

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, December 7, 2018

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

Please include effective date information for all Rules.

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2018

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15A .2301

DEADLINE FOR RECEIPT: Friday, December 7, 2018

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

In Item (1), can you provide some examples of a national or international beer or wine judging program to give some guidance as to what kind of programs would be acceptable?

In Item (5), to whom are these relations referring? Is it the spouse, lineal descendant, ancestor, sibling, etc. of the homemaker?

In Item (7), delete "personal" in "that person's personal guest"

In (10)(c), please delete or define "complete"

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2018

1 14B NCAC 15A .2301 is adopted with changes as published in 33:05 NCAC 500 as follows:

2
3 **SECTION .2300 – HOMEMADE WINE AND MALT BEVERAGE EVENTS**

4
5 **14B NCAC 15A .2301 ~~HOMEMADE WINE AND MALT BEVERAGE EVENTS~~ DEFINITIONS**

6 As used in this Section:

- 7 (1) “Competition” means, as the term is used in G.S. 18B-306, a gathering or activity organized by
8 homemakers at which homemade product is entered to be judged, that is either:
9 (a) sanctioned by a national or international beer or wine judging program; or
10 (b) judged by individuals of whom at least 50% are currently certified as judges by a national
11 or international beer or wine judging program.
- 12 (2) “Contest” means, as the term is used in G.S. 18B-306, a gathering or activity organized by a
13 homemaker club at which homemade product of members of the club is entered to be judged.
- 14 (3) “Exhibition” means, as the term is used in G.S. 18B-306, a gathering or activity at which homemade
15 product produced by multiple homemakers is displayed or shown but is not consumed or judged.
- 16 (4) “Event” includes an organized affair, exhibition, or competition.
- 17 (5) “Family” means a spouse, lineal descendant, ancestor, sibling, spouse's lineal descendant, spouse's
18 ancestor, spouse's sibling, and the spouse of any of these individuals.
- 19 (6) “General public” means any individual not a homemaker, a homemaker’s family, or a guest.
- 20 (7) “Guest” means an individual known to the homemaker or the homemaker’s family who is invited
21 to the event by direct contact, including in person or by telephone, mail, or electronic mail, between
22 the individual and the homemaker or the homemaker’s family, and that person’s personal guest.
- 23 (8) “Homemade product” means wine or malt beverages produced pursuant to G.S. 18B-306.
- 24 (9) “Homemaker” means a person who makes homemade product.
- 25 (10) “Homemaker club” means an organization devoted to homemade product that:
26 (a) has a defined membership with a stated common purpose;
27 (b) ~~levies an annual membership fee, separate from any admission or cover charge, that shall~~
28 ~~be collected from each member whose dues shall not be more than 30 days past due;~~
29 (c) has a written policy for granting membership that includes a written application submitted
30 by each ~~member;~~ member, both of which may be produced or maintained electronically;
31 and
32 ~~(d)(c)~~ maintains a list of all active members and their complete addresses that is present at all
33 organized affairs of the club and is open to inspection by alcohol law-enforcement agents
34 upon request.
- 35 (11) “Organized affair” means, as the term is used in G.S. 18B-306, a gathering or activity, other than a
36 competition or exhibition, organized in whole or part by homemakers that includes as one of its
37 purposes tasting or judging of homemade product. An organized affair includes meetings of a

homemaker club, and a home product production educational meeting that meets the requirements of Rule .2305 of this Section, if tasting of homemade product is included as part of the meeting.

- (12) “Tasting” means, as the term is used in G.S. 18B-306, a gathering or activity at which samples of one or more home products are given for immediate consumption by a homemaker to another homemaker, that homemaker’s family, or that homemaker’s guest or to registered attendees at a home product production education meeting in accordance with the requirements of Rule .2305 of this Section.

History Note: Authority G.S. 18B-100; 18B-207; 18B-306;

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AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15A .2302

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In (a) and (c)(3), who are considered to be the stewards? In addition to the judges, would this be set by the competition organizer? If so, I think it's fine, I just want to be sure that I understand.

In (b)(4) and (c)(4), please consider changing "and" to "provided" in "... competition, and the homemade..."

In (b)(4) and (c)(4), I assume that your regulated public knows how to make a product "unsuitable for, or incapable of" consumption?

In (d), did you intend to include an allowance to charge a registration fee for entry into the competition by the homemaker? Perhaps I have missed it, but .2307(c) speaks to exhibitions, not competitions.

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2018

1 14B NCAC 15A .2302 is adopted with changes as published in 33:05 NCAC 500 as follows:

2
3 **14B NCAC 15A .2302 COMPETITIONS**

4 (a) Consumption of homemade products at a competition, other than at a private residence, shall be limited to judges
5 and stewards of the competition, as defined by a national or international beer or wine judging program, who are
6 identified in advance of the ~~competition~~, competition by the competition organizer. Judges may enter their homemade
7 product in competitions in which they judge provided they do not judge any competition category in which they have
8 entries. A competition may be limited to invitees or open to the general public, except as prohibited in ~~Paragraph (d)~~
9 Paragraph (c) of this Rule.

