

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15A .1603

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

**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:

*On line 4, what is "bonded"? Is it as the term is used in G.S. 18B-106?*

*In Item (2), line 6, if "state" means NC, please capitalize the term.*

*In Items (2) and (3), I take it your regulated public knows what the "military" and "State" and "same" codes means?*

*In Item (3), line 7, define "evenly"*

*In Items (3), line 7, and (4), line 10, why do you need "for inventory purposes"? What purpose does this phrase serve?*

*In Item (4), line 9, consider ending the sentence after "Commission" Then state "The report..."*

*In Item (5), line 11, what are "semi-annual" here?*

*On line 12, consider ending the sentence after "warehouse" Then state "These inventories may be observed..."*

*As I understand it, Items (6) and (7) are options for handling distressed liquor. I see you are deleting the "or" at the end of (6). Is this to address the options? If so, consider making Item (6) something like "process distressed liquor as follows:" and then make what is currently (6) into (A) and what is currently (7) into (B). If you do not want to do that, I think you need to clarify how Items (6) and (7) work, as they seem to contradict each other as written.*

*End (7)(A), line 20, with a semicolon rather than a comma.*

*On line 23, are the contents of the "Unsalable Merchandise Report" addressed by the language on lines 24-26? If not, the contents need to be set out in rule or law pursuant to G.S. 150B-2(8a)(d).*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: March 1, 2019

*On lines 26-27, who will provide this report? The warehouse?*

*In the History Note, please insert an Amended Effective date.*

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: March 1, 2019

1 14B NCAC 15A .1603 is amended with changes as published in 33:08 NCAC 824 as follows:

2  
3 **14B NCAC 15A .1603 REQUIREMENTS FOR STORAGE**

4 All privately-owned bonded warehouses holding permits for the storage of spirituous liquors are required to:

- 5 (1) store all liquor ~~separately~~separate and apart from other merchandise;
- 6 (2) store all military codes ~~separately~~separate and apart from state codes;
- 7 (3) store all liquor of the same code together and spaced evenly for inventory purposes;
- 8 (4) submit to the Commission monthly reports of all spirituous liquors received and delivered so that a  
9 perpetual inventory may be kept at the Commission, which report must match the inventory at the  
10 bonded warehouse at all times and upon inspections for inventory purposes;
- 11 (5) take at their expense, and submit to the Commission, semi-annual inventories of all spirituous  
12 liquors being held in the bonded warehouse, which inventories may be observed by representatives  
13 of the Commission or the State Auditor's Office;
- 14 (6) return all distressed liquor received to the distiller within 30 days of its ~~receipt, or destroy in the~~  
15 ~~presence of a distiller representative; receipt; [or]~~
- 16 (7) ~~destroy, in the presence of the distiller representative for the brand involved, destroy~~ all liquor that  
17 becomes distressed after it is ~~received~~received, after notifying the distiller and obtaining in writing  
18 the distiller's approval to destroy the distressed liquor. The distiller, or a representative of the  
19 distiller, shall be given an opportunity to:
  - 20 (a) be present in person or by video conference at the destruction, or
  - 21 (b) request proof of destruction by photographs or video recordings showing the distressed  
22 liquor before and after the destruction.

23 The distiller shall be provided with a written or electronic copy of the Unsalable Merchandise Report  
24 for the distressed liquor destroyed. The report shall contain the name and title of the distiller, or  
25 representative of the distiller, who provided written approval to destroy the distressed liquor and the  
26 date the approval to destroy was given. A written or electronic copy of the report shall be sent  
27 quarterly to the Commission.

28  
29 *History Note: Authority G.S. 18B-100; 18B-204; 18B-207; S.L. 2018-100, Sec. 2;*

30 *Eff. January 1, 1982;*

31 *Amended Eff. May 1, 1984;*

32 *Transferred and Recodified from 04 NCAC 02R .1603 Eff. August 1, 2015;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
34 *2015.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15A .1604

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 5, I suggest you delete either "State" or "North Carolina" since it's redundant.*

*Also on line 5, whichever term you use (State or North Carolina), please insert a comma after the term.*

*On line 5, consider replacing "is" with "shall be"*

*In (b), line 7, you say that the liquor must be destroyed. But Rule .1603(6) allows the liquor to be returned. How does this work?*

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: March 1, 2019

1 14B NCAC 15A .1604 is amended as published in 33:08 NCR 824 as follows:

2  
3 **14B NCAC 15A .1604 PROHIBITED PRACTICES**

4 (a) The removal of any spirituous liquors except as provided for in these Rules to any place except the ~~state~~State ABC  
5 warehouse, military posts, points outside the State of North Carolina or the shipping distillery is prohibited.

6 (b) No liquor, distressed or otherwise, shall be given to any distiller representative or employee of the warehouse but  
7 shall be destroyed in accordance with Rule .1603 of this Section and recorded in the Unsalable Merchandise ~~Report~~  
8 ~~in the presence of a distiller representative.~~Report.

9  
10 *History Note: Authority G.S. 18B-100; 18B-204; 18B-207; S.L. 2018-100, Sec. 2:*

11 *Eff. January 1, 1982;*

12 *Amended Eff. May 1, 1984;*

13 *Transferred and Recodified from 04 NCAC 02R .1604 Eff. August 1, 2015;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
15 *2015;*

16 *Amended Eff. April 1, 2019.*  
17

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15A .1701

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 (b), line 13, so that I'm clear – in this Rule, the local board can notify the distiller or a representative, but in Rule .1603, only the distiller may be contacted by the warehouse? Is this intentional? Please note the same question for the difference between who can authorize the destruction between the two rules.*

*Please end (b)(1) with a semicolon, not a comma.*

*On line 20, you refer to a "Destruction of Unsalable Merchandise Report" In rules .1603 and .1604, you refer to the "Unsalable Merchandise Report." Are these two different reports, or should they all be called the same thing?*

*Also on line 20, if this is the same form, you do not require in the other rules that witnesses sign it.*

*On line 23, who will send this report? The local board?*

*In (c), line 25, insert a comma after "members"*

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: March 1, 2019

1 14B NCAC 15A .1701 is amended with changes as published in 33:08 NCAC 824 as follows:

2  
3 **14B NCAC 15A .1701 REMOVAL OF BEVERAGES FROM ABC STORES**

4 (a) Spirituous Except as allowed pursuant to Paragraph (b) of this Rule, spirituous liquor, either distressed or  
5 otherwise, shall not leave the custody of a local board after receipt unless:

- 6 (1) The spirituous liquor is sold at retail;  
7 (2) The liquor is returned to the ~~state~~ State ABC warehouse; or  
8 (3) The liquor is purchased, exchanged, or otherwise obtained by another local board as provided by  
9 14B NCAC 15A .1301(e).

