

02 NCAC 20B .0413 is proposed for amendment with changes 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 sale, or consumption of any alcoholic beverage shall be in compliance with the state alcoholic beverage control laws and regulations found set forth in G.S. 18B. 18B and rules set forth in 04 NCAC 02.

(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. designee in negotiation and at the time of the signing of the contract to rent the premises. In making this determination, the State Fair Manager shall consider the following factors:

- (1) the nature of the event;
- (2) the time of the event;
- (3) the number of attendees at the event;
- (4) the age of the attendees at the event;
- (5) prior history of the event;
- (6) other events on State Fair property at that time;
- (7) security needed and available at the time of the event; and
- (8) the health, safety and welfare of all patrons on State Fair property.

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.



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

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1711 New Hope Church Rd
Raleigh, NC 27609-6285

October 16, 2014

Christine L. Waggett
Rulemaking Coordinator
North Carolina Board of Agriculture
1001 Mail Service Center
Raleigh, NC 27699-1001

Re: 02 NCAC 20 .0413

Dear Ms. Waggett:

At its October 16, 2014 meeting, the Rules Review Commission extended the period of review on the above-captioned rule in accordance with G.S. 150B-21.13. The Commission extended the period of review to allow the North Carolina Board of Agriculture additional time to review staff's Request for Technical Changes.

If you have any questions regarding the Commission's action, please do not hesitate to contact me directly at (919) 431-3076.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
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From: [Waggett, Christina](#)
To: [Hammond, Abigail M](#)
Subject: 02 NCAC 20B .0413
Date: Tuesday, October 07, 2014 11:09:20 AM

Abby,

We would like to extend the period of review for this rule in order to adequately address the technical changes.

Thank you!
Chrissy

Chrissy Waggett | Federal Liaison | NC Department of Agriculture and Consumer Services |
1001 MSC, Raleigh, NC 27699 | 919-707-3008 (direct) |

[NC Department of Agriculture](#); [NC Friends of Agriculture Foundation](#); [Commissioner's Food Safety Forum](#); [NC Ag Development Forum](#)

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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

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~~(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.