

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

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0402

DEADLINE FOR RECEIPT: January 21, 2026

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 17, item (b)(4), I'm not sure what this means. Are "must" and "Balling" defined somewhere in the rule or incorporated material?

On line 23, item (c)(2), it is not clear what the parenthetical "(20 degrees Centigrade)" means. Maybe "(measured at ~~(20~~ 20 degrees Centigrade)"?

On p. 2, line 8, you only need to incorporate once if this is already included in the incorporation in .0401, and can delete "incorporated" through "editions". If its not included there, you need the full incorporation language here (link and cost).

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: January 7, 2026

1 14B NCAC 15C .0402 is readopted as published in 40:07 NCR 630-631 as follows:

2
3 **14B NCAC 15C .0402 PROHIBITED PRACTICES**

4 (a) ~~The production, importation or sale within this State of any product as or under the designation of wine that fails~~
5 ~~to conform to the standards prescribed in these Rules, or of any imitation or substandard wine is prohibited.~~Industry
6 members are prohibited from producing, importing, or selling in this State wine, or a product designated under a wine
7 category, that is imitation, substandard, or fails to conform to the standards of these Rules.

8 (b) Imitation Wine. Imitation wine includes:

- 9 (1) ~~any~~ wine containing synthetic materials;
- 10 (2) ~~any~~ wine made from a mixture of water ~~with residues remaining~~ containing residue after thorough
11 pressing ~~of grapes, fruit~~ fruit, or other agricultural products;
- 12 (3) ~~any class or type of wine, the taste, aroma, color or other characteristics of which have been acquired~~
13 ~~in whole or in part by treatment with methods or materials of any kind, if the taste, aroma, color or~~
14 ~~other characteristics of normal wines of any such class or type are acquired without that~~
15 ~~treatment;~~ wine treated to acquire the taste, aroma, color, or characteristics of a class or type of wine
16 that would occur without treatment; or
- 17 (4) ~~any~~ wine made from must concentrated ~~at any time~~ to more than 80 degrees (Balling).

18 (c) Substandard wine includes:

- 19 (1) ~~any wine having with a volatile acidity~~ acidity, calculated as acetic acid and exclusive of sulphur
20 dioxide, in excess of the maximum ~~prescribed therefor~~ established in these Rules;
- 21 (2) ~~any wine for which no that does not have a~~ maximum volatile acidity ~~is~~ prescribed in these Rules
22 ~~having a~~ shall have a maximum volatile acidity, ~~calculated as acetic acid and exclusive of sulphur~~
23 ~~dioxide, in excess acidity~~ of 0.14 gram per 100 cubic centimeters (20 degrees Centigrade);
- 24 (3) ~~any wine for which wine with a~~ standard of identity ~~is~~ prescribed in these Rules that ~~through disease,~~
25 ~~decomposition or otherwise~~ fails to have the composition, ~~color and clean vinous taste~~ color, taste,
26 and aroma of normal wines conforming to that standard;
- 27 (4) ~~wine of any class or type~~ containing added ~~water~~ water, or a sugar and water ~~solution~~ solution, in
28 excess of ~~the~~ quantities ~~expressly~~ authorized for standard wine ~~made from the same kind or kinds~~
29 ~~of materials~~ as prescribed in these Rules;
- 30 (5) ~~any~~ wine containing monochloroacetic acid or ~~any~~ other substance ~~or preservative~~ prohibited by the
31 United States Food and Drug Administration or the ~~Federal Alcoholic Tax Unit, United States~~
32 Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau; or
- 33 (6) ~~any~~ wine containing deleterious, ~~harmful~~ harmful, or impure substances ~~or elements~~ or an improper
34 balance of elements.

35 (d) Coined Names

- 36 (1) ~~Mixture of Wines. The sale in this State of wines identified on labels or in advertisements by a type~~
37 ~~or brand designation that implies mixtures of wines for which standards of identity are established~~

1 ~~in these Rules, or which identifying type or brand designation resembles an established wine type~~
2 ~~name such as "Angelica," "Madeira," "Muscatel," "Claret," "Burgundy," etc., is prohibited.~~

3 (2) ~~Combinations of Alcoholic Beverages. The sale in this State of wines or combinations of wine and~~
4 ~~other alcoholic beverages that contain on the labels statements such as "whiskey wine," "rum and~~
5 ~~wine," "gin and wine," "beer and wine" or similar combinations is prohibited.~~

6 Industry members are prohibited from identifying wine on labels or in advertisements as a mixture of wine
7 with other types of alcoholic beverages or as a mixture of wines that have standards of identity established
8 in Subpart C of 27 CFR Part 4, incorporated by reference including any subsequent amendments and editions.