10 Any spirituous liquor otherwise leaving the local board is nontaxpaid spirituous liquor.

11 (b) Distressed Liquor. Distressed liquor shall be given to a public or private hospital for medicinal purposes only or  
12 destroyed and the destruction witnessed by the manager, or ~~his designee and a distiller representative~~ the manager's  
13 designee in accordance with this Paragraph. The local board shall notify the distiller, or a representative of the distiller,  
14 in writing of the intent to destroy the distressed liquor, and obtain the distiller's, or a representative of the [distiller's]  
15 distiller's, written approval to destroy the distressed liquor. The distiller, or a representative of the distiller, shall be  
16 given an opportunity to:

- 17 (1) be present in person or by video conference at the destruction, or  
18 (2) request proof of destruction by photographs or video recordings showing the distressed liquor before  
19 and after the destruction.

20 A Destruction of Unsalable Merchandise Report shall be completed and signed by the witnessing parties. The report  
21 shall contain the name and title of the distiller, or representative of the distiller, who provided written approval to  
22 destroy the distressed liquor and the date the approval to destroy was given. A written or electronic copy of the report  
23 shall be sent to the distiller and a written or electronic copy shall be sent quarterly to the Commission. The original  
24 shall be retained by the local board for a period of three years.

25 (c) No sales of alcoholic beverages shall be made to employees, board members or other retail customers on credit.  
26 This does not prohibit purchases made by the use of credit cards.

27  
28 *History Note: Authority G.S. 18B-100; 18B-207; 18B-806; 18B-807; S.L. 2018-100, Sec. 2;*

29 *Eff. January 1, 1982;*

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

31 *Transferred and Recodified from 04 NCAC 02R .1701 Eff. August 1, 2015;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
33 *2015;*

34 *Amended Eff. April 1, 2019.*

1 14B NCAC 15A .1901 is amended with changes as published in 33:08 NCAC 825 as follows:

2  
3 **14B NCAC 15A .1901 MIXED BEVERAGES TAX STAMP**

4 (a) ~~Prior~~ Except as permitted pursuant to Paragraph (c) of this Rule, prior to the sale of any container of spirituous  
5 liquor or antique spirituous liquor to a permittee, the local board shall affix to the container a mixed beverages tax  
6 stamp that states the following:

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

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

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

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

23  
24 *History Note: Authority G.S. 18B-100; 18B-203(a)(1); 18B-207; 18B-807; S.L. 2018-100, Sec. 3;*

25 *Eff. January 1, 1982;*

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

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

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

30 *Amended Eff. April 1, 2019; January 1, 2018.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15A .2206

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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) and (c), so that I'm clear – the agency is treating the raffle as a “sale” of alcohol? Is it because they are buying the ticket to get the prize? I ask because SL 2018-100, Section 5(e) refers to “offering alcoholic beverages as a prize in a raffle or selling alcoholic beverages” so it seems that they are separate transactions.*

*In (b), line 7, please capitalize “Rule”*

*In (c)(2), so that I'm clear – the nonprofit must refuse to sell a raffle ticket where the prize is alcohol to an intoxicated person?*

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: March 1, 2019

1 14B NCAC 15A .2206 is adopted as published in 33:09 NCR 927 as follows:

2  
3 **14B NCAC 15A .2206 NONPROFIT SALES AT RAFFLE OR AUCTION**

4 (a) Sales of alcohol under a special one-time permit pursuant to G.S. 18B-1002(a)(5) by a nonprofit organization as  
5 a prize in a raffle or at auction shall be sold for off-premises consumption and shall not be consumed on the permitted  
6 premises.

7 (b) Possession of the alcohol sold as a prize at a raffle or at auction pursuant to this rule shall not be given by the  
8 nonprofit organization to the raffle prize winner or buyer at auction until the conclusion of the event or until the time  
9 the buyer leaves the event.

10 (c) Sales of alcohol pursuant to G.S. 18B-1002(a)(5) by a nonprofit organization shall be subject to the following  
11 conditions:

12 (1) sales shall only be made to persons at least 21 years of age;

13 (2) no sales shall be made to a person who is intoxicated as defined in 14B NCAC 15B .0101(2); and

14 (3) delivery of possession of a quantity of alcohol sold pursuant to this Rule to a single buyer in excess  
15 of the limits set forth in G.S. 18B-303 shall not be permitted unless the raffle prize winner or buyer  
16 at auction of the alcohol has a valid permit issued pursuant to G.S. 18B-1002(a)(4) or otherwise  
17 complies with the provisions of G.S. 18B-303.

18  
19 *History Note: Authority G.S. 18B-100; 18B-207; 18B-303; 18B-1002;*  
20 *Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15B .0101

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 Item (2), lines 8-9, I note you are mostly reciting G.S. 122C-3(18), which states:*

(18) "Intoxicated" means the condition of an individual whose mental or physical functioning is presently substantially impaired as a result of the use of alcohol or other substance.

*However, you are adding other language, so I do not think the recitation is unnecessary. But why not state:*

*"Intoxicated" means the condition of a person whose mental or physical functioning appears to be presently substantially impaired as result of the use of alcohol or other substance, as set forth in G.S. 122C-3(18), and shall be..."*

*I suggest you cite to G.S. 122C-3(18) in the text of the Rule and not in the History Note, as that does not confer rulemaking authority to this agency.*

*On line 10, what is a "reasonable observer"?*

*In (2)(A), line 11, what is "conspicuously"?*

*In (2)(B), line 14, what is "materially"?*

*In Item (3), consider replacing the citations on line 15 with "Rules .0105 and .0106 of this Section"*

*In Item (4), line 17, insert a comma after "can"*

*On line 18, "approved" how? Based on another rule or rules?*

*In Item (5), line 20, is the "investigative report" known to your regulated public? Is it part of the permitting process?*

*On line 21, state "his or her"*

*In Item (6), line 24, define "substantially"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: March 1, 2019

*In Item (7), line 26, please move the comma inside the quotation marks, as you have for Item (3)*

*G.S. 18B-1000(7a) states:*

(7a) Sports and entertainment venue. - Stadiums, ballparks, and other similar facilities with a permanently constructed seating capacity of 3,000 or more which are not located on the campus of a school, college, or university.

