prior to

1 ~~one month before distribution deadlines in order to allow adequate review by the Commission.~~ deadlines-deadlines
2 will be given priority for review.

3 (g) Listings of Available Product Locations. Industry members may advertise and assist consumers to locate the
4 names and locations where their alcoholic beverage products are sold in the State, subject to the following conditions:

5 (1) The list includes all retail permittees and ABC stores selling an industry member's products in the
6 State by a searchable electronic database available to the public; and

7 (2) The industry member reviews and updates the list of retail permittees and ABC stores in six-month
8 intervals.

9 (h) Comments Posted on Retailers' Sites. Industry members may post a comment or reaction by text or symbol on a
10 retailer's website or social media but shall not copy and repost the retailer's message.

11
12 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207;*

13 *Eff. January 1, 1982;*

14 *Amended Eff. July 1, 1992; May 1, 1984;*

15 *Transferred and Recodified from 04 NCAC 02S .1009 Eff. August 1, 2015;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*
17 *2016.*

18 *Amended Eff. February 1, 2026.*
19
20

1 14B NCAC 15B .1008 is amended as published in 40:05 NCR 460-461 as follows:

2
3 **14B NCAC 15B .1008 ADVERTISING OF SPIRITUOUS LIQUORS BY ABC BOARDS**

4 (a) ABC Stores. An ABC store may have one or more ~~outside exterior~~ signs ~~located on the premises for the purpose~~
5 ~~of identifying on the store's property, as stated on the store's lease or deed, to identify the outlet store's presence if~~
6 the sign is not prohibited by local ordinance and it has been approved by the Commission. ~~During the approval process~~
7 ~~the~~ The Commission shall consider the following factors:

- 8 (1) the proximity of the ABC store to schools and churches;
9 (2) the number and size of the signs requested;
10 (3) the text and graphics on the sign;
11 (4) the materials that make up the sign; and
12 (5) the public concern in matters of the public's welfare.

13 ~~(b) Aerial Displays. No distiller, importer, or rectifier of spirituous liquor, or representative thereof, nor any retail~~
14 ~~permittee, shall advertise by means of an aerial display or inflatable the brand name or availability of spirituous liquor.~~

15 ~~(c) Billboards; Media. Industry members may advertise spirituous liquor on outdoor billboards, by radio, television,~~
16 ~~newspaper, magazine or internet, and by other similar means. Outdoor billboards or signs shall not be displayed on~~
17 ~~the premises of any retail permittee's establishment nor in areas where sale of that product is unlawful.~~

18 (b) Billboards. Billboards may be used by local ABC boards for the following purposes:

- 19 (1) advertising the location, contact information, and hours of operation of an ABC store;
20 (2) statistical information on volume of sales, revenues generate, and the amount of revenues distributed
21 to the State and local government; and
22 (3) subject to the Commission's approval, educational content regarding alcohol or substance abuse or
23 public service announcements.

24 Billboards used by a local ABC board shall not include the brand name or picture of a spirituous liquor or fortified
25 wine.

26 ~~(d)(c)~~ Point-of-Sale. Point-of-sale and advertising specialties for spirituous liquor may be used in ABC stores.
27 Advertising used in ABC stores shall conform to the provisions of Rule ~~14B NCAC 15B .1005; 1005 of this Section,~~
28 ~~and in addition shall not:~~

- 29 ~~(1) incorporate the use of any present or former athlete or athletic team; or~~
30 ~~(2) refer to the availability of or offer any alcoholic beverages by mail.~~

31 ~~All point of sale advertising material, advertising specialties, and recipes, booklets or brochures intended for use and~~
32 ~~display in ABC stores shall first be submitted to the Commission prior to their display in an ABC store.~~ Industry
33 members shall submit point-of-sale advertising material, advertising specials, recipes, booklets, or brochures for use
34 and display in ABC stores to the Commission at legal@abc.nc.gov before displaying these items in an ABC store.

35 ~~(e)(d)~~ Local ABC Boards. Local ABC boards may advertise on their web site or social networking ~~page page, and~~
36 inside ABC stores, the following information:

- (1) ~~general information such as including~~ the history of the local ABC board, locations, hours of operation, contact information, employment opportunities, alcohol enforcement, alcohol education, underage drinking education and other local government information; and
- (2) ~~liquor products and prices, as long as prices,~~ subject to the following conditions:
- (A) ~~no logos are shown;~~
- (B)(A) ~~when a product is listed, the list includes all products that are offered are listed;~~ of the same category or type advertised;
- (C)(B) ~~when if a product's regular price is listed, the list includes all products' regular prices of all products of the same category or type offered by the board are listed; and~~ local ABC board;
- (D)(C) ~~when if a special price reduced for 30 days is listed for a product, product on a supplemental price list pursuant to Rule 14B NCAC 15A .1503, the list includes all products with special temporary reduced prices offered by the board are listed.~~ local ABC board; and
- (D) if the Commission authorizes a local ABC board to sell certain products at below the uniform price pursuant to Rule 14B NCAC 15A .1702, the list includes all products offered by the local ABC board with prices below the uniform price.
- (3) ~~Logos and prices of spirituous liquor products posted in pictures or videos of the inside of an ABC store must include all products in a category and their prices.~~
- (4) ~~New products during the first 180 days of availability for purchase in an ABC store and products returning to inventory after at least one year of unavailability for purchase.~~
- (5) ~~Spirituous liquor products available via special order pursuant to Rule 14B NCAC 15A .1403(b).~~
- (6) ~~Special order barrel products with personalized labeling pursuant to G.S. 18B-800(c1) ordered by a local ABC board in compliance with Rule 14B NCAC 15A .1403.~~
- (7) ~~Products available for online order pursuant to G.S. 18B-800(c3).~~
- (8) ~~Products available on the Limited Product Record list pursuant to G.S. 18B-204(a3).~~
- (e) ~~Advertising by email. Local ABC boards may advertise by email or text to mixed beverage permittees that request to receive advertisements from the local board. Local ABC boards shall not advertise by email or text to retail customers of the local board except:~~
- (1) ~~when a customer inquires about the availability or the price of a specific product; or~~
- (2) ~~when a customer requests or consents to receive marketing emails or texts.~~
- ~~A local ABC board email advertisement to retail customers shall be limited to advertising allowed pursuant to this Rules, to a lottery of spirituous liquor, and to barrel purchase opportunities.~~
- (f) Local ABC boards may join local chambers of commerce or visitor's bureaus and may provide them general board information ~~which that includes store locations and hours to be distributed made available through the website or other electronic means of the chambers of commerces' or visitor's bureaus' media information-commerce or visitor's bureaus.~~
- (g) Local ABC boards shall submit approval requests required by this Rule to legal@abc.nc.gov.

