

REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15A .1304

DEADLINE FOR RECEIPT: Friday, January 15, 2021

NOTE: This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

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

In (c), line 14, why is "Contractor" capitalized? Is it because the term is defined in Rule 15A .0103?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 31, 2020

1 14B NCAC 15A .1304 is amended as published in 35:6 NCR 664 as follows:

2
3 **14B NCAC 15A .1304 DIRECT SHIPMENTS**

4 (a) A "direct shipment" means a shipment from the distiller or a warehouse of spirituous liquors, or from an antique
5 spirituous liquor ~~seller of antique spirituous liquor, seller,~~ directly to a local board without passing through the State
6 ABC warehouse.

7 (b) ~~Direct~~In addition to direct shipments authorized pursuant to G.S. 18B-800(c2), direct shipments shall be allowed
8 by the Commission in emergency situations when the State ABC warehouse is closed ~~due to natural or other disasters~~
9 or in a situation ~~where~~where, for transportation ~~reasons~~reasons, it is mutually advantageous to local boards, ~~the~~
10 ~~Commission, or boards and~~ the operator of the State ABC warehouse.

11 (c) Direct shipment shall have prior written approval from the Commission. Merchandise authorized to be shipped
12 by direct shipment shall be consigned by the State ABC warehouse to the distiller's account in care of the local board.
13 The local board shall acknowledge receipt of the merchandise on the shipping documents and forward them to the
14 Contractor for processing through the accounting system as though the merchandise were shipped from the State ABC
15 warehouse.

16 (d) Upon compliance with ~~14B NCAC 15A .1403 and obtaining a transportation permit as required by G.S. 18B-403,~~
17 14B NCAC 15A .1403, an antique spirituous liquor seller may deliver antique spirituous liquor listed in its inventory
18 directly to the local board that placed the special order for that inventory.

19
20 *History Note: Authority G.S. 18B-100; 18B-204; 18B-207; 18B-403; 18B-701(a)(1);*

21 *Eff. January 1, 1982;*

22 *Amended Eff. January 1, 2011; May 1, 1984;*

23 *Transferred and Recodified from 04 NCAC 02R .1305 Eff. August 1, 2015;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
25 *2015;*

26 *Amended Eff. February 1, 2021; January 1, 2018.*
27

1 14B NCAC 15A .1305 is adopted as published in 35:6 NCR 664 as follows:

2
3 **14B NCAC 15A .1305 TRANSPORTATION BETWEEN ABC BOARDS**

4 (a) A local board may authorize a distiller representative, brokerage representative, or supplier representative, on its
5 behalf, to transport spirituous liquor owned by the local board to another local board that has purchased, exchanged,
6 or otherwise obtained the spirituous liquor pursuant to Rule 14B NCAC 15A .1301(e). The authorization shall be in
7 writing and shall be accompanied by an invoice for the spirituous liquor being transported.

8 (b) A copy of the authorization to transport the spirituous liquor and the invoice for the spirituous liquor shall be in
9 the possession of the distiller representative, brokerage representative, or supplier representative during the
10 transportation.

11 (c) The transferring local board shall be responsible for any damage, breakage, or theft of the spirituous liquor being
12 transferred until receipt of the delivery is acknowledged in writing by the receiving local board.

13 (d) A copy of the acknowledgement of receipt signed by the receiving local board shall be sent by the receiving local
14 board to the transferring local board together with any applicable payment in accordance with Rule 14B NCAC 15A
15 .1406.

16 (e) A distiller representative, brokerage representative, or supplier representative transporting spirituous liquor
17 pursuant to this Rule shall be exempt from the provisions of G.S. 18B-1115 pursuant to G.S. 18B-1115(g).

18
19 *History Note: Authority G.S. 18B-100; 18B-204; 18B-207, 18B-1115(g);*
20 *Eff. February 1, 2021.*
21

REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15A .1403 and .1407

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 call our office to inquire concerning the staff recommendation.

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

These are two separate rules, so please submit them as separate rules with their own Submission for Permanent Rulemaking forms. For purposes of the forms and introductory statements, Rule .1403 is an amendment, and Rule .1407 is an adoption.

15A .1403:

In the History Note, please insert an Amended Eff. date. The earliest date you can insert is February 1, 2021.