*I take it this definition is to define "other similar facilities" in the statute?*

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: March 1, 2019

1 14B NCAC 15B .0101 is amended as published in 33:08 NCR 826 as follows:

2  
3 **14B NCAC 15B .0101 DEFINITIONS**

4 In addition to the definitions found in Sections 18B-101 and 18B-1000 of the North Carolina General Statutes, the  
5 following definitions apply to this Subchapter:

- 6 (1) "Employee" means any person who performs a service for any person holding an ABC permit,  
7 regardless of whether that person is compensated for the performance of those services.
- 8 (2) "Intoxicated" means the condition of a person whose mental or physical functioning appears to be  
9 presently substantially impaired as a result of the use of alcohol or other substance, such as when  
10 the person appears to a reasonable observer to be so far under such influence that:
- 11 (A) the person's emotions are conspicuously uncontrolled; or
- 12 (B) the person's intelligence, sense-perceptions, judgment, continuity of thought or of ideas,  
13 speech and coordination of volition with muscular action, or some of these faculties or  
14 processes are materially impaired.
- 15 (3) "Modified Plan Permits," as used in 14B NCAC 15B .0105 and 14B NCAC 15B .0106, mean on-  
16 premise malt beverage permits authorized by elections held pursuant to G.S. 18B-602(a)(4).
- 17 (4) "Original container" means a bottle, can or other alcoholic beverage product container filled by a  
18 manufacturer or bottler that has been approved for sale within this State.
- 19 (5) "Premises" means the same as defined in G.S. 18B-101(12a). A diagram attached to the  
20 investigative report and kept in the permittee's file is prima facie evidence of the premises covered  
21 by that permit and for which the permittee and his employees are responsible. Permits shall  
22 authorize the sale and possession or consumption of alcoholic beverages only on the premises  
23 described in the investigative report and diagram furnished by the investigating agent.
- 24 (6) "Private dining area" means any area of a restaurant or hotel that is or can be substantially closed  
25 off from public view.
- 26 (7) "Sports and entertainment venue", as used in G.S. 18B-1000(7a) and in this Subchapter, shall  
27 include a building, structure, or place in which sporting competitions or contests are held, or shows,  
28 performances, or other entertainment is provided.

29  
30 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1000; 18B-1008; 122C-3(18);*  
31 *Eff. January 1, 1982;*  
32 *Amended Eff. January 1, 2011; July 1, 1992; May 1, 1984;*  
33 *Transferred and Recodified from 04 NCAC 02S .0101 Eff. August 1, 2015;*  
34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*  
35 *2016;*  
36 *Amended Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15B .0209

### **DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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:

*On the Submission for Permanent Submission Form, Box 9B, did you mean to cite to Section 1 of SL 2018-100, as you did in 9A?*

*In (a), line 4, state "his or her" Alternatively, you may want to mirror the language in Rule 14B NCAC 15C .1303 and omit the pronoun entirely.*

*In (a)(1), line 6, state "he or she" or mirror 15C .1303 and omit the pronoun.*

*In (b), you are missing language from what is currently contained in the Code. Please reinsert the language. As you published it correctly in the Register, you do not need to show it as a change; simply do it.*

*In (c), line 14, state "his or her" and is the term "agents" known to your regulated public?*

*In (d), were these changes made in response to public comment?*

*What is your authority to only address G.S. 18B-1121(3) and (4) here? It appears that G.S. 18B-1121(1) and (2) allows the sampling for permittees under G.S. 18B-1001, and it appears you are not allowing this in the Rule. What is your authority to abrogate the statute?*

*On line 19, what is "alcohol concentration"? Is this from the chemical analysis?*

*What is your authority for the additional language on lines 19-23?*

*Who will conduct this test? G.S. 20-16.2 applies to implied consent if a person drives and is stopped by a law enforcement officer. How can you rely upon this in your Rule?*

*On line 22, what is your authority to declare what constitutes a violation of ABC laws?*

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: March 1, 2019

1 14B NCAC 15B .0209 is amended with changes as published in 33:09 NCAC 928 as follows:

2  
3 **14B NCAC 15B .0209 CONSUMPTION: INTOXICATION BY PERMITTEE PROHIBITED**

4 (a) No permittee or his employees shall be on ~~the~~ licensed ~~premises~~ premises permitted under G.S. 18B-1001, 18B-  
5 1002, 18B-1114.1 or 18B-1114.5 after consuming alcoholic beverages except under the following conditions:

- 6 (1) The permittee or employee is off duty for the remainder of that day or night during which he  
7 consumes any alcoholic beverage;
- 8 (2) The permittee or employee is out of uniform when uniforms are required to be worn while  
9 performing any on duty services; and
- 10 (3) The permittee or employee shall not perform any on duty services of any nature while or after  
11 consuming alcoholic beverages.

12 (b) Notwithstanding Paragraph (a) of this Rule, a malt beverage or wine permittee or its employee who is of legal age  
13 and who is responsible for ordering or serving ~~beverage alcohol alcoholic beverages~~ may sample new malt beverage  
14 or wine products as provided by 14B NCAC 15C .0711(b) on the licensed premises. Samples shall not exceed two  
15 ounce servings of individual products and the total of the samples shall not exceed eight ounces in one calendar day.

16 (c) No permittee or his agents or employees shall be or become intoxicated on the licensed premises.

17 (d) Notwithstanding Paragraph (a) of this Rule, a permittee or the permittee's employees may be on licensed premises  
18 [permitted under G.S. 18B-1001, 18B-1002, 18B-1114.1 or 18B-1114.5] after consuming alcoholic beverages  
19 pursuant to [G.S. 18B-1121, provided the permittee or permittee's employees do not] G.S. 18B-1121(3) and (4) and  
20 may serve or pour alcoholic beverages for other persons for the remainder of the day [while or after consuming  
21 alcoholic beverages.] provided the alcohol concentration of the permittee or the permittee's employees who serve or  
22 pour remains less than 0.03. The serving or pouring of alcoholic beverages for other persons pursuant to this Paragraph  
23 constitutes implied-consent to a chemical analysis of the person's alcohol concentration consistent with G.S. 20-16.2  
24 and G.S. 20-139.1. The failure to submit to a chemical analysis pursuant to this Paragraph shall constitute a violation  
25 of the ABC laws.

26  
27 *History Note: Authority 18B-100; 18B-207; 18B-1005(b); 18B-1006(d); 18B-1121;*

28 *Eff. January 1, 1982;*

29 *Amended Eff. May 1, 1984;*

30 *Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge James L. Conner, II declared Rule 04*  
31 *NCAC 02S .0212(b) void as applied in North Carolina Alcoholic Beverage Control Commission v.*

32 *Midnight Sun Investments, Inc. t/a Tiki Cabaret (03 ABC 1732);*

33 *Amended Eff. January 1, 2011;*

34 *Transferred and Recodified from 04 NCAC 02S .0212 Eff. August 1, 2015;*

35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*  
36 *2016;*

37 *Amended Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15B .1006

### **DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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:

*Throughout this Rule, I suggest using the Oxford comma. This change will be made the most in the phrase "retail malt beverage, wine and mixed beverage permittees." (See lines 6, 7, 11, 12, 14, 18, 22, 24, 25, 28, Page 2, lines 25, 26, 27, Page 3, lines 4, 5, 8, 15 and 16)*