1 (h) Local ABC boards shall not use or allow the use or display of any tent, canopy, cooler, sign, or personal property
2 owned by the local ABC board or that displays the local ABC board's name or logo except within the local ABC
3 board store.

4
5 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-807;*
6 *Eff. January 1, 1982;*
7 *Amended Eff. November 1, 2012; November 1, 2011; January 1, 2011; July 1, 1992; May 1, 1984;*
8 *Transferred and Recodified from 04 NCAC 02S .1011 Eff. August 1, 2015;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*
10 *2016.*
11 *Amended Eff. February 1, 2026.*
12
13

1 14B NCAC 15C .0102 is readopted with changes as published in 40:02 NCR 217-219 as follows:

2
3 **14B NCAC 15C .0102 APPLICATION PROCEDURES**

4 (a) Who Files. ~~Before any~~ A winery, brewery, ~~distiller, distillery,~~ wholesaler, importer, bottler, vendor, ~~distiller~~
5 ~~distillery~~ representative, brokerage representative, salesman, supplier representative, or vendor representative ~~sells,~~
6 ~~solicits orders for, or manufactures, bottles, or imports any alcoholic beverage in this State, that person shall first shall~~
7 file written application for ~~the appropriate a permit and pay any required fees, as described in G.S. 18B-902, and as~~
8 ~~set forth in this Rule in compliance with Chapter 18B, Article 9 of the General Statutes before selling, soliciting orders,~~
9 ~~manufacturing, bottling, or importing alcoholic beverages in this State. Applications for permits for businesses shall~~
10 ~~be filed by those individuals listed in G.S. 18B-900(c).~~

11 (b) Application. ~~Application~~ Applicants may obtain forms for all ABC permits may be obtained from the North
12 Carolina Alcoholic Beverage Control Commission's office or website as set forth in 14B NCAC 15A .0102. ~~Each~~
13 ~~person~~ An applicant shall provide in the application, under oath, the following ~~information, as applicable:~~ information:

- 14 (1) the name, address, email address, last four digits of social security number, and telephone ~~number(s)~~
15 numbers of the applicant;
- 16 (2) the mailing address and location address of the business for which ~~a permit is desired, an application~~
17 is submitted, including ~~and~~ the county and state where the business is located;
- 18 (3) the name of the business and whether the business is a sole proprietorship, corporation, limited
19 liability company, or partnership;
- 20 (4) the trade name of the business;
- 21 (5) the applicant's date of birth;
- 22 (6) if the business is a corporation or limited liability company, the name and address of the person
23 authorized to accept service of process of Commission notices or orders ~~under G.S. 1A, pursuant to~~
24 G.S. 1A, Rule 4(j);
- 25 (7) if the applicant is a ~~non-resident nonresident~~ intending to operate a business in the State, the name
26 and address of a resident of the State appointed as the applicant's attorney-in-fact in accordance with
27 Chapter 32C of the General Statutes ~~for purposes of in compliance with~~ G.S. 18B-900(a)(2)b.;
- 28 (8) if the application is for a vendor representative, brokerage representative, ~~distiller distillery~~
29 representative, or supplier representative permit, authorization from the commercial permittee,
30 brokerage, ~~distiller, distillery,~~ or spirituous liquor supplier ~~to represent it; and for the applicant to be~~
31 its representative; and,
- 32 (9) ~~that~~ the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

33 (c) Additional documentation. The ~~following documents~~ applicant shall submit the following completed, signed,
34 notarized, and ~~recorded, as applicable, recorded documents shall be attached to and submitted~~ with an application, and
35 ~~shall to~~ be incorporated as part of the application:

- 36 (1) for applicants applying on behalf of a business pursuant to G.S. 18B-900(c), the fingerprint card,
37 Authority for Release of Information Form, and certified check, cashier check, money order,

1 electronic payment, or credit card payment made payable to ~~the North~~ “North Carolina ABC
2 ~~Commission-Commission~~” in the amount of thirty-eight dollars (\$38.00) for payment of a state and
3 national fingerprint-based criminal history record check pursuant to ~~14B NCAC 18B .0405; G.S.~~
4 18B-902(b);

5 (2) for applicants applying for brokerage representative, ~~distiller-distillery~~ representative, or supplier
6 representative permits, a certified copy of the applicant's State criminal history record check;

7 (3) payment of ~~applicable~~ permit fees as authorized in 14B NCAC 15A .0104;

8 (4) for businesses located in this State, a certified copy of ~~any a~~ recorded power of attorney registered
9 in the county where the proposed licensed premises is located;

10 (5) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation
11 and notarized corporate certification of shareholders holding 25 percent or more of the shares of the
12 corporation;

13 (6) for limited liability companies not already holding a permit in this State, a copy of Articles of
14 Organization and notarized organizational certification of members owning 25 percent or more
15 interest in the company. ~~Additionally, if~~ If the limited liability company is manager-managed, the
16 application shall include a copy of the Operating Agreement;

17 (7) a black and white copy of applicant's current photo identification;

18 (8) for a business located in this State, a copy or memorandum of the lease showing the applicant as
19 tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management
20 agreement with the owner or lessee of the permitted property showing the applicant has the authority
21 to operate the business at the permitted location; and

22 (9) a Federal Employer ~~Identification/Social Identification~~ or Social Security Number Verification
23 Form.

24 (d) Salesmen, Representatives, Vendors To State Companies. ~~All salesmen, Salesmen,~~ vendor representatives,
25 ~~distiller-distillery~~ representatives, brokerage representatives, supplier representatives, and vendors shall ~~further~~ state
26 on the permit application the name of every manufacturer, importer, wholesaler, ~~distiller, distillery,~~ brokerage,
27 spirituous liquor supplier, or vendor that the applicant ~~will represent~~ represents in the State. The persons listed in this
28 Paragraph shall notify the Commission ~~when of the termination of their~~ authorization to represent an industry ~~member~~
29 ~~ceases member~~. The manufacturer, importer, wholesaler, ~~distiller, distillery,~~ brokerage, spirituous liquor supplier, or
30 vendor shall notify the Commission ~~whenever any~~ of the persons listed in this Paragraph ~~are~~ no longer ~~their being an~~
31 authorized representative. Persons required to provide notification ~~Notification required~~ pursuant to this Paragraph
32 shall ~~be made to notify~~ the Commission in writing within 30 days of the termination of the authorization to represent.