10 (b) A competition may be held on a premise holding a retail ABC permit if the following conditions are met:

- 11 (1) the competition shall be segregated from the remainder of the premises in a separate ~~room~~ space
12 with closable ~~doors~~ doors, or by a barrier that may include curtains, partitions or other structures,
13 that separates the competition area and makes the competition not visible from the portion of the
14 premises where food or beverages are served to the general public during the time of the event;
15 (2) no homemade product shall be consumed outside of the homemade product consumption area
16 designated pursuant to Subparagraph (1) of this Paragraph during the times any portion of the retail
17 premises is open to the general public;
18 (3) the retail permittee shall only provide or offer commercial alcoholic products to participants in the
19 competition at the same rate and method as offered to the general public at any other times of that
20 business day that the permittee is authorized to sell; and
21 (4) homemade product for the competition shall not be stored on permitted premises for more than 48
22 hours prior to the competition, and the homemade product is sealed, labeled as "homemade product
23 for competition entry," and segregated from other alcoholic beverages located on the premises. No
24 homemade product shall remain on the permitted premises the day after the conclusion of the
25 competition. All containers of homemade product left on the permitted premises contrary to the
26 provisions of this Rule shall be disposed of by the permittee or the permittee's employee by making
27 the homemade product unsuitable for, or incapable of, being consumed.

28 (c) A competition may be held on a premise holding a commercial ABC permit if the following conditions are met:

- 29 (1) the area for consumption of homemade product during a competition shall only be in the ~~non-~~
30 ~~production portions~~ areas of the permitted premises, premises without active production;
31 (2) the competition shall only be held on those portions of permitted premises that are not open to the
32 public;
33 (3) no homemade product shall be consumed on the commercial permitted premises, except for
34 ~~judges~~, judges and stewards, during the times any portion of the commercial premises is open to the
35 general public; and
36 (4) homemade product for the competition shall not be stored on permitted commercial premises for
37 more than 30 days prior to the competition, and the homemade product is sealed, labeled as

1 “homemade product for competition entry,” stored only in post-production areas that may also
2 contained sealed alcoholic beverages produced by the commercial permittee, and segregated from
3 other alcoholic beverages located on the premises. No homemade product shall remain on the
4 permitted premises the day after the conclusion of the competition. All containers of homemade
5 product left on the permitted premises contrary to the provisions of this Rule shall be disposed of
6 by the permittee or the permittee’s employee by making the homemade product unsuitable for, or
7 incapable of, being consumed.

8 (d) Cash prizes may be paid to entrants in a competition from the registration fees collected so long as not all
9 homemakers participating in the event share in the proceeds from the registration fees.

10
11 *History Note: Authority G.S. 18B-100; 18B-207; 18B-306;*
12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15A .2303

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Just as a curiosity question, I assume that there are no limitations on exhibitions, except that it cannot be held at a private residence? Is this because there is no consumption at exhibitions?

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2018

1 14B NCAC 15A .2303 is adopted as published in 33:05 NCAC 500 as follows:

2
3 **14B NCAC 15A .2303 EXHIBITIONS**

4 (a) An exhibition may be open to the general public.

5 (b) An exhibition shall not be held at a private residence.

6
7 *History Note: Authority G.S. 18B-100; 18B-207; 18B-306;*
8

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15A .2304

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In (a), I'm a bit confused by the reference to an "entrance fee" here and the cross-reference to .2305. I don't read .2305 to allow for admission fees, it speaks to dues of the club, I read those at two different things. Would it be accurate to end the sentence at "no admission fee is charged."

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2018

1 14B NCAC 15A .2304 is adopted as published in 33:05 NCAC 500 as follows:

2
3 **14B NCAC 15A .2304 ORGANIZED AFFAIRS**

4 (a) Homemade product may be consumed at organized affairs provided that, if the affair is a contest, it is not
5 sanctioned by a national or international beer or wine judging program and no admission fee is charged to attend,
6 except as authorized pursuant to Rule .2305 of this Section. Consumption at organized affairs shall be limited to
7 homemakers, their families, and their guests.

8 (b) All judges of a contest shall be members of the homemaker club or their guests. Prizes shall not be awarded as a
9 result of the contest, but homemakers may be recognized for their homemade products.

10 (c) An organized affair may be held on a premise holding a retail ABC permit if the following conditions are met:

11 (1) the area for consumption of homemade product during an organized affair shall be segregated from
12 the portion of the premises open to the general public during the time of the event by vertical
13 boundaries that separate the private event from areas open for public consumption;

14 (2) no homemade product shall be consumed outside of the homemade product consumption area
15 designated pursuant to Subparagraph (1) of this Paragraph during the times any portion of the retail
16 premises is open to the general public;

17 (3) the retail permittee may sell or offer commercial alcoholic products the permittee is authorized to
18 sell to persons attending the organized affair on the retail permittee's premises, provided that all
19 alcoholic beverages offered to participants in the organized affair shall be at the same price and
20 method as offered to the general public at any other times of that business day; and

21 (4) for an organized affair, homemade product may be stored on permitted premises for no more than
22 48 hours prior to the organized affair, provided that the homemade product shall be sealed, labeled
23 as "homemade product for contest entry," and segregated from other alcoholic beverages located on
24 the premises. No homemade product shall remain on the permitted premises the day after the
25 conclusion of the organized affair. All containers of homemade product left on the permitted
26 premises contrary to the provisions of this Rule shall be disposed of by the permittee or the
27 permittee's employee, by making the homemade product unsuitable for, or incapable of, being
28 consumed.

