

1 14B NCAC 15A .1303 is amended with changes as published in 32:05 NCR 289 as follows:

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3 **14B NCAC 15A .1303 TRANSPORTATION FROM STATE ABC WAREHOUSE**

4 Except as **specifically** authorized by statute or the rules of the Commission, no spirituous liquors or antique spirituous  
5 liquors shall be transported within, into, or through this State for delivery to a local ~~ABC store or~~ board except from  
6 the ~~state~~-State ABC warehouse.

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8 *History Note: Authority G.S. 18B-100; 18B-101; ~~18B-204(a)~~; 18B-207; ~~18B-701(1); 18B-701(a)(1)~~; 18B-1001;*  
9 *Eff. January 1, 1982;*

10 *Amended Eff. May 1, 1984;*

11 *Transferred and Recodified from 04 NCAC 02R .1304 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
13 *2015;*

14 *Amended Eff. January 1, 2018.*

1 14B NCAC 15A .1402 is amended with changes as published in 32:05 NCR 289 as follows:

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3 **14B NCAC 15A .1402 PERMIT REQUIRED TO SELL ALCOHOLIC BEVERAGES**

4 No purchase of any spirituous ~~liquor~~ liquor, antique spirituous liquor, or fortified wine for resale in ABC stores shall  
5 be made by any local board from any person that does not hold a permit from the Commission authorizing the sale of  
6 those beverages to the local ~~boards, except that approved brands of taxpaid liquor boards.~~ boards. However, brands approved  
7 for sale in North Carolina on which all taxes have been paid may be purchased for resale ~~from the board of county~~  
8 ~~commissioners of any county [pursuant to] in~~ a sale ordered pursuant to [G.S. 18B-503] for an amount not to exceed  
9 the usual wholesale price of the liquor when liquor has been confiscated for a violation of the ABC laws. G.S. 18B-  
10 503. A local board shall purchase fortified wine only from a North Carolina wholesaler who ~~has been issued a~~ holds  
11 an active wine wholesaler permit.

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13 *History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-304(a); 18B-503(e); 18B-1107(a)(2);*

14 *Eff. January 1, 1982;*

15 *Amended Eff. July 1, 1992; May 1, 1984;*

16 *Transferred and Recodified from 04 NCAC 02R .1402 Eff. August 1, 2015;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
18 *2015;*

19 *Amended Eff. January 1, 2018.*

1 14B NCAC 15A .1403 adopted with changes as published in 32:05 NCR 289 as follows:

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3 **14B NCAC 15A .1403 SPECIAL ORDERS**

4 (a) Spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:

5 (1) When requested by a customer, a local board shall request that the Commission consider approval  
6 for inclusion on the Special Orders Price List any spirituous liquor brand or container size that is  
7 not otherwise approved. The Commission shall approve for special order brands of spirituous liquor  
8 not otherwise on the spirituous liquor product list of approved brands pursuant to 14B NCAC 15C  
9 .0203 and .0204, including container sizes not on the approved list.

10 (2) ~~When requested by a customer, a local board shall request that the Commission consider approval~~  
11 ~~for inclusion on the Special Orders Price List any spirituous liquor brand or container size, not~~  
12 ~~otherwise approved. The Commission shall consider the request and add any brand or product~~  
13 ~~approved for sale pursuant to 14B NCAC 15C .0203 and .0204 to the Special Orders Price List,~~  
14 ~~local board's request, and approve, in accordance with 14B NCAC 15C .0203 and .0204, any brand~~  
15 ~~or product for special order and the addition to the Special Orders Price List, including the minimum~~  
16 ~~order size requirement as required by the vendor of at least one case.~~

17 (b) When requested by a customer, a local board may place an order with the Commission for any product on the  
18 Special Orders Price ~~list~~-List. All customer orders shall be prepaid by the customer prior to the order being placed  
19 with the Commission. Any order must meet the minimum order quantity requirements set by the Commission.

20 (c) Upon receipt of the special order from the local board, the Commission shall place the order with the vendor for  
21 shipment to the State ABC warehouse for delivery to the local board by the State ABC warehouse with the next  
22 regularly scheduled shipment to the local board.

23 (d) After completing the special order transaction with the customer, the local board shall report the sale of  
24 merchandise sold pursuant to this Rule on its next monthly report to the Commission.

25 ~~(c)~~ In addition to the provisions set forth in Paragraph (a) of this Rule, antique spirituous liquor products shall be  
26 approved for purchase from the Special Orders Price List as follows:

27 (1) Upon receipt of a request for inclusion of an antique spirituous liquor on the Special Orders Price  
28 List from either a local board at the request of the owner of antique spirituous liquor, the owner of  
29 antique spirituous liquor, or a mixed beverages permittee, the Commission shall consider the  
30 request. Any antique spirituous liquor brand or product approved by the Commission for sale  
31 pursuant to 14B NCAC 15C .0203 and .0204 shall be added to the Special Orders Price List. The  
32 Commission shall determine the retail price for each product based on the markup formula pursuant  
33 to G.S. 18B-804, set up each product in its pricing system, assign code numbers for each product,  
34 and notify the local board and the State ABC warehouse of the price and product code number of  
35 each product.

1 (2) The seller of the antique spirituous liquor shall provide to the Commission an inventory of each  
2 product to be sold, the seller's selling price per bottle, and a ~~legible~~ picture or copy of the label of  
3 each product legible to the Commission sufficient to identify the product to be sold.