33 (e) Wholesalers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, before a
34 wholesaler receives, possesses, transports, sells, delivers, or ships wine or malt beverages in the State, the vendor shall
35 file with the Commission a separate distribution agreement filing form for each brand authorized to be sold by the
36 wholesaler and the specific territory where the product may be sold for each wholesaler location. The distribution
37 agreement filing form shall contain the ~~vendor's and wholesaler's~~ vendor and wholesaler names, trade ~~names if~~

1 ~~applicable, names, addresses, telephone numbers, ABC Commission permit numbers, and the name of the brand brand,~~
2 and ~~the~~ territory where the sales may take place in the State, by county or parts of counties. For wine vendors, the
3 form shall also state whether the vendor ~~ships shipped~~ 1,250 cases or more of wine in the State ~~each year during the~~
4 ~~preceding calendar year.~~ The ~~form shall be signed and dated by the~~ vendor and the ~~wholesaler.~~ wholesaler shall sign
5 and date the form. If ~~any~~ changes in the distribution agreement affect the information on the distribution agreement
6 filing form filed with the Commission, the wholesaler shall amend the form and file it with the Commission on a
7 revised distribution agreement filing form before the changes become effective.

8 (f) Liquor Importer/Bottler. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a
9 liquor importer/bottler applying for a permit shall submit a description of the operations of its business, ~~which shall~~
10 ~~include~~ the location address of ~~any~~ a storage facility or bottling plant, if different than the address shown on the permit
11 application, and ~~any~~ associated federal alcoholic beverage permit numbers.

12 (g) Nonresident Vendors. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a
13 nonresident malt beverage ~~vendor or~~ vendor, a nonresident wine ~~vendor~~ vendor, or a nonresident spirituous liquor
14 vendor applying for a permit shall submit the following:

- 15 (1) a copy of the Federal Basic Permit or Brewers Notice;
- 16 (2) a statement of whether the business is a malt ~~beverage vendor or a wine beverage, wine, or spirituous~~
17 ~~liquor~~ vendor;
- 18 (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any~~
19 ~~an~~ application to manufacture, use, store, rectify, bottle, distribute, sell, import, or transport distilled
20 spirits, ~~beer, malt beverages,~~ or wine;
- 21 (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~
22 ~~a~~ violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic
23 beverages; and
- 24 (5) certification of understanding that the applicant ~~can~~ shall only engage in activities authorized by the
25 ~~ABC~~ laws of this State for the permit issued, and that ~~before any wine or malt beverage no alcoholic~~
26 ~~beverages products may can~~ be offered for sale in the State, the product and label must be approved
27 by the Commission. State unless the Commission has approved the product and label.

28 (h) Wine Producers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine
29 producer applying for a permit shall submit a copy of the recorded deed or lease for the farming establishment that
30 meets the requirements set forth in G.S. 18B-1000(10), including the address of the farm and one of the following:

- 31 (1) a survey or diagram of the farm, indicating the areas and acreage used in the production of grapes,
32 berries, or other fruits for the manufacture of unfortified wine; or
- 33 (2) an affidavit stating ~~that~~ the farm consists of at least five acres committed to the production of grapes,
34 berries, or other fruits for the manufacture of unfortified wine, listing the acreage used for this
35 purpose and its function.

36 (i) Wine Shippers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine shipper
37 applying for a permit shall submit the following:

- (1) a description of the operation of the business;
- (2) a website address through which orders will be received;
- (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any~~ an application to manufacture, use, store, rectify, bottle, distribute, sell, import or transport distilled spirits, ~~beer, malt beverages,~~ or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~ a violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic beverages;
- (5) a statement whether the business entity holds a valid Federal Basic Permit, either as a Bonded Wine Cellar or Bonded Winery, and a copy of the Federal Basic Permit; and
- (6) a wine shipper brand ~~listing consisting of all list identifying the~~ brands of fortified and unfortified wines ~~identified~~ to be shipped into the State by the wine shipper, including the names of the common carriers used for shipping. The permitted wine shipper may amend the brands of wine permitted to be shipped into the State by filing an amended wine shipper brand listing with the Commission prior to shipping. Only brands identified by the wine shipper to the Commission in writing ~~may be legally shipped~~ are legal to ship into the State.

History Note: Authority G.S. 18B-100; 18B-109; 18B-207; 18B-900; 18B-902; 18B-1000; 18B-1001.1; 18B-1105.1; 18B-1113; 18B-1114; 18B-1114.3; 18B-1114.7; 18B-1203; 18B-1303;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0102 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. April 1, ~~2019-2019~~;
Amended-Readopted Eff. January 1, 2026.

1 14B NCAC 15C .0104 is readopted with changes as published in 40:02 NCR 219-220 as follows:

2
3 **14B NCAC 15C .0104 WINE PRODUCT BRAND**

4 (a) ~~Determination of a product's brand shall be made by the Commission.~~ The Commission shall determine a product
5 brand at the time the product is approved for sale in North Carolina and ~~Carolina.~~ ~~shall not be affected by later.~~ Later
6 changes in the manufacturer's advertising strategy or ~~labeling.~~ labeling shall not affect the brand. ~~Differences in~~
7 Different packaging, such as different style, type type, or size of container, do not establish different brands. The name
8 of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.

9 (b) For purposes of Bordeaux Chateau wine brought into North Carolina under the French ~~negociant~~ negociant system
10 only, "brand" as defined in ~~14B NCAC 15C .0101(1)~~ 14B NCAC 15A .0103 shall be determined based on the
11 nonresident wine vendor or importer's name ~~as reflected~~ on the back of the product label. For purposes of Bordeaux
12 Chateau wines only, wines manufactured and marketed under a common identifying trade name such as "Chateau
13 Domaine," but which may be imported into the United States through multiple channels based on written
14 authorizations from French ~~negociants,~~ negociants would not be considered to be the same ~~brand;~~ brand. ~~e.g., the~~
15 ~~"Chateau Domaine" brought into the United States by Importer A would be considered to be a different brand than~~
16 ~~the "Chateau Domaine" brought into the United States by Importer B.~~ Such written ~~authorization(s)~~ authorization must
17 be ~~provided~~ submitted to the Commission ~~upon request on a form provided by the Commission~~ prior to product
18 approval or brand ~~registration~~ registration ~~on a form provided by the Commission.~~

19
20 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1203;*

21 *Eff. April 1, 2011;*

22 *Amended Eff. December 1, 2012;*

23 *Transferred and Recodified from 04 NCAC 02T .0104 Eff. August 1, 2015;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
25 *2017.*

26 *Amended-Readopted Eff. January 1, 2026.*
27
28

1 14B NCAC 15C .0201 is readopted with changes as published in 40:02 NCR 220 as follows:

2
3 **SECTION .0200 - PRODUCT APPROVALS: LISTING PROCEDURES: PRODUCT LISTS**
4

5 **14B NCAC 15C .0201 MALT BEVERAGE PRODUCT APPROVAL: LISTING IN STATE**

6 (a) ~~All malt beverage products offered for sale in this State shall first be approved by the Commission. The~~
7 ~~Commission shall approve malt beverage products prior to the products being offered for sale in this State. The~~
8 ~~Commission shall provide blank Label/Product Application Forms Application for Label Approval forms through the~~
9 ~~Commission's public website or upon request. Thereafter, any approved Approved malt beverage product products~~
10 ~~sold in this State shall conform to the analysis of the samples submitted as submitted on the application form.~~