*In (a)(1), line 9, consider ending the sentence after "material." Then state "However, an industry..."*

*In (a)(3), line 19, please replace "is" with "shall be"*

*In (a)(4), line 20, I suggest stating "For the purposes of this Rule, "retailer advertising specialty items" shall mean..."*

*If you do not want to do that, please put "Retailer advertising specialty items" in quotation marks, as you are defining the term.*

*In (a)(6), line 28, insert an "and" at the end of the line.*

*In (a)(7), line 30, end the sentence with a period and delete the "and"*

*In (b)(1)(A) through (E), consider ending these Parts with periods and not semicolons. If you do this, please remove the "and" at the end of (b)(1)(E), Page 3, line 2.*

*In (b)(1)(A), please put the commas inside the quotation marks. Also please be mindful of the Oxford comma.*

*In (b)(1)(D), Page 2, line 30, you have "Trade Names" here, but this doesn't address anything for trade names. Should this be "Exception for Menus"?*

*In (b)(2), Page 3, line 7, what do you mean by "Section"? 14B NCAC 15B .1000? Or this Rule?*

*In (b)(4), line 11, please replace "is" with "shall be"*

*And authorized by what? This Rule? If so, why not state "This Rule permits only exterior advertising allowed by local ordinances."?*

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: March 1, 2019



*In (c), line 12, please state “his or her”*

*And will this order be issued following a hearing? Is this standard of “contrary to public interest” and the procedure for finding this in rule or law?*

*In (d), line 16, I am just asking – does “internet” include the use of email and newsletters?*

*In the History Note, why are you citing to G.S. 18B-1116(b)?*

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

1 14B NCAC 15B .1006 is amended as published in 33:08 NCR 827 as follows:

2  
3 **14B NCAC 15B .1006 ADVERTISING OF MALT BEVERAGES, WINE AND MIXED BEVERAGES BY**  
4 **RETAILERS**

5 (a) Interior Advertising.

- 6 (1) Point-of-Sale. Retail malt beverage, wine and mixed beverage permittees may utilize any amount  
7 of point-of-sale advertising for malt beverage, wine and mixed beverage products offered for sale  
8 in the establishment. This advertising may be supplied by the industry member unless it constitutes  
9 a fixture or has value other than as advertising material; except that an industry member may give a  
10 retailer brand-identified items listed in 14B NCAC 15C .0711(c) for use as point-of-sale advertising;
- 11 (2) Price Boards. Retail malt beverage, wine and mixed beverage permittees may display inside price  
12 boards showing the brand names and prices of malt beverage, wine and mixed beverage products  
13 offered for sale in the establishment;
- 14 (3) Menus and Beverage Lists. Retail on-premise malt beverage, wine and mixed beverage permittees  
15 may place on the menu and beverage lists the brand names and prices of malt beverage, wine and  
16 mixed beverage products offered for sale in the establishment. Beverage lists may be supplied by  
17 an industry member and may include up to six items from the retailer's food menu but shall not  
18 include the name, logo or other identifier of the retail permittee on the advertisement. A table tent  
19 is considered a beverage list for purposes of this Rule;
- 20 (4) Retailer Advertising Specialty Items. Retailer advertising specialty items are items such as trays,  
21 coasters, mats, meal checks, paper napkins, glassware, cups, foam scrapers, back bar mats,  
22 thermometers and other similar items that bear advertising matter. Advertising specialty items may  
23 be provided to a retailer by an industry member as provided in 14B NCAC 15C .0711(b)(8);
- 24 (5) Window Displays. Retail malt beverage, wine and mixed beverage permittees may arrange  
25 unopened malt beverage, wine or spirituous liquor products in a window display;
- 26 (6) Location. ~~No~~ Except as permitted pursuant to Paragraph (e) of this Rule, no point-of-sale  
27 advertising, advertising specialty item or price board shall be displayed in a manner designed or  
28 intended to advertise malt beverages, wine or mixed beverages on the outside of the establishment;
- 29 (7) T-shirts. A retailer's employees shall not wear alcoholic beverage brand identified t-shirts while  
30 working on the retailer's licensed premises; and
- 31 ~~(8) Removal of Signs. A permittee shall remove any sign, display or advertisement in or about his~~  
32 ~~licensed premises if the Commission finds it is contrary to public interest and orders its removal.~~

33 (b) Exterior Advertising.

- 34 (1) Outside signs on the premises.
- 35 (A) Malt Beverages. Retail malt beverage permittees may display the term "beer", "cold beer",  
36 "draught beer", "specialty beer", "craft beer", "North Carolina beer", "local beer" or  
37 "imported beer" on a single, non-mechanical outside sign. This sign may be neon

1 illuminated. The letters and figures on the sign shall not be more than 5 inches in height  
2 and 2 inches apart and the sign shall be attached to the building on the licensed premises.  
3 Retail malt beverage permittees may also display the term "beer", "cold beer", "draught  
4 beer", "specialty beer", "craft beer", "North Carolina beer", "local beer" or "imported beer"  
5 or a similar term on a single, portable, non-mechanical sidewalk sign that is no larger than  
6 25 inches by 45 inches on each of its two sides. The sidewalk sign shall be displayed only  
7 during the hours of operation;

8 (B) Wine. Retail wine permittees may display the term "wine permit-off premise", "wine  
9 permit-on premise", "fine wine" or a similar term on a single non-mechanical outside sign.  
10 This sign may be neon illuminated. The letters and figures on the sign shall not be more  
11 than 5 inches in height and 2 inches apart and the sign shall be attached to the building on  
12 the licensed premises. Instead of the sign described in this Paragraph, retail wine  
13 permittees engaged in off-premise sales of wine may display the term "Wine Shop", "Wine  
14 and Cheese" or a similar term on a single non-mechanical sign. This sign may be neon  
15 illuminated. The letters and figures on the sign shall not be more than 18 inches in height  
16 and the sign shall be attached to the building on the licensed premises. Retail wine  
17 permittees may also display the term "wine permit-off premise", "wine permit-on premise",  
18 "fine wine" or a similar term on a single, portable, non-mechanical sidewalk sign that is no  
19 larger than 25 inches by 45 inches on each of its two sides. Instead of the sidewalk sign  
20 described in this Paragraph, retail wine permittees engaged in off-premise sales of wine  
21 may display the term "Wine Shop", "Wine and Cheese", "fine wine" or a similar term on a  
22 single, portable, non-mechanical sidewalk sign that is no larger than 25 inches by 45 inches  
23 on each of its two sides. A sidewalk sign shall be displayed only during the hours of  
24 operation;

25 (C) Restriction. Retail malt beverage, wine and mixed beverage permittees shall not allow  
26 price advertising or additional signs advertising malt beverages, wine and mixed beverages  
27 on the outside of their premises. Outside signs alluding to malt beverages, wine or mixed  
28 beverages by slang descriptions such as "brew," "suds," "six-pack," "vino" or "booze" are  
29 prohibited;