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

11 *Eff. January 1, 1982;*

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

13 *Transferred and Recodified from 04 NCAC 02T .0409 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 *Readopted Eff. February 1, 2026.*
17
18

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

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0404

DEADLINE FOR RECEIPT: January 21, 2026

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:

It looks like 18B-503 allows for seizure, but requires a trial or judicial order for destruction. Is that not correct?

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

1 14B NCAC 15C .0404 is readopted as published in 40:07 NCR 631 as follows:

2
3 **14B NCAC 15C .0404 SEIZURE OF SUBSTANDARD WINE**

4 Alcohol law enforcement agents or officers may seize and dispose of Imitation, substandard-imitation, substandard,
5 or misbranded wine offered for sale in violation of the ABC laws may be seized and disposed of laws.

6
7 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-503;*

8 *Eff. January 1, 1982;*

9 *Amended Eff. May 1, 1984;*

10 *Transferred and Recodified from 04 NCAC 02T .0411 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 *Readopted Eff. February 1, 2026.*
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0602

DEADLINE FOR RECEIPT: January 21, 2026

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

On p. 2, line 2, is this referencing a form? If so, are the substantive contents reflected in rule or statute somewhere?

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

1 14B NCAC 15C .0602 is readopted with changes as published in 40:07 NCR 632-633 as follows:

2
3 **14B NCAC 15C .0602 SALES AND PURCHASE RESTRICTIONS: RECORDS**

4 (a) ~~All malt beverages, unfortified wine, and fortified wine intended for sale, delivery, or shipment to retail permittees~~
5 ~~in the wholesaler's designated sales territory shall be delivered by the supplier or its designee to the~~
6 ~~wholesaler.~~ Suppliers, or their designees, shall deliver malt beverages, unfortified wine, and fortified wine, intended
7 for sale, delivery, or shipment to retail permittees, to the wholesaler assigned to the sales territory where the retail
8 permittee is located. The ~~malt beverages, unfortified wine, and fortified wine delivered to the wholesaler shall be~~
9 ~~unloaded~~ unload the alcoholic beverages from the delivery vehicle, placed on the floor of the place the delivery
10 ~~wholesaler's permitted premises so that its~~ where its ~~entire weight is supported by the wholesaler's floor, inventoried,~~
11 ~~inspected, inventory, inspect, and verified~~ verify the delivery for taxes by the wholesaler tax purposes. The provisions
12 of this Paragraph do not apply to products sold, delivered, or shipped pursuant to G.S. 18B-1101(7) or G.S. 18B-
13 1104(a)(8).

14 (b) ~~No wholesaler of malt beverages~~ Malt beverage wholesalers shall not sell malt beverages to ~~any~~ a person who
15 does not hold a retail or wholesale malt beverage permit, and ~~no wholesaler of wine~~ wine wholesalers shall not sell
16 ~~any~~ a fortified wine or unfortified wine to ~~any~~ a person who does not hold ~~the appropriate~~ a retail or wholesale fortified
17 or unfortified wine permit. ~~However, a~~ A wholesaler may furnish or sell wine or malt beverages to the wholesaler's
18 employees ~~for the sole use of the employees pursuant to G.S. 18B-1101(4), 18B-1102(4), or 18B-1104(a)(5).~~ 18B-
19 1107(a)(3) and 18B-1109(a)(3).

20 (c) ~~No retail malt beverage or wine permittee~~ Retail permittees shall purchase malt beverages or wine only from
21 ~~anyone other than~~ a licensed wholesaler.

22 (d) ~~All persons holding retail malt beverage or wine permits~~ Retail permittees selling malt beverages or wine shall
23 ~~keep the sales tickets and delivery receipts furnished by the wholesaler, pursuant to Rule .0502 of this~~
24 ~~Subchapter, required by 14B NCAC 15C .0502 and all other records of purchases of malt beverages and wine. All~~
25 ~~receipts and records required to be retained pursuant to this Paragraph shall be kept separate and apart from all other~~
26 ~~nonalcoholic beverage records. Delivery receipts shall set forth state the terms of sale for each separate per transaction~~
27 ~~between the retailer and the wholesaler and shall include for each separate sale:~~ the following:

- 28 (1) ~~the~~ date of sale;
29 (2) ~~the~~ trade name of the retail establishment;
30 (3) ~~the~~ location of the retail establishment;
31 (4) ~~the~~ quantity of ~~each~~ brand of malt beverages or wine sold;
32 (5) ~~the~~ unit price;
33 (6) ~~the~~ total price;
34 (7) ~~the~~ amount paid; and
35 (8) ~~the~~ invoice or receipt number.