15A .1407:

In (a), current Page 2, line 12, please remove the brackets from "Rule .1403"

In the History Note, retain only the authority line and insert a line directly below it, "Adopted Eff." Do not include the rest of the information on lines 16-21. It is likely that you will work with OAH publications staff to add other language regarding the history of this Rule following RRC approval.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 31, 2020

1 14B NCAC 15A .1403 is amended with changes as published in 35:06 NCAC 664 as follows:

2
3 **14B NCAC 15A .1403 SPECIAL ORDERS**

4 (a) Spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:

5 (1) When requested by a customer, a local board shall request that the Commission consider approval
6 for inclusion on the Special Orders Price List any spirituous liquor brand or container size that is
7 not otherwise approved.

8 (2) The Commission shall consider the local board's request, and approve, in accordance with 14B
9 NCAC 15C .0203 and .0204, any brand or product for special order and the addition to the Special
10 Orders Price List, including the special item case size requirement as ~~required~~ established by the
11 ~~vendor of at least one case vendor.~~

12 (b) When requested by a customer, a local board ~~may~~ shall place an order with the Commission for any ~~product~~ special
13 item case on the Special Orders Price List. ~~All customer orders shall be prepaid by the customer prior to the order~~
14 ~~being placed with the Commission. Any order must meet the minimum order quantity requirements set by the~~
15 ~~Commission. A local board is not required to place an order on behalf of a customer for a quantity less than the case~~
16 ~~size requirement established by the vendor. If a customer desires to purchase a quantity less than the special item case~~
17 ~~size of any product, a local board may purchase any unsold bottles in the special item case for public sale. Any bottles~~
18 ~~purchased by the local board in excess of the quantity ordered by customers shall not be eligible to be sold below the~~
19 ~~uniform price pursuant to Rule 14B NCAC 15A .1702.~~

20 (c) All customer orders shall be prepaid by the customer prior to the order being placed with the Commission.
21 However, a local board may waive the requirement for the customer to prepay for the order if the local board elects to
22 purchase the portion of the special item case in excess of the quantity ordered by the customer.

23 (d) Upon receipt of the special order from the local board, the Commission shall place the order with the vendor for
24 shipment to the State ABC warehouse for delivery to the local board by the State ABC warehouse Contractor with the
25 Contractor's next regularly scheduled shipment to the local board.

26 ~~(d)(c) After completing the special order transaction with the customer, the local board shall report the sale of~~
27 ~~merchandise sold pursuant to this Rule on its next monthly report to the Commission.~~

28 For purposes of this Section and implementation of G.S. 18B-800(c1), the following terms mean:

29 (1) "Special item case" means the vendor's minimum bottle case size for special item products.

30 (2) "Special item list" means Special Order Price List.

31 (3) "Special Order Price List" means the list of spirituous liquor products approved by the Commission
32 for sale in the State that are not available through the State ABC warehouse, but are available by
33 special order in accordance with this Rule and Rule 14B NCAC 15A .1407.

34
35 *History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-800(c); 18B-804; 18B-807; 18B-1001; 18B-*
36 *1002(a)(4);*
37 *Eff. January 1, 1982;*

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02R .1404 Eff. August 1, 2015;

Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of May 31, 2017;

Eff. January 1, 2018 (Codifier approved request from agency to reuse rule number).;

Amended Eff. _____.

[Paragraphs (e) – (j) of 14B NCAC 15A .1403 will be recodified as 14B NCAC 15A .1407.]

14B NCAC 15A .1407 – ANTIQUE SPIRITUOUS LIQUOR SPECIAL ORDERS

~~(e)~~(a) In addition to the provisions set forth in Paragraph (a) of this Rule, ~~[Rule .1402]~~ [Rule .1403] of this Section, antique spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:

- (1) Upon receipt of a request for inclusion of an antique spirituous liquor on the Special Orders Price List from either ~~a local board at the request of the owner of antique spirituous liquor,~~ the owner of antique spirituous liquor, a local board at the request of the owner of antique spirituous liquor, or a mixed beverages permittee, the Commission shall consider the request. ~~Any antique spirituous liquor brand or product approved by the Commission for sale pursuant to 14B NCAC 15C .0203 and .0204 shall be added to the Special Orders Price List. The Commission shall determine the retail price for each product based on the markup formula pursuant to G.S. 18B-804, set up each product in its pricing system, assign code numbers for each product, and notify the local board and the State ABC warehouse of the price and product code number of each product.~~
- (2) The seller of the antique spirituous liquor shall provide to the Commission an inventory of each product to be sold, the seller's selling price per bottle, and a picture or copy of the label of each product legible to the Commission ~~sufficient~~ that allows it to identify the product to be sold.
- (3) Any antique spirituous liquor brand or product approved by the Commission for sale shall be added to the Special Orders Price List, listed by seller. The Commission shall determine the retail price for each product based on the markup formula pursuant to G.S. 18B-804, set up each product in its pricing system, assign code numbers for each product, and notify the local board and the State ABC warehouse of the price and product code number of each product.