30 (D) Exceptions; Menus; Trade Names. The placement of a food menu that also contains a list  
31 of alcoholic beverages by brand and price in a window, on the exterior of the retailer's  
32 building or on a sidewalk sign that is no larger than 25 inches by 45 inches on each of its  
33 two sides is not a violation of this Rule. A sidewalk sign shall be displayed only during  
34 the hours of operation;

35 (E) Mixed Beverages. Retail mixed beverage permittees may display the term "mixed  
36 beverages," "all ABC permits," "mixed drinks," "cocktails," or "spirits," on a single non-  
37 mechanical, non-neon, or otherwise self-illuminated outside sign. The letters and figures

on the sign shall not be more than five inches in height and two inches apart and the sign shall be attached to the building on the licensed premises; and

(F) Private Club. A private club shall not display any exterior sign advertising the availability of malt beverages, wine or mixed beverages;

(2) Billboards. Retail permittees shall not advertise malt beverage, wine or mixed beverage products or the availability of alcoholic beverages by means of a billboard or outdoor sign except as provided in this Section. Industry members with retail permits may advertise tastings;

(3) Aerial Displays. Retail permittees shall not advertise malt beverage, wine or mixed beverage products or the availability of alcoholic beverages by means of an aerial display or an inflatable item that is tethered; and

(4) Only exterior advertising permitted by local ordinances is authorized.

(c) Removal of Signs. A permittee shall remove any sign, display, or advertisement in or about his licensed premises if the Commission finds it is contrary to public interest and orders its removal.

(d) Media Advertising. A retail malt beverage, wine or mixed beverage permittee may advertise price and brand of malt beverage, wine and mixed beverage products offered for sale by means of circular, newspaper, magazine, radio, television and internet.

(e) Notwithstanding Paragraphs (a)(6) and (c) of this Rule, a sports or entertainment venue with a permanently constructed seating capacity of 3,000 or more, which is not located on the campus of a school, college, or university, may display point-of-sale advertising for malt beverages and unfortified wine inside the venue that is visible from the outside of the venue, and shall not be required by the Commission to move or remove the advertising.

*History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-1116(b); S.L. 2018-65, Sec. 5.1; Eff. January 1, 1982; Amended Eff. March 1, 2012; January 1, 2011; July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02S .1008 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016; Amended Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0101

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 Item (2), just so I'm clear – line 11, the “brand” here has nothing to do with the definition in Item (1), correct?*

*In Item (7), line 25, consider inserting an “it” after “infusing”*

*In the History Note, if the only reason you are citing to G.S. 18B-1112, 1113, 1114, and 1114.7 is because you have the laws in the text, I do not think they need to be in the History Note.*

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: March 1, 2019

1 14B NCAC 15C .0101 is amended as published in 33:08 NCR 829 as follows:

2  
3 **14B NCAC 15C .0101 DEFINITIONS**

4 The following terms shall have the following meanings when used in this Chapter:

- 5 (1) "Brand," in relation to wines, means the name under which a wine is produced and includes trade  
6 names or trademarks. A brand shall not be construed to mean a class or type of wine, but all classes  
7 and types of wines sold under the same brand label ~~are~~shall be considered a single brand.  
8 Differences in packaging such as a different style, ~~type~~type, or size of container ~~are not~~shall not be  
9 considered different brands.
- 10 (2) "Branded merchandise" means items, including glassware, cups, signs, t-shirts, hats and other  
11 apparel, that bears the brand of the alcoholic beverage being served, or the brand of the brewery,  
12 winery, or distiller whose alcoholic beverages is being served, at a tasting conducted pursuant to  
13 G.S. 18B-1114.1, 18B-1114.5 or 18B-1114.7.
- 14 (3) "Brokerage" means a business that brokers in the State the sale of spirituous liquor on behalf of a  
15 spirituous liquor supplier.
- 16 (4) "Brokerage representative" means an individual who promotes spirituous liquor on behalf of a  
17 brokerage.
- 18 (5) "Distiller representative" means an individual who promotes spirituous liquor on behalf of a  
19 distiller, or otherwise represents a distiller.
- 20 (6) "Industry member" means any wholesaler, salesman, brewery, winery, bottler, importer, liquor  
21 importer/bottler, distiller, distiller representative, brokerage, brokerage representative, supplier  
22 representative, rectifier, nonresident vendor, vendor representative, or affiliate thereof, that sells or  
23 solicits orders for alcoholic beverages, whether or not licensed in this ~~state.~~State.
- 24 (7) "Rectifier" means a permittee that processes spirituous liquor by cutting, blending, mixing, or  
25 infusing with any ingredient that reacts with the constituents of the distilled spirits and changes the  
26 character and nature, or standards of identity, of the distilled spirits, but does not include a person  
27 who extracts spirituous liquor by original or continuous distillation, or who mixes spirituous liquor  
28 with other ingredients for immediate consumption.
- 29 ~~(3)(8)~~ (8) "Retail permittee" or "retailer" means any permittee holding a retail alcoholic beverage permit  
30 issued pursuant to the authority of G.S. 18B-1001, but does not include a non-profit or political  
31 organization that has been issued a Special One-Time permit pursuant to the provisions of G.S. 18B-  
32 1002(a)(2) or (5).
- 33 (4) ~~"Representative" means any vendor representative, as that term is used in G.S. 18B-1112, or any~~  
34 ~~other person selling or soliciting orders for alcoholic beverages on behalf of a manufacturer, bottler,~~  
35 ~~vendor, or importer.~~
- 36 ~~(5)(9)~~ (9) "Spirituous liquor supplier" means a distiller, liquor importer/bottler, or rectifier.

1       (10) “Supplier representative” means, as the term is used in G.S. 18B-1114.7, an individual who  
2       promotes on behalf of a spirituous liquor supplier, or otherwise represents a spirituous liquor  
3       supplier.

4       (11) “Vendor” means any brewery, winery, bottler, malt beverages or wine importer, or nonresident malt  
5       beverage vendor or nonresident wine vendor, vendor as those terms are used in G.S. 18B-1113 and  
6       18B-1114.

7       (12) “Vendor representative” means any person who holds a permit issued pursuant to G.S. 18B-1112.

8       (6)(13) “Wine” means both fortified wine and unfortified wine, as those terms are defined in G.S. 18B-  
9       101(7) and (15)-wine.