29 (d) An organized affair may not be held on a premise holding a commercial ABC permit.

30 (e) There shall be no admission or entrance fee charged for an organized affair occurring at a private residence.

31
32 History Note: Authority G.S. 18B-100; 18B-207; 18B-306;

1 14B NCAC 15A .2305 is adopted with changes as published in 33:05 NCAC 500 as follows:

2
3 **14B NCAC 15A .2305 HOME PRODUCT PRODUCTION EDUCATION MEETING**

4 A home product production education meeting shall be an organized affair ~~open only to dues paying members~~ of a
5 state, regional, national, or international homemade beer or wine organization that requires payment of dues for
6 membership, that includes programs to educate and inform homemakers concerning the production of homemade
7 products. Registration may be charged to participate in the educational portions of the program. In addition to
8 educational programs, the home product production education meeting may include homemade product tastings by
9 registered attendees of homemade product brought to the meeting by registered attendees. Commercial alcoholic
10 products may be sold or offered at home product education meetings by a retail permittee, in addition to home
11 products, provided that all commercial alcoholic products offered by the retail permittee to participants at the meeting
12 shall be at the same price and method as offered to the general public at any other times of that business day.

13
14 History Note: Authority G.S. 18B-100; 18B-207; 18B-306;

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AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15A .2306

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Regarding the formatting of this Rule, on line 16, was the intention to create a new paragraph for "Only a homemaker shall deliver that person's homemade product to the location of an event"?

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2018

1 14B NCAC 15A .2306 is adopted with changes as published in 33:05 NCAC 500 as follows:

2
3 **14B NCAC 15A .2306 POSSESSION, CONSUMPTION, TRANSPORTATION, AND DISPOSITION OF**
4 **HOMEMADE PRODUCT**

5 (a) Possession and consumption of homemade product shall be limited to persons who are 21 years of age or older.
6 Homemade product shall not be offered, given to, or consumed by the general public.

7 (b) Except as limited by this Section, events may be held at locations where possession and consumption of malt
8 beverages and unfortified wine are otherwise authorized by law.

9 (c) Homemade product shall remain in possession of the homemaker, except:

10 (1) at an exhibition; ~~or~~

11 (2) when the homemade product is under the control of a retail permittee or a commercial permittee in
12 accordance with Rules .2302 and .2304 of this ~~Section~~ Section; or

13 (3) when transfer of possession is acknowledged and custody, control and liability is assumed in writing
14 by an individual acting on behalf of the organizer or sponsor of a competition held in accordance
15 with Rule .2302 of this Section.

16 Only a homemaker shall deliver that person's homemade product to the location of an event.

17 (d) A homemaker may transport quantities of homemade product up to the limits set forth in G.S. 18B-303(a),
18 provided that the maximum aggregate amount of all homemade product transported by an individual homemaker at
19 any one time for any one event shall not exceed 80 liters.

20 (e) All containers of homemade product remaining on non-permitted premises after the conclusion of an event, other
21 than events held at a private residence, shall be removed from the premises or the contents of the container shall be
22 disposed of by being made unsuitable for, or incapable of, being consumed at the conclusion of the event.

23
24 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-306;
25

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15A .2307

DEADLINE FOR RECEIPT: Friday, December 7, 2018

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I'm a bit confused regarding the fees here and when they are allowable. I read (a) to say that no fees can be charged at any time to people are coming to contests to consume the product. Would this only be applicable to organized affair (.2304) (since exhibitions doesn't allow any consumption and consumption at competitions is only allowed by judges and stewards)? (b) is only applicable to competitions (.2302). Then (c) is only applicable to exhibitions (.2303) and (d) only applicable to education meetings (.2306)? Please review and clarify. I'm thinking that this was separated out because of pre-review notes, but would it make more sense to put in fee information in each rule for clarity purposes?

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

Amber May
Commission Counsel
Date submitted to agency: November 28, 2018

1 14B NCAC 15A .2307 is adopted with changes as published in 33:05 NCAC 500 as follows:

2
3 **14B NCAC 15A .2307 ~~ADMISSION~~ALLOWABLE FEES**

4
5 (a) No admission fee shall be charged to persons consuming homemade product.

6 (b) ~~An admission or entrance fee~~ A fee required to enter into the site of a competition may be charged for a
7 competition, except that no fees shall be charged for a competition occurring at a private residence.

8 (c) An admission or entrance fee may be charged by the organizer of an exhibition.

9 (d) A registration or entry fee may be charged to ~~homemakers participating~~ a homemaker for entering a homemade
10 product to be judged in a competition, or for participating in a home product production education meeting.

11
12 History Note: Authority G.S. 18B-100; 18B-207; 18B-306;