

## REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Agriculture

RULE CITATION: 02 NCAC 20B .0413

**DEADLINE FOR RECEIPT: Friday, October 10, 2014**

**NOTE WELL:** *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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 12, add a comma after "sale"*

*Line 13, delete "and regulations found" and replace with "set forth"*

*Line 13, add "and rules set forth in 04 NCAC 02."*

*For Paragraph (b), more information should be added to this rule, such as how to you apply for the "prior approval", is there a deadline for the request, and what information is required? As written, this Rule fails to provide proper notice to the regulated public about the requirements of the agency to allow the sampling or sale of alcoholic beverages. Please clarify.*

*Line 17, is this the only statutory authority?*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Friday, September 26, 2014

02 NCAC 20B .0413 is proposed for amendment as published in 29:02 NCR 106 as follows:

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

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

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

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

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

(a) The possession, sale or consumption of any alcoholic beverage shall be in compliance with the state alcoholic beverage control laws and regulations found in G.S. 18B.

(b) 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.

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

*Eff. February 1, 1976;*

*Amended Eff. November 1, 2014; October 1, 1993; December 1, 1991; January 1, 1991; October 1, 1989.*