10  
11    *History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-1112; 18B-1113; 18B-1114; 18B-1114.7; 18B-*  
12       *1116;*  
13       *Eff. January 1, 1982;*  
14       *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*  
15       *Transferred and Recodified from 04 NCAC 02T .0101 Eff. August 1, 2015;*  
16       *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
17       *2017;*  
18       *Amended Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0102

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 (c)(1), Page 2, line 5, you say, "North Carolina ABC Commission" but in (b), Page 1, line 11, it's "North Carolina Alcoholic Beverage Control Commission" Please be consistent in the Rule.*

*On line 6, it appears that Rule 14B NCAC 18B .0405 address NC criminal checks, as well as federal checks. Therefore, it appears on line 6 that "State" should be capitalized.*

*In (d), line 32, please simply state "30" rather than "thirty (30)" As this was published correctly in the Register, you not have to show this as a change; simply do it.*

*In (e), line 37, are the contents of the form what is set forth on Page 3, lines 2-6?*

*On Page 3, line 1, what is "specific territory"? Does your regulated public know?*

*In (f), line 10, what is a "description"? Is it more than what is contained on lines 10-12?*

*In (g)(3), line 19, please insert a comma after "beer"*

*In (g)(4), line 20, and (i)(4), Page 4, line 4, is "compromised" the correct term, rather than "settled"?*

*In (g)(5), this approval of the labels and product is done through procedures set forth in rule and law, correct?*

*In (i)(1), line 36, what does "description" entail here?*

*In (i)(6), Page 4, line 12, is there a timeframe to submit this change?*

*In the History Note, why are you citing to G.S. 18B-201?*

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: March 1, 2019



1 14B NCAC 15C .0102 is amended as published in 33:08 NCR 829 as follows:

2  
3 **14B NCAC 15C .0102 APPLICATION PROCEDURES**

4 (a) Who Files. Before any winery, brewery, distiller, wholesaler, importer, bottler, ~~representative, vendor,~~ distiller  
5 representative, brokerage representative, salesman, supplier representative, or vendor representative sells, solicits  
6 orders for, or manufactures, ~~bottles~~bottles, or imports any alcoholic beverage in this State, that person shall first file  
7 written application for the appropriate permit and pay ~~the~~any required fees, as described in ~~G.S. 18B-902, G.S. 18B-~~  
8 902, and as set forth in this Rule. Applications for permits for businesses shall be filed by those individuals listed in  
9 G.S. 18B-900(c).

10 (b) ~~Who Files. Application for permits shall be filed by those individuals listed in G.S. 18B-900(c).~~Application.  
11 Application forms for all ABC permits may be obtained from the North Carolina Alcoholic Beverage Control  
12 Commission's office or website as set forth in 14B NCAC 15A .0102.

13 Each person shall provide in the application, under oath, the following ~~information:~~information, as applicable:

- 14 (1) ~~name, address, and residence of applicant;~~ the name, address, email address, last four digits of social  
15 security number, and telephone number(s) of the applicant;
- 16 (2) the mailing address and ~~of location~~ address of the business for which a permit is desired, and the  
17 county and state in which ~~where the business is located;~~
- 18 (3) ~~corporate or partnership name;~~ the name of the business and whether the business is a sole  
19 proprietorship, corporation, limited liability company, or partnership;
- 20 (4) the trade name of business;
- 21 (5) ~~name and address of owner of premises;~~
- 22 (6) ~~the applicant's date and place of birth;~~
- 23 (7)(6) ~~if the business is a corporation,~~ corporation or limited liability company, the name and address of  
24 the agent or employee person authorized to serve as process agent; accept service of process of  
25 Commission notices or orders under G.S. 1A, Rule 4(j).
- 26 (8)(7) ~~if a nonresident,~~ the applicant is a non-resident intending to operate a business in the ~~State of North~~  
27 ~~Carolina,~~ State, the name and address of ~~person~~ a resident of the State appointed as the applicant's  
28 attorney-in-fact by virtue of a duly executed and registered power of attorney; in accordance with  
29 Chapter 32C of the General Statutes for purposes of G.S. 18B-900(a)(2)b.; and
- 30 (9)(8) ~~if the application is for a vendor representative,~~ brokerage representative, distiller  
31 representative, or supplier representative permit, authorization from the commercial  
32 ~~permittee~~ permittee, brokerage, distiller, or spirituous liquor supplier to represent ~~it;~~ and
- 33 (9) that the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

34 ~~In addition the applicant shall certify, under oath, that he has not been convicted of a felony within three years, an~~  
35 ~~alcohol or drug law violation within two years, nor had any permit authorizing the sale, importation, or manufacture~~  
36 ~~of alcoholic beverages revoked by this State, any other state, or the federal government revoked within the past three~~  
37 ~~years.~~

(c) Additional documentation. The following documents completed, signed, notarized, and recorded, as applicable, shall be attached to and submitted with an application, and shall be incorporated as part of the application:

- (1) for applicants applying on behalf of a business pursuant to G.S. 18B-900(c), the fingerprint card, Authority for Release of Information Form, and certified check, cashier check, money order, electronic payment, or credit card payment made payable to the North Carolina ABC Commission in the amount of thirty-eight dollars (\$38.00) for payment of a state and national fingerprint-based criminal history record check pursuant to 14B NCAC 18B .0405;
- (2) for applicants applying for brokerage representative, distiller representative, or supplier representative permits, a certified copy of the applicant's State criminal history record check;
- (3) payment of applicable permit fees as authorized in 14B NCAC 15A .0104;
- (4) for businesses located in this State, a certified copy of any recorded power of attorney registered in the county where the proposed licensed premises is located;
- (5) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation and notarized corporate certification of shareholders holding 25 percent or more of the shares of the corporation;
- (6) for limited liability companies not already holding a permit in this State, a copy of Articles of Organization and notarized organizational certification of members owning 25 percent or more interest in the company. Additionally, if manager-managed, a copy of the Operating Agreement;
- (7) a black and white copy of applicant's current photo identification;
- (8) for a business located in this State, a copy or memorandum of the lease showing the applicant as tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management agreement with the owner or lessee of the permitted property showing the applicant has the authority to operate the business at the permitted location; and
- (9) a Federal Employer Identification/Social Security Number Verification Form.

(d) Salesmen, Representatives, Vendors To State Companies. All salesmen, vendor representatives, distiller representatives, brokerage representatives, supplier representatives, and vendors shall further state on the permit application the name of every manufacturer, importer, wholesaler, distiller, brokerage, spirituous liquor supplier, or vendor that the applicant will represent in the State of North Carolina. The persons listed in this Paragraph shall notify the Commission when their authorization to represent an industry member ceases. The manufacturer, importer, wholesaler, distiller, brokerage, spirituous liquor supplier, or vendor shall notify the Commission whenever any of the persons listed in this Paragraph are no longer their authorized representative. Notification required pursuant to this Paragraph shall be made to the Commission in writing within thirty (30) days of the termination of the authorization to represent.