11 (b) The Commission shall approve malt beverage products if:

- 12 (1) the procedure for approval is complied with as required in Paragraph (c) of this Rule;
- 13 (2) the analysis is within the limits as required in Paragraph (d) of this Rule;
- 14 (3) the malt beverage product meets or exceeds the packaging requirements ~~as required in 14B NCAC~~
15 ~~15C .0301; of Rule .0301 of this Subchapter; and~~
- 16 (4) at the time of consideration, the Commission does not have evidence ~~to suspect that~~ the product:
- 17 (A) contains harmful or impure substances;
- 18 (B) contains an improper balance of substances, based on studies by universities, laboratories,
- 19 the Commission or other scientific studies;
- 20 (C) is a spurious or imitation product; or
- 21 (D) is unfit for human consumption.

22 (c) Procedure for Approval. To receive consideration for approval by the Commission for a new malt beverage
23 product, an industry member shall comply with the following procedures:

- 24 (1) submit a completed Label/Product Approval Form with a list of ~~all~~ container sizes being offered;
- 25 (2) attach ~~all~~ malt beverage product labels that are specified on the Label/Product Approval Form to the
26 Label/Product Approval Form;
- 27 (3) upon request from the Commission, submit a sample of the product in a marketable container;
- 28 (4) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Approval Form;
- 29 and
- 30 (5) submit required items to the Commission Product Section at products@abc.nc.gov. a non-refundable
31 analysis fee in the form of a certified check, cashier's check or money order in the amount of twenty-
32 five dollars (\$25.00) for each new malt beverage product submitted, except if an analysis certified
33 by a laboratory of the product is submitted, submit a non-refundable administrative fee as set out in
34 G.S. 18B-206(c) in the form of a certified check, cashier's check or money order; and
- 35 (6) ~~forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307~~
36 ~~Mail Service Center, Raleigh, North Carolina 27699 4307.~~

37 (d) ~~All malt Malt~~ beverage analyses shall be within the following limits:

- 1 (1) a maximum 15 percent alcohol by volume;
- 2 (2) a maximum 25 parts per million of total sulphur dioxide content; and
- 3 (3) a maximum 100 parts per million of gallo tannins.
- 4 (e) ~~All analyses~~ Analyses of products submitted by industry members shall provide the following information in
- 5 English:
- 6 (1) the measured amounts listed in Paragraph (d) of this Rule;
- 7 (2) the calories per 360 milliliters (12 ounces);
- 8 (3) the specific gravity; and
- 9 (4) the amount of ~~any~~ fortified stimulant per 360 milliliters (12 ounces).
- 10 (f) The Commission shall withdraw approval of a malt beverage product when the Commission has evidence to
- 11 suspect that the product:
- 12 (1) contains harmful or impure substances;
- 13 (2) contains an improper balance of substances;
- 14 (3) is a spurious or imitation product; or
- 15 (4) is unfit for human consumption.
- 16 ~~The malt beverage product shall not be reapproved until the Commission has evidence that proves otherwise. The~~
- 17 Commission shall not re-approve a malt beverage product until receipt of evidence that the basis for withdrawal of
- 18 approval was corrected.
- 19 (g) A person possessing malt beverage products ~~that have had the with~~ approval withdrawn by the Commission shall
- 20 have 60 days after notice of the withdrawal to sell or otherwise dispose of the malt beverage products.

21

22 *History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207;*

23 *Eff. January 1, 1982;*

24 *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*

25 *Transferred and Recodified from 04 NCAC 02T .0201 Eff. August 1, 2015;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

27 *2017.*

28 ~~Amended-Readopted~~ Eff. January 1, 2026.

29

30

1 14B NCAC 15C .0202 is readopted with changes as published in 40:02 NCR 221 as follows:

2
3 **14B NCAC 15C .0202 WINE APPROVALS; LISTING IN STATE**

4 (a) Except as provided in 14B NCAC 15B .0216 for special orders, ~~all wine products offered for sale in this State~~
5 ~~shall first be approved by the Commission.~~ the Commission shall approve wine products prior to the wine products
6 being offered for sale in the State. The Commission shall provide blank Label/Product Application Forms through the
7 Commission's website or upon request. Thereafter, ~~any~~ approved wine product sold in this State shall conform to the
8 analysis ~~of the samples submitted as submitted on the application form.~~

9 (b) The Commission shall approve a wine product if:

- 10 (1) the procedure for approval is complied with as required in Paragraph (d) of this Rule;
- 11 (2) it is a fortified wine product that the alcohol by volume is above 16 percent and no more than 24
- 12 percent;
- 13 (3) it is an unfortified wine product that the alcohol by volume is 16 percent or less;
- 14 (4) the wine product meets or exceeds the packaging requirements as required in 14B NCAC 15C .0301,
- 15 and
- 16 (5) at the time of consideration, the Commission does not have evidence to suspect that the product:
- 17 (A) contains harmful or impure substances;
- 18 (B) contains an improper balance of substances, based on studies by universities, laboratories,
- 19 the Commission or other scientific studies;
- 20 (C) is a spurious or imitation product; or
- 21 (D) is unfit for human consumption.

22 (c) Procedure for Approval. To receive consideration for approval by the Commission for a new wine product, an
23 industry member shall comply with the following procedures:

- 24 (1) submit a completed Label/Product Application Form;
- 25 (2) submit separate Label/Product Application Forms for fortified and unfortified wine products;
- 26 (3) attach all wine product labels that are specified on the Label/Product Application Form to the
- 27 Label/Product Application Form;
- 28 (4) upon request from the Commission, submit a 500 milliliter (or a larger size if 500 milliliter is not
- 29 available) bottle of each product offered; and
- 30 (5) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Application
- 31 Form;Form.
- 32 ~~(6) submit a non-refundable analysis fee in the form of a certified check, cashier's check or money order~~
33 ~~in the amount of twenty five dollars (\$25.00) for each new wine product submitted, except if an~~
34 ~~analysis certified by a laboratory of the product is submitted, submit a non-refundable administrative~~
35 ~~fee as set out in G.S. 18B-206(e) in the form of a certified check, cashier's check or money order;~~
36 ~~and~~

(7) ~~forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307
Mail Service Center, Raleigh, North Carolina 27699-4307.~~

(d) If an analysis of a product is submitted, it shall provide at least the following information in English:

- (1) alcohol by volume (percent);
- (2) total acidity (g/100 cc as tartaric acid);
- (3) total sulphur dioxide content (ppm);
- (4) volatile acidity, exclusive of sulphur dioxide (g/100 cc as acetic acid);
- (5) alcohol-free soluble solids (degrees/Brix degrees/Balling);
- (6) identity and quantity of any added chemical preservative; and
- (7) the amount of any fortified stimulant per container.

