

RULES REVIEW COMMISSION

G.S. 150B-19.1 CERTIFICATION

Instructions for completing and submitting the application for Rules Review Commission certification of compliance with the provisions of G.S. 150B-19.1 prior to publishing a notice of text:

- Complete and print out the certification form
- Sign (or have appropriate person sign) the form
- Scan the form, a dated copy of the proposed rule, and copies of any necessary attachments
- Email the scanned document(s) as an attachment to the email to: oah.rules@oah.nc.gov
- An automatically generated email will be sent indicating receipt of the email

Rule-making Agency: N.C. Board of Agriculture	
Rule Citation(s): 02 NCAC 20B .0413	
(1a) What is the authority for this rule? (attach a copy of any federal authority or state authority that is not in the current edition of the NCGS) G.S. 106-503	
(1b) Why is this rule necessary to serve the public interest? This rule is necessary in order to clearly define the parameters for alcohol sale, use, and consumption on State Fair property. This would include the annual NC State Fair, the annual Got to be NC Festival, as well as all contracted events on State Fair property throughout the year.	
(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? The rule, as amended, states the parameters for alcohol sale, use and consumption on State Fair Property and points to state alcoholic beverage laws and regulations already in place.	
(3) Why is the rule reasonably necessary to implement or interpret federal or state law? This rule is necessary to implement G.S. 106-503 directing the Board of Agriculture to "make such rules and regulations as it may deem necessary for the holding and conducting of said fair and other projects, and/or lease said fair properties so as to provide a State fair."	
(4a) Are there existing rules adopted by the agency related to this specific purpose? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," provide citation: 02 NCAC 20B .0413	
(4b) If "yes," did the agency consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which this rule is proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(5) If appropriate, is this rule based on sound, reasonably available scientific, technical, economic, and other relevant information? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable If "yes," include a reference to the information to be included in the Notice of Text:	
(6) How is the rule designed to achieve the regulatory objective in a cost-effective and timely manner? This rule does not conflict with current state alcoholic beverage laws and regulations and provides no extra burdens to fair-goers or those who attend events held at the State Fair.	
AGENCY CERTIFICATION	RRC CERTIFICATION

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The agency adhered to the principles in G.S. 150B-19.1 in developing and drafting the rule.

Signature: Christina L. Waggett

Typed Name: Christina L. Waggett

Title: Rulemaking Coordinator

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The Rules Review Commission certifies that the agency adhered to the principles in G.S. 150B-19.1.

By: _____

Date:

Counsel Note

Your agency submitted a rule for certification for publication pursuant to G.S. 150B-19.1. The Commission has not met and has not made a decision regarding this request.

In reviewing the rule submitted by your agency for certification, Counsel has noted the following, and recommends changing the rule as set forth below.

These are not required changes for approval pursuant to G.S. 150B-19.1. Do not submit a rewritten rule to address the requests set forth below. This is intended to assist you in preparing the rules for publication in the N.C. Register. Therefore, if you make these changes, please format them as required by 26 NCAC Subchapter 02C.

Rule Citation: 02 NCAC 20B .0413

Agency: Board of Agriculture

I see this Rule as having two Paragraphs. Paragraph (a) would be the first sentence and (b) would be the second sentence.

In both places (lines 12 and 13), replace "must" with "shall."

On line 13, do you want to give a citation to the laws and rules?

*I'd rewrite the last sentence thusly (changes from the original submission are highlighted for ease of review): "The sampling **or** sale of **alcoholic beverages** at an event on the State Fair property **shall require** prior approval by the State Fair Manager or his **or her** designee."*

What standards will be used by the State Fair Manager or designee in granting approval?

I want to make sure I understand the effect of this amendment correctly - now the sale or sample of alcoholic beverages can be permitted year round at the fairgrounds, including during the State Fair?

6/5/14

1 02 NCAC 20B .0413 is proposed for amendment as follows:

2

3 **02 NCAC 20B .0413 ALCOHOLIC BEVERAGES**

4 ~~(a) A person shall not sell, offer for sale, or possess for the purpose of sale, any alcoholic beverage on State Fair property,~~
5 ~~except as permitted under this Rule.~~

6 ~~(b) A person shall not possess or consume any alcoholic beverage at ticketed, commercial events that are open to the public~~
7 ~~on State Fair property except as permitted under this Rule.~~

8 ~~(c) Except during the annual State Fair, beer and unfortified wine may be sold and consumed at the Gov. James B. Hunt, Jr.~~
9 ~~Horse Complex, subject to state alcoholic beverage control laws and regulations.~~

10 ~~(d) Except during the annual State Fair, beer may be sold and consumed at Dorton Arena in connection with professional~~
11 ~~sporting events, subject to state alcoholic beverage control laws and regulations.~~

12 The possession, sale or consumption of any alcoholic beverage must be in compliance with the state alcoholic beverage
13 control laws and regulations. The sampling and sale of an alcoholic beverage at an event on State Fair property must have
14 prior approval of the State Fair Manager or his designee.

15

16 *History Note: Authority G.S. 106-503;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. October 1, 1993; December 1, 1991; January 1, 1991; October 1, 1989.*