

07 NCAC 13B .1003 is readopted as published in 34:22 NCR 2101-2102 with substantive changes as follows:

07 NCAC 13B .1003 INTOXICATING LIQUORS; ALCOHOLIC BEVERAGES AND CONTROLLED
SUBSTANCE OR BEVERAGES SUBSTANCES

(a) A person shall not ~~possess or consume~~ possess, consume, sell, serve, or attempt to sell or serve any malt beverage, fortified wine, unfortified wine-wine, or spirituous liquor as defined in G.S. 18B-101, within any state ~~park-park, natural~~ [area] area, or recreation area, ~~except at the Chimney Rock Attraction and Chimney Rock Restaurant at the Chimney Rock State Park except:~~

(1) as permitted under a long-term-long-term operating agreement-agreement; and at the Summit Conference Center, Haw River State Park

(2) in designated areas designated in accordance with Paragraph (h) (g) of this [Rule] Rule; and only or

(3) after obtaining a Special Activity Permit from approved by the Director of the Division or his or her designee under Paragraphs (d) through (i) of in accordance with this Rule.

A person shall not ~~possess or consume~~ possess, consume, sell, serve, or attempt to sell or serve any other alcoholic beverage, as defined by G.S. 18B-101, or controlled ~~substance-substance~~, as defined by G.S. 90-87(5) ~~or intoxicating substance~~ within any state ~~park-park, natural~~ [area] area, or recreation area.

(b) A person shall not be or become ~~intoxicated-intoxicated~~, as defined by G.S. 14-443(2), while within any state ~~park~~ park, natural [area] area, or recreation area, including during events approved under a Special Activity Permit.

~~(c) A person shall not sell [sell or serve, or attempt to sell [sell or serve]any malt beverage, fortified wine, unfortified wine or spirituous liquor as defined in G.S. 18B-101, within any state park [park, natural area]or recreation area, except [(1)] pursuant to the terms and conditions of a long-term operating lease from [agreement with]the Division. [Division; (2) in areas designated in accordance with Paragraph (h) of this Rule; or (3) after obtaining a Special Activity Permit approved by the Director of the Division or his or her designee in accordance with this Rule.] A person shall not sell [sell or serve]or attempt to sell [sell or serve]any other [alcoholic beverage, as defined by G.S. 18B-101, or]controlled substance [substance, as defined by G.S. 90-87(5)]or intoxicating substance within any state park [park, natural area]or recreation area.~~

~~(d) (c) Applications-Requests~~ for a Special Activity Permit authorizing the ~~possession or consumption-possession, consumption, sale or service~~ of any malt beverage, fortified wine, unfortified wine-wine, or spirituous liquor as defined in G.S. 18B-101, shall be made ~~by a Special Activity Permit request in writing~~ to the Director of the Division or his or her designee, not less than 14 days prior to the date(s) of the intended use.

~~(e) (d)~~ The written request shall state-state:

(1) the period of time and the area from-for which the use is requested;

(2) the number of persons expected to be in attendance;

(3) the type of activity and the type and amounts of malt beverage, fortified wine, unfortified wine-wine, or spirituous liquor involved;

(4) documentation of any and all permitting required by the North Carolina Alcoholic Beverage Control Commission; and

(5) the name and address of the individual, organization or group seeking permission to use any portion of any state ~~park-park~~, natural [area] area, or recreational area for the ~~possession or consumption~~ possession, consumption, [sale] sale, or service of any malt beverage, fortified wine, unfortified wine, or spirituous liquor, listing liquor; and, for organizations and groups requesting permission, the name and address of the requestor or its president, vice president(s), secretary and treasurer or its principal chief executive officer or officers, its directors, if any, and such other pertinent information as may be required by the Director of the Division, or his or her designee, sufficient to identify the organization submitting the request and the individuals principally engaged in the conduct of its affairs authorized representative, such as the president or chief executive officer of the organization or group.

(f) (e) The Special Activity Permit shall specify the hours of permitted use, type of malt beverage, fortified wine, unfortified wine, or spirituous liquor, the total amounts to be brought into the ~~Park-state park~~, natural [area] area, or recreation area, and the maximum number of attendees, the area where alcohol is permitted in accordance with Paragraph (g) of this Rule, and any additional conditions specified by the Director or his or her designee which are consistent with the purposes and management of the State Park System, as defined in G.S. 143B-135.42.

(g) (f) If the Director of the Division or his or her designee concludes that the requested use will not hinder or impede any regularly established use of the ~~Haw River State Park and Chimney Rock State Park-state park~~, natural [area] area, or recreation area where the use is [requested] requested, is compliant with Paragraph (g) of this Rule, and will not adversely affect or threaten their care, protection or maintenance or create a nuisance by such use, is consistent with the protection of the natural resources, facilities, and public enjoyment of the State Park System, he or she shall grant permission to use the state ~~park-park~~, natural [area] area, or recreation area specified in the request or long term [long-term] operating lease [agreement] submitted in accordance with this Rule. If the Director or his or her designee shall determine otherwise, he or she shall deny the request.

(h) (g) The Director of the Division or his or her designee shall designate ~~appropriate areas and occasions in the designated parks under this Rule, suitable for possession or consumption where possession, consumption sale or service~~ of malt beverages, fortified wine, unfortified wine, or spirituous liquor, as defined in G.S. 18B-101.G.S. 18B-101, is allowed. Such areas and occasions shall may be limited so as not to interfere, or cause user conflicts, conflicts with other organizations, groups or individuals also visiting the state park but not requesting the Special Activity Permit. Examples of appropriate areas include meeting rooms, restaurants, cafeterias, lodging rooms and other similar areas in which user conflicts are minimized. Examples of permitted occasions include receptions, weddings and retreats, ~~park~~, natural [area] area, or recreation area.

(i) (h) The applicant for a Special Activity Permit shall comply with all state or local laws, rules or ordinances related to the ~~possession or consumption of any malt beverage, fortified wine or unfortified wine, as defined in G.S. 18B-101.~~ Violation of the terms and conditions of a Special Activity Permit issued in accordance with this Rule is prohibited and shall result in revocation of the permit by the Director of the Division or his or her designee.

History Note: Authority G.S. 143B-135.16;

1 *Eff. February 1, 1976;*
2 *Amended Eff. January 1, 1983; June 1, 1981;*
3 *Legislative Objection Lodged Eff. March 22, 1983;*
4 *Amended Eff. May 1, 2010;*
5 *Transferred from 15A NCAC 12B .1003 Eff. April 1, 2017;*
6 *Readopted Eff. September 1, 2020.*