(e) The Commission shall withdraw approval of a wine product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

The wine product shall not be reapproved until the Commission has evidence that proves otherwise.

(f) A person possessing wine products that have had the approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the wine products.

History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207;

Eff. January 1, 1982;

Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;

Transferred and Recodified from 04 NCAC 02T.0202 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

Amended Readopted Eff. January 1, 2026.

1 14B NCAC 15C .0203 is readopted with changes as published in 40:02 NCR 221-222 as follows:

2
3 **14B NCAC 15C .0203 SPIRITUOUS LIQUOR PRODUCT APPROVALS**

4 (a) ~~All brands of spirituous liquor sold in this State shall have first been approved for listing and resale by the~~
5 ~~Commission.~~ The Commission shall first approve spirituous liquor brands sold in this state for listing and resale.

6 (b) Listing Policy. In view of the fact that North Carolina is a monopoly state, the Commission is responsible for
7 maintaining a wide range of spirituous liquor products and prices and a balanced selection between the various types
8 of products. It is the Commission's responsibility to ensure that the various types of products, including specialty items
9 and imports, are available to the North Carolina consumer, as well as the more popular products. To this end, the
10 Commission shall, at least once a year, Once a year, the Commission shall consider new spirituous liquor products for
11 placement on the state's approved list. Listings shall be in the discretion of the Commission The Commission shall
12 have discretion of listings after considering sales trends of the type of product, sales trends of the product in other
13 states, and the need for the product in the North Carolina market. The Commission shall also, at least once a year,
14 Once a year, the Commission shall consider delisting items from the approved list. Items maintaining adequate sales
15 histories for type and price range will not be considered for delisting unless the delisting is part of a penalty invoked
16 after hearing, pursuant to this Chapter.

17 (e)(b) Items shall be submitted to the Commission for consideration for listing, and will be considered only if they
18 are offered on the prescribed forms by the distiller, rectifier, bottler or importer. The distillery, rectifier, bottler, or
19 importer shall submit items to the Commission for consideration for listing on the prescribed forms.

20
21 *History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207;*

22 *Eff. January 1, 1982;*

23 *Amended Eff. July 1, 1992;*

24 *Transferred and Recodified from 04 NCAC 02T .0203 Eff. August 1, 2015;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
26 *2017.*

27 [Amended] Readopted Eff. January 1, 2026.
28
29

1 14B NCAC 15C .0204 proposed to be amended as published in 40:02 NCR 222 is now repealed as follows:

2
3 **14B NCAC 15C .0204 SPIRITUOUS LIQUOR PRODUCT LISTS**

4
5 *History Note: Authority G.S. 18B-100; 18B-207;*

6 *Eff. January 1, 1982;*

7 *Amended Eff. May 1, 1984;*

8 *Transferred and Recodified from 04 NCAC 02T .0204 Eff. August 1, 2015;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
10 *2017.*

11 ~~*[Amended]*~~ *Repealed Eff. January 1, 2026.*

1 14B NCAC 15C .0205 is readopted with changes as published in 40:02 NCR 222 as follows:

2
3 **14B NCAC 15C .0205 SAMPLES REQUIRED ON REQUEST**

4 ~~Every industry member shall, upon~~ Upon demand of the Commission, an industry member shall furnish samples at
5 no cost to the Commission of ~~any~~ alcoholic beverage products manufactured, sold, or offered for sale in this State, for
6 the purpose of analysis.

7
8 *History Note: Authority G.S. 18B-100; 18B-206(c); 18B-207;*

9 *Eff. January 1, 1982;*

10 *Amended Eff. May 1, 1984;*

11 *Transferred and Recodified from 04 NCAC 02T .0205 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
13 *2017.*

14 ~~[Amended]~~ Readopted Eff. January 1, 2026.

1 14B NCAC 15C .0206 is readopted with changes as published in 40:02 NCR 222 as follows:

2
3 **14B NCAC 15C .0206 NEW FILING REQUIRED UPON TRANSFER OF BRAND**

4 When ~~any a~~ malt beverage or wine brand ~~or product~~ is transferred from one nonresident vendor, manufacturer or
5 importer to another, the new vendor, manufacturer or importer shall, within 30 days of the acquisition of the brand or
6 product, submit the following items to the Commission:

- 7 (1) label approval application ~~forms form (BWL008)~~, with labels attached;
8 (2) copies of Federal Label Approval forms;
9 (3) a certified laboratory analysis of the product, in English, showing alcohol content by volume, ~~with~~
10 ~~a non-refundable administrative fee as set out in G.S. 18B-206(e) in the form of a certified check,~~
11 ~~cashier's check or money order;~~ and
12 (4) the wholesaler territorial designations for the brand and product that were in effect on the date the
13 product was acquired by the vendor, manufacturer or importer.

14 Compliance with this Rule is mandatory notwithstanding ~~the fact that~~ the product has been previously approved by
15 the Commission.

16
17 *History Note: Authority G.S. 18B-100; 18B-203(a); 18B-206; 18B-207; 18B-1203; 18B-1303(a); 18B-1305(d);*
18 *Eff. July 1, 1992;*
19 *Amended Eff. April 1, 2011;*
20 *Transferred and Recodified from 04 NCAC 02T .0206 Eff. August 1, 2015;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
22 *2017.*
23 *[Amended] Readopted Eff. January 1, 2026.*

1 14B NCAC 15C .0301 is readopted with changes as published in 40:02 NCR 222 as follows:

2
3 **SECTION .0300 - PACKAGING AND LABELING OF MALT BEVERAGES AND WINE**

4
5 **14B NCAC 15C .0301 PACKAGING REQUIREMENTS**

6 No industry member shall sell, offer for sale, or possess for the purposes of sale in this State wine or malt beverages
7 ~~shall be sold, offered for sale, or possessed for the purpose of sale in this State~~ unless:

- 8 (1) The alcoholic beverage product is packaged, marked, branded, ~~sealed-sealed,~~ and labeled in
9 conformity with these ~~Rules; and Rules.~~
- 10 (2) The label on ~~each-a~~ product ~~truthfully~~ describes the contents of the container in accordance with
11 standards of ~~identity, identity,~~ and the industry member responsible for labeling or product approval
12 ~~furnishes the Commission with adequate proof that a valid certificate of label approval for the label~~
13 ~~has been obtained from the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department.~~
- 14 (3) The industry member responsible for label or product approval provides the Commission with a
15 valid certificate of label approval from Alcohol and Tobacco Tax and Trade Bureau of the US
16 Department of the Treasury.