~~(f)~~(b) An owner of antique spirituous liquor who ~~desires~~ wants to sell antique spirituous liquor shall obtain a special one-time permit pursuant to G.S. 18B-1002(a)(4) prior to the sale.

~~(g)~~(c) A mixed beverages permittee who wants to order antique spirituous liquor from the Special Orders Price List ~~from a permittee authorized to sell an antique spirituous liquor pursuant to G.S. 18B-1002(a)(4) seller~~ shall first obtain an antique spirituous liquor permit pursuant to G.S. 18B-1001(20).

~~(h)~~(d) When requested by an antique spirituous liquor permittee, a local board shall place an order from ~~the special one-time permittee selling~~ the antique spirituous liquor seller for spirituous liquor on the Special Orders Price list. All

orders shall be prepaid by the antique spirituous liquor permittee to the local board prior to the order being placed with the special one time permittee.

(i)(e) Upon delivery of the antique spirituous liquor to the local board by the ~~special one time permittee~~, antique spirituous liquor seller, the local board shall ~~pay the seller's price to the special one time permittee and~~ notify the antique spirituous liquor permittee the order is available for ~~pick up, pickup~~ and the location where it may be picked up. The local board shall collect payment for the antique spirituous liquor from the antique spirituous liquor permittee at the time of the pickup and shall pay the seller's price to the antique spirituous liquor seller from the proceeds of the sale.

(j)(f) Once the local board has possession of the antique spirituous liquor to be sold, the local board shall notify the Commission and the State ABC ~~warehouse, warehouse~~ and forward the invoice bill of lading for the product to the State ABC warehouse. The State ABC warehouse shall bill the local board for the bailment and bailment surcharge for the product. The local board shall pay the bailment and bailment surcharge to the Commission.

*History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-800(c); 18B-804; 18B-807; 18B-1001; 18B-1002(a)(4);
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02R .1404 Eff. August 1, 2015;
Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of May 31, 2017;
Eff. January 1, 2018 (Codifier approved request from agency to reuse rule number);
Amended Eff. February 1, 2021.*

1 14B NCAC 15A .1706 is repealed as published in 35:06 NCR 666 as follows:

2
3 **14B NCAC 15A .1706 PURCHASE-TRANSPORTATION PERMITS**

4 ~~A copy of all Purchase Transportation Permits shall be maintained by local boards for a period of one year following~~
5 ~~issuance. A copy of all Mixed Beverages Purchase Transportation Permit/Invoice forms shall be retained by the local~~
6 ~~board for a period of at least three years.~~

7
8 *History Note: Authority G.S. 18B-100; 18B-207; 18B-403; 18B-403.1; 18B-404; 18B-807;*

9 *Eff. January 1, 1982;*

10 *Amended Eff. November 1, 2010; July 1, 1992; May 1, 1984;*

11 *Transferred and Recodified from 04 NCAC 02R .1708 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
13 *2015.*

14 *Repealed Eff. February 1, 2021.*
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15A .1801

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 call our office to inquire concerning the staff recommendation.

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

In the Submission for Permanent Rule form, Box 2, the name of the Rule differs from the name on the Rule itself. As I believe you intend to rename the Rule, please update the form to insert the new name. You will not show any changes on the form using strikethroughs or underlines – instead, simply insert the new name.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 31, 2020

1 14B NCAC 15A .1801 is amended as published in 35:06 NCR 666 as follows:

2
3 **SECTION .1800 - PURCHASE-TRANSPORTATION PERMITS FOR INDIVIDUALS AND MIXED**
4 **BEVERAGES PERMITTEES**

5
6 **14B NCAC 15A .1801 PURCHASE-TRANSPORTATION ~~PERMITS: WINE: LIQUOR:~~PERMITS FOR**
7 **WINE AND LIQUOR**

8 (a) ~~Form.~~—The Purchase-Transportation Permit shall be issued ~~on a printed three part form in triplicate~~ and shall
9 specify the following information on the face of the permit:

- 10 (1) the name and location of the ~~store~~ABC store, retail store, or distillery from which the purchase is to
11 be made;
- 12 (2) whether the purchase is for unfortified wine, fortified ~~wine~~wine, or spirituous liquor;
- 13 (3) ~~the~~ destination of the alcoholic ~~beverages~~beverages, including ~~name and the~~ address of ~~location;~~the
14 location and name of business, if applicable;
- 15 (4) ~~the~~ Special Occasions Permit number of a location, if alcoholic beverages are purchased for a special
16 ~~occasion;~~occasion at a non-residence;
- 17 (5) ~~the~~ time and date of commencement and conclusion of ~~the~~ special occasion, if any;
- 18 (6) ~~the~~ quantity and type of alcoholic beverages purchased;
- 19 (7) ~~the signature and printed name of local ABC official;~~ signature and printed name of local ABC official, distillery owner, or designated
20 employee of the owner issuing the permit; and
- 21 (8) ~~the name, address;~~ the name, address, and driver's license number of ~~the~~ purchaser.

22 (b) ~~The form~~ Purchase-Transportation permit shall contain ~~a statement that the following statements:~~

- 23 (1) ~~the~~ The permit is valid for only one purchase ~~transaction~~ on the date shown and shown.
- 24 (2) ~~The permit~~ will expire at 9:30 p.m. on the date of ~~purchase and a further statement that the purchase.~~
- 25 (3) ~~The permit~~ shall accompany the beverages during transport and ~~storage and storage.~~
- 26 (4) ~~The permit shall~~ be exhibited to any law enforcement officer upon request.

27 ~~(b)(c)~~ A local board ~~or distillery~~ issuing a Purchase-Transportation Permit shall retain one copy of the permit in its
28 files for a period of one ~~year and year.~~ For Purchase-Transportation Permits issued by a local board for the purchase
29 of fortified and unfortified wine, the local board shall give the purchaser two copies, copies of the permit, one of which
30 the purchaser shall give the store from which the alcoholic beverages are purchased.

31
32 *History Note: Authority G.S. 18B-100; 18B-207; 18B-403;*

33 *Eff. January 1, 1982;*

34 *Amended Eff. November 1, 2010; July 1, 1992; May 1, 1984;*

35 *Transferred and Recodified from 04 NCAC 02R .1801 Eff. August 1, 2015;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
37 *2015;*

1 *Amended Eff. February 1, 2021.*
2

1 14B NCAC 15A .2103 is repealed as published in 35:06 NCR 666 as follows:

2
3 **14B NCAC 15A .2103 DISTILLERY RECORD-KEEPING**

4 ~~The distillery permittee's electronic records, as required by G.S. 18B-1105(a)(4), shall be available for inspection by~~
5 ~~alcohol law enforcement officers and employees of the Commission at any time an employee of the permittee is~~
6 ~~present on the permitted premises.~~

7
8 *History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-1105;*

9 *Eff. January 1, 2018;*

10 *Repealed Eff. February 1, 2021.*

1 14B NCAC 15A .2104 is adopted as published in 35:06 NCR 666 as follows:

2
3 **14B NCAC 15A .2104 DISTILLERY ISSUED PURCHASE-TRANSPORTATION PERMITS**

4 The owner of a distillery shall designate in writing any employee of the distillery authorized to issue purchase-
5 transportation permits on behalf of the distillery pursuant to G.S. 18B-403(b)(5). The authority shall remain in effect
6 until it is revoked or the employee is no longer employed by the distillery. The authorization shall be acknowledged
7 in writing by the employee. A copy of the authorization and the signed acknowledgement shall be retained by the
8 permittee while the authorization is effective and for one year after the authority is terminated. A copy of the signed
9 authorization shall be made available by the permittee to the Commission and law enforcement officers upon request.

10
11 History Note: Authority G.S. 18B-100; 18B-207; 18B-403;
12 Eff. February 1, 2021.
13

REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0602

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 call our office to inquire concerning the staff recommendation.

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

In (b), line 13, please end the sentence after "permit." Then begin a new sentence, "However, a wholesaler may..."

In (d)(4), line 29, you refer to "alcoholic beverage" but in the rest of the rule, it's "malt beverage or wine" Are these intended to be the same thing? Should the same term be used here?

