

REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0505

DEADLINE FOR RECEIPT: Monday, February 5, 2018

PLEASE NOTE: *This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, how far in advance? Is there a cut-off time?

On line 5, consider inserting a "that" before "the permittee"

On line 5, I know the term "noncontiguous storage location" is in statute. Is it understood by your regulated public?

I take it that the form referenced on line 7 contains the information listed on lines 7 through 11?

Consider making lines 6 through 12 its own Paragraph and listing the requirements, like so:

- (b) Notification shall be made on a form approved by the Commission that requires:*
 - (1) the permittees name;*
 - (2) the address;*

If you don't want to do that, at least consider creating a list with the information on lines 7-12 for ease of reading.

On line 7, what is "address"? The business address? The personal address? How is it different from the principal location and noncontiguous address, both of which are required here?

On line 8, define "detailed." Or is the idea that "detailed" means showing the exact locations of entrances, exits, etc.?

On line 10, I take it your regulated public knows how to obtain this federal approval?

On line 11, what is this form? Is it the Zoning and Compliance Form in G.S. 18B-901(c)? If so, why does it have a different name?

Does your regulated know how to obtain the forms on lines 7 and 11?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 22, 2018

In (b), so that I'm clear – you are allowing alcohol and non-alcoholic storage. However, G.S. 18B-1120 refers to offsite alcohol storage. Are you relying upon G.S. 18B-901 as authority for this additional storage?

On line 14, what are “non-alcoholic items”? Merchandise, equipment, etc.? Is this known by your regulated public?

Please add an effective date to the History Note on line 20. If the Rule is approved at the February meeting, it will be effective March 1, 2018.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 22, 2018

1 14B NCAC 15C .0505 is adopted as published in 32:09 NCR 809 as follows:

2
3 **14B NCAC 15C .0505 OFF-SITE STORAGE LOCATION**

4 (a) The holder of a brewery, winery, or distillery permit shall notify the Commission in advance of storing any
5 alcoholic beverages the permittee manufactures under its permit in a noncontiguous storage location as authorized
6 pursuant to G.S. 18B-1120. This notification shall be deemed a part of the original permit application. Notification
7 shall be made on a form approved by the Commission that requires the permittee's name, address, permit number,
8 principal location address, noncontiguous storage location address, a detailed diagram of the premises showing the
9 exact locations of entrances, exits, storage areas for alcoholic beverages, and separate storage areas for any other
10 property or merchandise, and a copy of the Alcohol and Tobacco Tax and Trade Bureau approval of the noncontiguous
11 storage location and the Commission's Inspection/Zoning Compliance form, completed pursuant to G.S. 18B-901(c),
12 applicable to the noncontiguous storage location.

13 (b) The noncontiguous storage location shall only be used by the permittee for storage of alcoholic beverages
14 manufactured by the permittee and non-alcoholic items owned by the permittee. No alcoholic beverages of the
15 permittee shall be stored in the same storage area with other property or merchandise of the permittee or any other
16 person. The noncontiguous storage location shall be subject to inspection pursuant to G.S. 18B-502 and Rule .0501
17 of this Section.

18
19 *History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-901; 18B-1120;*