~~(d)(c)~~ Resident Wholesalers. In addition to the requirements set forth in Paragraphs ~~(a) and (b)~~ (a), (b), and (c) of this Rule, every applicant for a permit to sell malt beverages or wine at wholesale shall submit with the permit application before a wholesaler receives, possesses, transports, sells, delivers, or ships wine or malt beverages in the State, the vendor shall file with the Commission a separate distribution agreement filing form specifying the brands for

each brand authorized to be sold by the wholesaler and the specific territory in which where the product may be sold, sold for each wholesaler location. The distribution agreement filing form shall contain the vendor's and wholesaler's names, trade names if applicable, addresses, telephone numbers, ABC permit numbers, and the name of the brand and territory where the sales may take place in the State, by county or parts of counties. For wine vendors, the form shall also state whether the vendor ships 1,250 cases or more of wine in the State each year. The form shall be signed and dated by the vendor and the wholesaler. If any changes in the distribution agreement affect the information on the distribution agreement filing form filed with the Commission, the wholesaler shall amend the form and file it with the Commission on a revised distribution agreement filing form before the changes become effective.

(f) Liquor Importer/Bottler. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a liquor importer/bottler applying for a permit shall submit a description of the operations of its business, which shall include the location address of any storage facility or bottling plant, if different than the address shown on the permit application, and any associated federal alcoholic beverage permit numbers.

(g) Nonresident Vendors. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a nonresident malt beverage vendor or a nonresident wine vendor applying for a permit shall submit the following:

- (1) a copy of the Federal Basic Permit or Brewers Notice;
- (2) a statement of whether the business is a malt beverage vendor or a wine vendor;
- (3) a statement whether the applicant has ever been disapproved by any government agency for any application to manufacture, use, store, rectify, bottle, distribute, sell, import, or transport distilled spirits, beer or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, any violation of any federal or state laws relating to internal revenue or customs taxation of alcoholic beverages; and
- (5) certification of understanding that the applicant can only engage in activities authorized by the ABC laws of this State for the permit issued, and that before any wine or malt beverage can be offered for sale in the State, the product and label must be approved by the Commission.

(h) Wine Producers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine producer applying for a permit shall submit a copy of the recorded deed or lease for the farming establishment that meets the requirements set forth in G.S. 18B-1000(10), including the address of the farm and one of the following:

- (1) a survey or diagram of the farm, indicating the areas and acreage used in the production of grapes, berries, or other fruits for the manufacture of unfortified wine; or
- (2) an affidavit stating that the farm consists of at least five acres committed to the production of grapes, berries, or other fruits for the manufacture of unfortified wine, listing the acreage used for this purpose and its function.

(i) Wine Shippers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine shipper applying for a permit shall submit the following:

- (1) a description of the operation of the business;
- (2) a website address through which orders will be received;

- 1       (3) a statement whether the applicant has ever been disapproved by any government agency for any  
2       application to manufacture, use, store, rectify, bottle, distribute, sell, import or transport distilled  
3       spirits, beer, or wine;  
4       (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, any  
5       violation of any federal or state laws relating to internal revenue or customs taxation of alcoholic  
6       beverages;  
7       (5) a statement whether the business entity holds a valid Federal Basic Permit, either as a Bonded Wine  
8       Cellar or Bonded Winery, and a copy of the Federal Basic Permit; and  
9       (6) a wine shipper brand listing consisting of all brands of fortified and unfortified wines identified to  
10      be shipped into the State by the wine shipper, including the names of the common carriers used for  
11      shipping. The permitted wine shipper may amend the brands of wine permitted to be shipped into  
12      the State by filing an amended wine shipper brand listing with the Commission. Only brands  
13      identified by the wine shipper to the Commission in writing may be legally shipped into the State.  
14

15   *History Note:*    Authority G.S. 18B-100; 18B-109; 18B-201; 18B-207; 18B-900; 18B-902; 18B-1000; 18B-1001.1;  
16                      18B-1105.1; ~~18B-1109(b)~~; 18B-1200 through 18B-1216; 18B-1113; 18B-1114; 18B-1114.3; 18B-  
17                      1114.7; 18B-1203; 18B-1303;  
18                      *Eff. January 1, 1982;*  
19                      *Amended Eff. May 1, 1984;*  
20                      *Transferred and Recodified from 04 NCAC 02T .0102 Eff. August 1, 2015;*  
21                      *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
22                      *2017;*  
23                      Amended Eff. April 1, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0901

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 12, should the word "permission" be inserted after "requesting and approving"?*

*In (b), what authority are you relying upon to regulate personnel when they are off-duty?*

*In Paragraph (d), Page 2, line 5, you refer to an "exemption" but on line 8, you call it "exception" Assuming this is the same thing, please use the same term. If it is not, then what is the "exception" referred to here?*

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: March 1, 2019

1 14B NCAC 15C .0901 is amended as published in 33:08 NCR 829 as follows:

2  
3 **14B NCAC 15C .0901 ~~DISTILLER~~DISTILLER, SUPPLIER AND BROKERAGE REPRESENTATIVES:**  
4 **PROHIBITED ACTS**

5 (a) Representatives Prohibited from Entering Store. Distiller ~~representatives~~representatives, supplier ~~representatives~~representatives,  
6 ~~or brokerage representatives~~ shall not enter any ABC store except for the purpose of calling on the buyer if the buyer's  
7 office is maintained in the store, for the purpose of making a ~~purchase~~purchase, or ~~unless given permission by a local~~  
8 ~~Board for the purpose of visiting a store~~ to market product, build displays, or attach added value ~~items~~items in  
9 accordance with written permission from the local Board. An initial request for permission to visit a store pursuant  
10 to this Paragraph shall be made in writing by the representative to the general manager of the local Board in a form  
11 acceptable to the local Board. The local Board may adopt policies regulating when a representative may visit the local  
12 Board's ABC store, which may include the times, frequency, purpose, method of requesting and approving, and any  
13 advance notice requirements. Permission granted by the general manager, or other persons designated by the local  
14 Board, to the representative to visit the local Board's ABC stores shall initially be made in writing and in accordance  
15 with any policies adopted by the local Board. The duration of the permission may be for an indefinite time. The local  
16 Board's policies may authorize the general manager, or his or her designee, to verbally authorize subsequent specific  
17 visits after written permission has been given.

18 (b) Representatives Prohibited from Contacting Store Personnel. Distiller ~~representatives~~representatives, supplier  
19 ~~representatives~~representatives, or ~~brokerage representatives~~ shall not ~~contact, either directly or indirectly, or call upon~~contact store  
20 personnel ~~while store personnel are off duty~~ for the purpose of promoting their ~~merchandise~~merchandise while store  
21 personnel are off-duty. Store personnel shall not allow distiller ~~representatives~~representatives, supplier  
22 ~~representatives~~representatives, or ~~brokerage representatives~~ to contact them, ~~either directly or indirectly, or allow the distiller~~  
23 ~~representatives to call upon them in any manner while they are off duty~~ for the purpose of promoting their  
24 ~~merchandise~~merchandise while store personnel are off-duty.