17
18 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207;*
19 *Eff. January 1, 1982;*
20 *Amended Eff. May 1, 1984;*
21 *Transferred and Recodified from 04 NCAC 02T .0301 Eff. August 1, 2015;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
23 *2017.*
24 [Amended] Readopted Eff. January 1, 2026.
25

1 14B NCAC 15C .0302 is readopted with changes as published in 40:02 NCR 222 as follows:

2
3 **14B NCAC 15C .0302 LABELS TO BE SUBMITTED TO COMMISSION**

4 (a) ~~All Industry members shall submit~~ labels for malt beverage and wine products ~~shall be submitted in duplicate to~~
5 the Commission on an "Application for Label Approval Form," as required by Rule .0201 or .0202 of this Subchapter.

6 (b) Each person requesting label approval application shall ~~furnish, in the application for label approval, contain~~ the
7 names and addresses of the manufacturer, bottler, and importer of the product.

8 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, holders of retail permits pursuant to G.S. 18B-1001(1), (2),
9 (3), (4), ~~or (16) (16), or (16a)~~ that fill or refill growlers on demand ~~shall not be required do not need~~ to submit the
10 labels required by Rules ~~.0303(b) or (c) or .0304(d) or (e)~~ .0303(b)-(c) or .0304(d)-(e) of this Section.

11
12 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001;*

13 *Eff. January 1, 1982;*

14 *Temporary Amendment Eff. October 25, 2013;*

15 *Amended Eff. September 1, 2014;*

16 *Transferred and Recodified from 04 NCAC 02T .0302 Eff. August 1, 2015;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
18 *2017;*

19 *Temporary Amendment Eff. November 28, 2017;*

20 *Amended Eff. August 1, ~~2018~~ 2018;*

21 *Readopted Eff. January 1, 2026.*

1 14B NCAC 15C .0303 is readopted with changes as published in 40:02 NCR 222-223 as follows:

2
3 **14B NCAC 15C .0303 LABEL CONTENTS: MALT BEVERAGES**

4 (a) ~~Containers that are prefilled by the manufacturer shall be affixed with~~ Breweries that prefill containers with malt
5 beverage labels that beverages shall affix labels that contain the following information in ~~a form legible to the~~
6 ~~consumer:~~ in compliance with Subpart D of 27 CFR Part 7:

- 7 (1) brand name of product;
- 8 (2) name and address of brewer or bottler;
- 9 (3) class of product ~~(e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage); as~~
10 identified in Subpart I of 27 CFR Part 7;
- 11 (4) net contents;
- 12 (5) if the malt beverage is fortified with any stimulants, the amount of each ~~(milligrams) stimulant by~~
13 milligrams per container; and
- 14 (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration
15 Act, 27 C.F.R. Sections 16.20 through 16.22, Subpart C of 27 CFR Part 16.

16 (b) ~~Growlers that are filled or refilled on demand with malt beverages pursuant to Rule .0308 of this Section shall be~~
17 affixed with a label or a tag ~~Permittees who fill growlers with malt beverages, or refill on demand, pursuant to Rule~~
18 .0308 of this Section shall affix a label or tag to the growler containing the following information in type not smaller
19 than 3 millimeters in height and not more than 12 characters per inch:

- 20 (1) brand name of the product dispensed;
- 21 (2) name of brewer or bottler;
- 22 (3) class of product ~~(e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage); as~~
23 identified in Subpart I of 27 CFR Part 7;
- 24 (4) net contents;
- 25 (5) if the malt beverage is fortified with any stimulants from the original manufacturer, the amount of
26 each ~~(milligrams) stimulant in milligrams~~ per container;
- 27 (6) name and address of business that filled or refilled the growler;
- 28 (7) date of fill or refill;
- 29 (8) if the malt beverage is more than six percent alcohol by volume, the amount of alcohol by volume
30 pursuant to G.S. 18B-101(9); and
- 31 (9) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all
32 times."

33 (c) ~~Growlers that are filled or refilled on demand pursuant to Rule .0308 of this Section shall be affixed~~ Permittees
34 who fill growlers with malt beverages, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label
35 or tag to the growler containing ~~with the alcoholic beverage health warning statement as required by the Federal~~
36 ~~Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22. The provisions of 27 C.F.R. Sections 16.20~~

1 through 16.22 referenced in this Section are hereby incorporated by reference, including subsequent amendments and
2 editions, and may be accessed for free at <https://www.gpo.gov> as required by 27 CFR Part 16.

3 (d) All provisions of the CFR mentioned in this rule are incorporated by reference, including subsequent
4 amendments and editions, and may be accessed for free at [https://www.ecfr.gov/current/title-27/chapter-I/subchapter-](https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A)
5 A.

6
7 *History Note: Authority G.S. 18B-100; 18B-101(9); 18B-206(a); 18B-207; 18B-1001;*

8 *Eff. January 1, 1982;*

9 *Amended Eff. April 1, 2011;*

10 *Temporary Amendment Eff. October 25, 2013;*

11 *Amended Eff. September 1, 2014;*

12 *Transferred and Recodified from 04 NCAC 02T .0303 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017;*

15 *Temporary Amendment Eff. November 28, 2017;*

16 *Amended Eff. August 1, ~~2018-2018~~;*

17 *Readopted Eff. January 1, 2026.*
18

1 14B NCAC 15C .0304 is readopted with changes as published in 40:02 NCR 223 as follows:

2
3 **14B NCAC 15C .0304 LABEL CONTENTS: WINE**

4 (a) ~~All wine labels shall contain the following information, in a form legible to the consumer:~~ Wineries that prefill
5 containers with wine shall affix labels that contain the following information in compliance with Subpart D of 27 CFR

6 Part 4;

- 7 (1) brand name of product;
- 8 (2) class and ~~type, in conformity with Section .0400 of this Subchapter;~~ type;
- 9 (3) name and address of manufacturer, or bottler, except as otherwise provided in these Rules;
- 10 (4) ~~on for blends consisting of foreign and domestic wine, if any a reference is made to the presence of~~
11 foreign wine, wine must include the exact percentage by volume of the foreign wine;
- 12 (5) net contents ~~(unless blown or otherwise permanently inscribed in the container);~~ unless otherwise
13 permanently blown or inscribed on the container; and
- 14 (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration
15 Act, 27 C.F.R. Sections 16.20 through 16.22, Subpart C of 27 CFR Part 16.

16 (b) Exception for Retailer's Private Brand. ~~In the case of wine bottles~~ If wine is packaged for a retailer or other person
17 under the person's private brand, the name and address of the bottler may be stated on another label affixed to the
18 container, container if the name and address of the person for whom the wine was bottled or packed appears on the
19 label. The net contents shall be stated on the brand label or on a separate label affixed ~~thereto~~ on the same side of the
20 container in legible form, unless otherwise permanently blown or otherwise permanently inscribed in on the container.