36 (e) The retailer shall ~~keep retain for inspection~~ copies of all sales tickets and delivery receipts available for inspection
37 on the premises for three years.

1 (f) A retail permittee may maintain malt beverage and wine invoices at one location, other than the licensed premises,
2 upon written application to and approval by the ~~Commission~~ Commission at permits@abc.nc.gov. When ~~considering~~
3 reviewing the application, the Commission shall consider the following:

- 4 (1) ~~whether all permits are permits~~ held by the same applicant;
5 (2) ~~whether~~ electronic copies of the invoices will be accessible to law enforcement at the retail location;
6 and
7 (3) ~~whether~~ the permittee agrees to make the original invoices available on the licensed premises to law
8 enforcement within 48 hours of the request by law enforcement.
9

10 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1107; 18B-1109; 18B-1113; 18B-1114;*
11 *Eff. January 1, 1982;*
12 *Amended Eff. July 1, 1992; May 1, 1984;*
13 *Transferred and Recodified from 04 NCAC 02T .0602 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 Eff. August 23, ~~2022~~ 2022;*
17 *Readopted Eff. February 1, 2026.*
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B 15C .0606

DEADLINE FOR RECEIPT: January 21, 2026

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

Lines 7 through 14 are all written with “may”, i.e. the purchaser may request assistance and the wholesaler may provide it. Why is this language necessary?

Generally, “may” does not indicate a rule since rules are defined as “procedure or practice requirements” in G.S. 150B-2(8a). If some other rule or law would ordinarily prohibit this, clarify that. If there is a circumstance where this is required, clarify that. Otherwise, I’m not sure why this is necessary or that it meets the definition of a rule.

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: January 7, 2026

1 14B NCAC 15C .0606 is readopted as published in 40:07 NCR 634 as follows:

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3 **14B NCAC 15C .0606 ~~DRAUGHT~~DRAFT MALT BEVERAGE SALES: ACCESSORIES: DELIVERIES**

4 (a) ~~Delivery to Retailer; Consumer.~~ For each sale of draught beer, the A wholesaler shall transport the beer ~~draft malt~~
5 beverages in kegs to the premises of a licensed retailer. ~~There the~~ The wholesaler shall collect for the sale, and the
6 retailer shall ~~complete and sign his the~~ sales ticket, ~~writing on it~~ ticket and add the name of the purchaser and the
7 delivery address to which the beer is to be delivered for the draft malt beverages. If the purchaser of the ~~draught draft~~
8 malt beverages beer can not transport the ~~beer keg~~ or does not know how to set up and tap the ~~beer keg~~, the purchaser
9 ~~he~~ may request that the wholesaler assist him ~~wholesaler's assistance~~. Upon receiving such a request, a request for
10 assistance, the wholesaler may deliver the ~~beer keg~~ from the retailer's premises to the ~~person and place~~ purchaser and
11 delivery address designated on the sales ticket and may set it up.

12 (b) ~~Assisting Consumer.~~ Upon arrival at At the designated place of delivery, the wholesaler may set up the equipment,
13 tap the ~~keg~~ keg, and test to see that it is working properly the keg is functioning. ~~The wholesaler may pick up his kegs~~
14 ~~and equipment at any time.~~

15 (c) ~~Tapping Accessories.~~ Hand A wholesaler may deliver to a consumer hand pumps, carbon dioxide cylinders, related
16 gauges, tubs, ~~ice ice~~, and cups ~~may be delivered with the kegs by a wholesaler to a consumer kegs~~. Such accessories
17 Accessories may be left with a retailer only upon the filling of an order from a retailer who when the retailer has a
18 specific and current order from a consumer, and either the retailer will deliver or the purchaser will pick up the kegs
19 and accessories are to be delivered by the retailer or picked up by the consumer accessories. ~~Nothing in this~~ This Rule
20 ~~shall be construed to allow~~ does not authorize a wholesaler to loan or rent tubs or tapping accessories to a ~~retailer for~~
21 ~~any period of time.~~ retailer.

22 (d) ~~Keg Deposits.~~ Any deposit charged by a brewer to a wholesaler for a draught malt beverage keg shall be charged
23 ~~to and collected from the retailer upon delivery of the keg to the retailer.~~ If a brewery charges a wholesaler a deposit
24 for a draft malt beverage keg, the wholesaler shall charge and collect the deposit from the retailer when the keg is
25 delivered to the retailer.

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27 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1116;*

28 *Eff. January 1, 1982;*

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

30 *Transferred and Recodified from 04 NCAC 02T .0607 Eff. August 1, 2015;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
32 *2017.*

33 *Readopted Eff. February 1, 2026.*
34
35