4 ~~(e)(f)~~ An owner of antique spirituous liquor who desires to sell antique spirituous liquor shall obtain a ~~Special One-~~  
5 ~~Time~~special one-time permit pursuant to G.S. 18B-1002(a)(4) prior to the sale.

6 ~~(h)(g)~~ A mixed beverages permittee who wants to order antique spirituous liquor from the Special Orders Price List  
7 from a permittee authorized to sell antique spirituous liquor pursuant to G.S. 18B-1002(a)(4) shall first obtain an  
8 antique spirituous liquor permit pursuant to G.S. 18B-1001(20).

9 ~~(i)(h)~~ When requested by an antique spirituous liquor permittee, a local board shall place an order from the ~~Special~~  
10 ~~One-Time~~special one-time permittee selling the antique spirituous liquor on the Special Orders Price list. All orders  
11 shall be prepaid by the antique spirituous liquor permittee to the local board prior to the order being placed with the  
12 ~~Special One-Time~~special one-time-permittee.

13 ~~(j)(i)~~ Upon delivery of the antique spirituous liquor to the local board by the ~~Special One-Time~~special one-time  
14 permittee, the local board shall pay the seller's price to the ~~Special One-Time~~special one-time permittee and notify  
15 the antique spirituous liquor permittee the order is available for ~~pick-up~~pick up, and the location where it may be  
16 picked up.

17 ~~(k)(j)~~ Once the local board has possession of the antique spirituous liquor to be sold, the local board shall notify the  
18 Commission and the State ABC warehouse, and forward the invoice bill of lading for the product to the State ABC  
19 warehouse. The State ABC warehouse shall bill the local board for the bailment and bailment surcharge for the  
20 product. The local board shall pay the bailment and bailment surcharge to the Commission.

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22 *History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-800(c); 18B-804; 18B-807; 18B-1001; 18B-*  
23 *1002(a)(4);*  
24 *Eff. January 1, 2018.*

1 14B NCAC 15A .1901 is amended as published in 32:05 NCR 289 as follows:

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3 **SECTION .1900 - SALES OF LIQUOR TO MIXED BEVERAGES PERMITTEES**

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5 **14B NCAC 15A .1901 MIXED BEVERAGES TAX STAMP**

6 (a) Prior to the sale of any container of spirituous liquor or antique spirituous liquor to a permittee, the local board  
7 shall affix to the container a mixed beverages tax stamp that ~~indicates~~states the following:

- 8 (1) the local board system of ~~sale,~~sale;  
9 (2) the permittee's transaction ~~number,~~number; and  
10 (3) the permittee's Mixed Beverage Permit number.

11 (b) The mixed beverages tax stamp shall be affixed to the original paper labeling of each container, except that in the  
12 case of a container bearing no original ~~label,~~label, the stamp shall be affixed to any ~~conspicuous~~vertical portion of the  
13 container. In no event ~~may~~shall the stamp be affixed to the cap or closure of a container. Where a case of one brand  
14 has been purchased, the mixed beverages tax stamp shall be affixed to each container in the case and it shall not be  
15 sufficient to stamp the exterior of the case.

16 (c) For sales of liquor to a guest room cabinet permittee, a local board may affix the mixed beverages tax stamp to  
17 any portion of the container other than the cap or closure. In lieu of affixing the stamp to each container purchased  
18 by a guest room cabinet permittee, a local board may choose to give to the guest room cabinet permittee one tax stamp  
19 for each container of liquor purchased for resale from a guest room cabinet, as authorized by Rule .1804 of this  
20 Subchapter.

21 (d) Mixed beverage permittees may transport no more than eight liters of opened containers of spirituous liquor  
22 without a purchase-transportation permit to and from ~~an ABC Board,~~a local board in the non-passenger area of a motor  
23 vehicle for the purpose of replacing mixed beverage tax stamps that are defaced or that have worn out numbers.

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25 *History Note:* Authority G.S. 18B-100; 18B-101; 18B-203(a)(1); 18B-207; ~~18B-804(b)(8)~~; 18B-807;

26 *Eff. January 1, 1982;*

27 *Amended Eff. January 1, 2011; July 1, 1992; May 1, 1984;*

28 *Transferred and Recodified from 04 NCAC 02R .1901 Eff. August 1, 2015;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
30 *2015;*

31 *Amended Eff. January 1, 2018.*

1 14B NCAC 15A .2103 is adopted as published in 32:04 NCR 157 as follows:

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3 **14B NCAC 15A .2103 DISTILLERY RECORD-KEEPING**

4 The distillery permittee's electronic records, as required by G.S. 18B-1105(a)(4), shall be available for inspection by  
5 alcohol law enforcement officers and employees of the Commission at any time an employee of the permittee is  
6 present on the permitted premises.

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8 *History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-1105;*

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*Eff. January 1, 2018.*

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1 14B NCAC 15B .0523 is adopted with changes as published in 32:05 NCR 289 as follows:

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3 **14B NCAC 15B .0523 ANTIQUE SPIRITUOUS LIQUOR REGULATED**

4 ~~As it relates to mixed beverage permittees in~~ For purposes of this Subchapter, antique spirituous liquor shall be  
5 regulated and treated the same as spirituous ~~liquor.~~ liquor for mixed beverages permittees.

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7 *History Note: Authority G.S. 18B-101; 18B-207; 18B-1001;*

8 *Eff. January 1, 2018.*