21 (c) Imported Wines. The name and address of the importer of a foreign wine need not be stated on the brand label if
22 it is stated upon another label affixed to the container.

23 (d) ~~Growlers that are filled or refilled on demand with unfortified wine pursuant to Rule .0308 of this Section shall~~
24 ~~be affixed with a label or a tag~~ Permittees who fill growlers with unfortified wine, or refill on demand, pursuant to
25 Rule .0308 of this Section shall affix a label or tag to the growler containing the following information in type not
26 smaller than 3 millimeters in height and not more than 12 characters per inch:

- 27 (1) brand name of the product dispensed;
- 28 (2) name of manufacturer or bottler;
- 29 (3) class and type of product;
- 30 (4) net contents;
- 31 (5) name and address of business that filled or refilled the growler;
- 32 (6) date of fill or refill; and
- 33 (7) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all
34 times."

35 (e) ~~Growlers that are filled or refilled on demand pursuant to Rule .0308 of this Section shall be affixed with~~ Permittees
36 who fill growlers with unfortified wine, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label

1 ~~or tag to the growler containing the alcoholic beverage health warning statement as required by the Federal Alcohol~~
2 ~~Administration Act, 27 C.F.R. Sections 16.20 through 16.22 as required by 27 CFR Part 16.~~

3 (f) All provision of the CFR cited in this rule are incorporated by reference, including subsequent amendments
4 and editions, and may be accessed for free at [https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-](https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-4/subpart-D)
5 4/subpart-D.

6
7 *History Note: Authority G.S. 18B-100; 18B-206(a); 18A-207; 18B-1001;*

8 *Eff. January 1, 1982;*

9 *Amended Eff. May 1, 1984;*

10 *Transferred and Recodified from 04 NCAC 02T .0304 Eff. August 1, 2015;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
12 *2017;*

13 *Temporary Amendment Eff. November 28, 2017;*

14 *Amended Eff. August 1, ~~2018-2018~~;*

15 *Readopted Eff. January 1, 2026.*
16

1 14B NCAC 15C .0305 is readopted with changes as published in 40:02 NCR 224 as follows:

2
3 **14B NCAC 15C .0305 ALL CONTAINERS TO HAVE LABEL**

4 ~~Every container of wine or malt beverages, including bottles, Bottles, barrels, casks, kegs, cans cans, or other closed~~
5 ~~receptacles, containers, irrespective of size or of the material from which made, composition, that is sold or offered~~
6 ~~for sale in this State or that is used for the transportation, importation-importation, or sale of malt beverages or wine~~
7 shall bear a brand label ~~(or a brand label and other permitted labels)~~ containing the information required by Rules
8 .0303 and .0304 of this Section.

9
10 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207;*

11 *Eff. January 1, 1982;*

12 *Amended Eff. May 1, 1984;*

13 *Transferred and Recodified from 04 NCAC 02T .0305 Eff. August 1, 2015;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
15 *2017.*

16 ~~[Amended]~~ Readopted Eff. January 1, 2026.

1 14B NCAC 15C .0306 is readopted with changes as published in 40:02 NCR 224 as follows:

2
3 **14B NCAC 15C .0306 LABEL ALTERATION**

4 ~~No permittee nor his employee~~ Permittees and their employees shall not alter, mutilate, destroy, ~~obliterate or remove~~
5 ~~obliteration, remove, or cover a~~ any mark, brand or label on wine or malt beverages kept for sale in this ~~State, State.~~
6 ~~except for~~ Permittees may affix an additional labeling or relabeling label or relabel a container to comply with ~~the~~
7 ~~requirements of this Section or of federal or state laws and regulations.~~

8
9 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207;*

10 *Eff. January 1, 1982;*

11 *Amended Eff. May 1, 1984;*

12 *Transferred and Recodified from 04 NCAC 02T .0306 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*

15 ~~[Amended]~~ Readopted Eff. January 1, 2026.
16

1 14B NCAC 15C .0307 is readopted with changes as published in 40:02 NCR 224 as follows:

2
3 **14B NCAC 15C .0307 GROWLERS**

4 (a) As used in this Section, a "growler" is a rigid glass, ceramic, plastic, aluminum, or stainless steel ~~container with a~~
5 ~~closure or cap with a secure sealing container, with a secured seal closure or cap,~~ that is no larger than 4 liters (1.0567
6 gallons) into which a malt beverage or unfortified wine is prefilled, filled, or refilled on demand for off-premises
7 consumption.

8 (b) Malt beverages may be sold in growlers as follows:

- 9 (1) Holders of only a brewery permit may sell, deliver, and ship growlers prefilled with the brewery's
10 malt beverage for off-premises consumption provided ~~a label is affixed to the growler~~ has an
11 attached label that provides the information as required by Rules .0303(a) and .0305 of this Section.
12 (2) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), ~~or (16)-(16), or (16a)~~ who do not hold
13 a brewery permit shall not prefill growlers with malt beverage.
14 (3) Holders of a brewery permit who also have retail permits pursuant to G.S. 18B-1001(1) may fill or
15 refill growlers on demand with the brewery's malt beverage for off-premises consumption, provided
16 the growler has an attached label as required by Rules .0303(b) and (c) and .0305 of this ~~Section is~~
17 affixed to the growler.
18 (4) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), ~~or (16)-(16), or (16a)~~ may fill or refill
19 growlers on demand with draft malt beverage for off-premises consumption, provided the growler
20 has an label as required by Rules .0303(b) and (c) and .0305 of this ~~Section is affixed to the~~
21 growler.

22 (c) Unfortified wine may be sold in growlers as follows:

- 23 (1) Holders of only an unfortified winery permit may sell, deliver, and ship growlers prefilled with the
24 winery's unfortified wine for off-premises consumption provided ~~a label is affixed to the growler~~
25 has an attached label that provides the information as required by Rules .0304(a), (b), and (c), and
26 .0305 of this Section.
27 (2) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), ~~or (16)-(16), or (16a)~~ who do not hold
28 an unfortified winery permit shall not prefill growlers with unfortified wine.
29 (3) Holders of an unfortified winery permit who also have retail permits pursuant to G.S. 18B-1001(3)
30 may fill or refill growlers on demand with the winery's unfortified wine for off-premises
31 consumption, provided the growler has an attached label as required by Rules .0304(d) and (e) and
32 .0305 of this ~~Section is affixed to the growler.~~
33 (4) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), ~~or (16)-(16), or (16a)~~ may fill or refill
34 growlers on demand with unfortified wine for off-premises consumption, provided the growler has
35 an attached label as required by Rules .0304(d) and (e) and .0305 of this ~~Section is affixed to the~~
36 growler.