In (f), Page 2, line 2, I suggest you delete "other" before "location", so it reads "at one location, other than the licensed premises,"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 31, 2020

1 14B NCAC 15C .0602 is amended as published in 35:7 NCR 754 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 wholesaler. The
6 malt beverages, unfortified wine, and fortified wine delivered to the wholesaler shall be unloaded from the delivery
7 vehicle, placed on the floor of the wholesaler's permitted premises so that its entire weight is supported by the floor,
8 inventoried, inspected, and verified for taxes by the wholesaler. The provisions of this Paragraph do not apply to
9 products sold, delivered, or shipped pursuant to G.S. 18B-1101(7) or G.S. 18B-1104(a)(8).

10 ~~(a)(b)~~ No wholesaler of malt beverages shall sell malt beverages to any person who does not hold a retail or wholesale
11 ~~Malt Beverage~~ malt beverage permit, and no wholesaler of wine shall sell any fortified wine or unfortified wine to
12 any person who does not hold the appropriate retail or wholesale ~~Fortified or Unfortified Wine Permit~~ fortified or
13 unfortified wine permit, except, that a wholesaler may furnish or sell wine or malt beverages to ~~his~~ the wholesaler's
14 employees for the sole use of the employees.

15 ~~(b)(c)~~ No retail malt beverage or wine permittee shall purchase ~~these alcoholic beverages~~ malt beverages or wine
16 from anyone other than a licensed wholesaler.

17 ~~(c)~~ ~~No malt beverage wholesaler shall sell, ship, or distribute any brand of malt beverages to any retail permittee~~
18 ~~located outside the territory described in that wholesaler's distribution agreement for the product filed pursuant to G.S.~~
19 ~~18B-1303(a).~~

20 (d) All persons holding retail ~~Malt Beverage or Wine Permits~~ malt beverage or wine permits shall keep the sales
21 tickets and delivery receipts furnished by the wholesaler, pursuant to Rule .0502 of this Subchapter, ~~as well as and~~ and all
22 other records of purchases of malt beverages and ~~wine, filed wine.~~ wine. All receipts and records required to be retained
23 pursuant to this Paragraph shall be kept separate and apart from all other records. Delivery receipts shall set forth
24 terms of sale for each separate transaction between the retailer and the wholesaler and shall include for each separate
25 sale:

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

34 (e) The retailer shall retain for inspection copies of all sales tickets and delivery receipts on the premises for three
35 years.

(f) A retail permittee ~~who operates multiple locations~~ may maintain ~~beer malt beverage~~ and wine invoices at one ~~central location~~ other location, other than the licensed premises, upon written application to and approval by the Commission. When considering the application, the Commission shall consider the following:

(1) whether all permits are held by the same applicant;

(2) whether electronic copies of the invoices will be accessible to law enforcement at the retail location;

and

(3) whether the permittee agrees to make the original invoices available on the licensed premises to law enforcement within 48 hours of the request by law enforcement.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1107; 18B-1109; 18B-1113; 18B-1114; 18B-1303(a);
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0602 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2017;
Amended Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0607

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 call our office to inquire concerning the staff recommendation.

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

On line 4, I take it that since the term is used throughout Subchapter 15C, your regulated public knows what "industry member" means?

Also on line 4, G.S. 18B-109(b) only addresses malt beverages and unfortified wine. So, should this Rule specify "unfortified" in the text?

On line 7, consider replacing the citation with "Rule .0602(a) of this Section,"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 31, 2020

1 14B NCAC 15C .0607 is amended as published in 35:7 NCR 754 as follows:

2
3 **14B NCAC 15C .0607 MALT BEVERAGE AND WINE SHIPMENTS TO MILITARY BASES**

4 No industry member except a wholesaler shall ship malt beverages or wine directly to a United States military or naval
5 reservation within North Carolina. All malt beverages and wine intended for that purpose shall be shipped to
6 ~~wholesalers and these~~wholesalers. These beverages shall come to rest upon the warehouse floor of the
7 ~~wholesalers~~wholesalers, as set forth in 14B NCAC 15C .0602(a), who may then deliver them to United States military
8 or naval reservations within North Carolina.

9
10 *History Note: Authority G.S. 18B-109(b); 18B-100; 18B-207;*

11 *Eff. January 1, 1982;*

12 *Amended Eff. May 1, 1984;*

13 *Transferred and Recodified from 04 NCAC 02T .0609 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. February 1, 2021.*
17