1 (d) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16), (16), or (16a)~~ shall affix a label to the
2 growler as required by Rules .0303(b) and (c), .0304(d) and (e), and .0305 of this Section ~~to the growler~~ when filling
3 or refilling a growler.

4 (e) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16), (16), or (16a)~~ may, in their discretion,
5 refuse to fill or refill a growler, except in matters of discrimination pursuant to G.S. 18B-305(c).

6
7 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-305; 18B-1001;*

8 *Eff. April 1, 2011;*

9 *Temporary Amendment Eff. October 25, 2013;*

10 *Amended Eff. September 1, 2014;*

11 *Transferred and Recodified from 04 NCAC 02T .0308 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
13 *2017;*

14 *Temporary Amendment Eff. November 28, 2017;*

15 *Amended Eff. August 1, ~~2018-2018~~;*

16 *Readopted Eff. January 1, 2026.*
17

1 14B NCAC 15C .0308 is readopted with changes as published in 40:02 NCR 224-225 as follows:

2
3 **14B NCAC 15C .0308 GROWLERS: CLEANING, SANITIZING, FILLING AND SEALING**

4 (a) Except as permitted pursuant to Rules .0307(b) and (c) of this Section, permittee and permittee's employee shall
5 fill and refill filling and refilling growlers shall only occur on demand by a consumer.

6 (b) ~~Growlers shall only be filled or refilled by a permittee or the permittee's employee.~~ Only a permittee or a
7 permittee's employee shall fill or refill a growler.

8 (c) Prior to filling or refilling a growler, a permittee or the permittee's employee shall clean and sanitize the growler
9 and its cap ~~shall be cleaned and sanitized by the permittee or the permittee's employee~~ using one of the following
10 methods:

11 (1) Manual washing in a three compartment sink:

- 12 (A) prior to starting, clean sinks and work area to remove any chemicals, oils, or grease from
13 other cleaning activities;
- 14 (B) empty residual liquid from the growler to a drain. Growlers shall not be emptied into the
15 cleaning water;
- 16 (C) clean the growler and cap in water and detergent. Water temperature shall be at a minimum
17 110°F or the temperature specified on the cleaning agent manufacturer's label instructions.
18 Detergent shall not be fat or oil based;
- 19 (D) remove any residues on the interior and exterior of the growler and cap;
- 20 (E) rinse the growler and cap in the middle compartment with water. Rinsing may be from the
21 spigot with a spray arm, from a spigot, or from the tub as long as the water for rinsing is
22 not stagnant and continually refreshed;
- 23 (F) sanitize the growler and cap in the third compartment. Chemical sanitizer shall be used in
24 accordance with the EPA-registered label use instructions and shall meet the minimum
25 water temperature requirements of that chemical; and
- 26 (G) a test kit or other device that accurately measures the concentration in mg/L of chemical
27 sanitizing solutions shall be provided and be accessible for use; or

28 (2) Mechanical washing and sanitizing machine:

- 29 (A) mechanical washing and sanitizing machines shall be provided with an easily accessible
30 and readable data plate affixed to the machine by the manufacturer and shall be used
31 according to the machine's design and operation specifications;
- 32 (B) mechanical washing and sanitizing machines shall be equipped with chemical or hot water
33 sanitization;
- 34 (C) concentration of the sanitizing solution or the water temperature shall be accurately
35 determined by using a test kit or other device; and
- 36 (D) the machine shall be ~~regularly~~ serviced based upon the manufacturer's or installer's
37 guidelines.

(d) Notwithstanding Paragraph (c) of this Rule, a permittee or the permittee's employee may fill or refill a growler ~~may be filled or refilled~~ without cleaning and sanitizing the growler, as follows:

(1) Filling or refilling a growler with a tube as referenced by Paragraph (e) of this Rule:

(A) food grade sanitizer shall be used in accordance with the EPA-registered label use instructions;

(B) a container of liquid food grade sanitizer shall be maintained for no more than 10 malt beverage taps that will be used for filling and refilling growlers;

(C) each container shall contain no fewer than five tubes that will be used only for filling and refilling growlers;

(D) the growler is inspected visually for contamination;

(E) after each filling or refilling of a growler, the tube shall be immersed in the container with the liquid food grade sanitizer; and

(F) a different tube from the container shall be used for each fill or refill of a growler; or

(2) Filling a growler with a contamination-free process:

(A) the growler shall be inspected visually for contamination;

(B) for growlers that can be refilled, the process shall be otherwise in compliance with the FDA Food Code 2009, Section 3-304.17(C); and

(C) for growlers that are for single use, the process shall be otherwise in compliance with the FDA Food Code 2009, Sections 4-903.11 and 4-903.12.

(e) Permittee or permittee's employee shall fill or refill growlers ~~Growlers shall be filled or refilled~~ from the bottom of the growler to the top with a tube that is attached to the malt beverage or unfortified wine faucet and extends to the bottom of the growler or with a commercial filling machine.

(f) ~~When not in use, tubes to fill or refill growlers shall be immersed and stored in a container with liquid food grade sanitizer.~~ Permittee or permittee's employee shall immerse and store tubes to fill or refill growlers in a container with liquid food grade sanitizer.

(g) After filling or refilling a growler, a permittee or the permittee's employee shall seal the growler ~~shall be sealed~~ with a closure or cap.

History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001;

Temporary Adoption Eff. October 25, 2013;

Eff. September 1, 2014;

Transferred and Recodified from 04 NCAC 02T .0309 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Temporary Amendment Eff. November 28, 2017;

Amended Eff. August 1, 2018-2018;

Readopted Eff. January 1, 2026.

Burgos, Alexander N

From: SVC_ABC.rules
Sent: Thursday, December 4, 2025 8:46 AM
To: Ascher, Seth M; SVC_ABC.rules
Cc: Burgos, Alexander N
Subject: RE: RFC for ABC Rules - December 2025

Good morning.

Although I've been listed as a Rulemaking Coordinator for some time, this is my first attempt at rulemaking without Walker Reagan's assistance. Thank you for any guidance you can share, including this request for changes. I hope to respond well before the December 12 deadline.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

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Disclaimer: I represent the NC ABC Commission and any information provided in this email is not legal advice and should not be relied upon as legal advice. I can only provide you with information about alcoholic beverage control laws. You should consult your own attorney for advice.

Email correspondence to and from this address is subject to the Public Records Law and may be disclosed to third parties pursuant to Chapter 132 of the NC General Statutes.



From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, December 2, 2025 4:18 PM
To: SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RFC for ABC Rules - December 2025

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Alcoholic Beverage Control Commission for the December 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, December 18, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on December 12, 2025.

Please let me know if you have any questions or concerns.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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