25 (c) Gifts Prohibited. ~~Representatives~~Distiller representatives, supplier ~~representatives~~representatives, or ~~brokerage representatives~~  
26 shall not give liquor, including samples, or anything of value to local ABC board members or employees, ~~which~~  
27 ~~includes including~~ store managers and general managers, at any time. Local ABC board members or employees, which  
28 includes store managers and general managers, shall not accept gifts, either directly or ~~indirectly, or through a third~~  
29 person, from any distiller representative, supplier representative, or brokerage representative.

30 (d) Soliciting and Advertising Prohibited. ~~Except for purchases made by state or local officials for supply of ABC~~  
31 ~~stores, salesmen of spirituous liquor shall not with regard to purchases of spirituous liquor by any person:~~  
32 Except for contact with the Commission, local ABC boards, and retail permittees, with regards to the promotion and  
33 purchase of spirituous liquor, no distiller representative, supplier representative, or brokerage representative shall:

- 34 (1) solicit any order, agreement, or other commitment to purchase liquor, whether or not it is legally  
35 enforceable; or  
36 (2) advertise, ~~promote~~promote, or encourage purchases by any means or method or furnish any means  
37 by which spirituous liquor may be obtained, except as provided in 14B NCAC 15B .1008.

1 ~~Exceptions shall be made upon notification from the Commission to a distiller representative when there is expressed~~  
2 ~~interest by a fraternal or civic group in the purchase of a ceramic or commemorative decanter. Upon notice, distiller~~  
3 ~~representatives may present pictorial art work or renderings in solicitation and a presentation to that group. This~~  
4 ~~Paragraph shall not apply to a distiller representative, supplier representative, or brokerage representative who has~~  
5 ~~been granted an exemption by the Commission to make presentations of pictorial artwork or renderings of the design~~  
6 ~~of the decanter and solicitation of a special order of these decanters at the request of a local ABC board and non-profit,~~  
7 ~~charitable corporation related to orders and sales of commemorative bottles pursuant to Rule 14B NCAC 15A .1404.~~  
8 Requests for an exception under this Paragraph shall be made in writing to the Commission.

9 (e) Relationship With Mixed Beverages Permittee. No employee or representative of any distiller, importer,  
10 ~~rectifier~~rectifier, or bottler may promote or solicit orders by a mixed beverages permittee or aid the permittee in placing  
11 orders for any spirituous liquor or for any other alcoholic beverages.

12 (f) Gifts and Inducements Prohibited. ~~No~~Except as permitted pursuant to Rules .0710 and .0711 of this Subchapter,  
13 no employee or representative of any ~~rectifier~~ or industry member may give or lend to any mixed beverage ~~permittee,~~  
14 ~~or his permittee or the permittee's~~ employee any gift, money, services, equipment, furniture, ~~fixtue~~fixture, or other  
15 thing of value.

16  
17 *History Note: Authority G.S. 18B-100; 18B-207; 18B-807; 18B-1116;*

18 *Eff. January 1, 1982;*

19 *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*

20 *Transferred and Recodified from 04 NCAC 02T .0901 Eff. August 1, 2015;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
22 *2017;*

23 *Amended Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1301

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 Item (2), line 11, please insert a comma after "charitable"*

*In Sub-Item (3)(a), line 13, consider deleting "in which" and inserting "in" after "participates"*

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: March 1, 2019



1 14B NCAC 15C .1301 is adopted as published in 33:08 NCR 829 as follows:

2  
3 **SECTION .1300 – SPECIAL EVENT PERMITS**  
4

5 **14B NCAC 15C .1301 DEFINITIONS**

6 As used in G.S. 18B-1114.7 and in this Section:

7 (1) “Charitable, nonprofit organization” means a nonprofit organization that is a charitable organization  
8 as defined in G.S. 1-539.11(1).

9 (2) “Local fund-raiser” means a special event sponsored or cosponsored by a local government, a local  
10 charitable, nonprofit organization, or a local political organization for the purpose of raising funds  
11 for a governmental, charitable or political purpose.

12 (3) “Special event” means either:

13 (a) an event in which the spirituous liquor special event permittee participates that is a trade  
14 show, convention, street festival, holiday festival, agricultural festival, balloon race, local  
15 fund-raisers, or other similar events approved pursuant to Rule .1302 of this Section, that  
16 is for a limited duration of no more than 10 days and organized or sponsored by a person  
17 other than the spirituous liquor special event permittee; or

18 (b) an event of limited duration of no more than sixty (60) days at a shopping mall that is  
19 organized and sponsored by the shopping mall or an association of shopping mall  
20 merchants as part of a promotion or sale for all merchants in the shopping mall.

21  
22 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;

23 Eff. April 1, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1302

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 Item (1), so that I'm clear – the applicant will already be holding a permit in order to be able to ask for approval of a similar event?*

*In Item (6), will the permit holder know this? If not, should this read "if known"?*

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: March 1, 2019

1 14B NCAC 15C .1302 is adopted as published in 33:08 NCR 829 as follows:

2  
3 **14B NCAC 15C .1302 OTHER SIMILAR EVENTS APPROVAL**

4 For other events not specifically listed in G.S. 18B-1114.7, the holder of a spirituous liquor special event permit issued  
5 pursuant to G.S. 18B-1114.7 shall obtain approval of that other similar event from the Commission prior to the permit  
6 holder participating in the event. The holder of the permit shall submit a written application for approval to the  
7 Commission no less than seven business days prior to the date of the event. The application, available on the  
8 Commission's website, includes:

- 9 (1) the permit holder's name, business name, spirituous liquor special event permit number, email  
10 address, and telephone and fax numbers;  
11 (2) the name, dates, time, location, address, and county of the event;  
12 (3) whether an admission fee will be charged of the attendees by the event sponsor;  
13 (4) the event sponsor's name, address, contact information, event or sponsor's social media link or  
14 webpage, and whether the event sponsor is a non-profit organization;  
15 (5) whether the event sponsor holds a special one-time ABC permit pursuant to G.S. 18B-1002(a)(2) or  
16 (5) and whether alcohol will otherwise be sold or given away at the event; and  
17 (6) the names of other co-sponsors, supporters, vendors, or exhibitors who are expected to participate  
18 in the event, and whether those persons hold ABC permits.

19 The Commission shall not approve events sponsored exclusively by the holder of the permit. Tastings of spirituous  
20 liquor shall not be allowed pursuant to a spirituous liquor special event permit on the premises of a retail permittee or  
21 an ABC store.

22  
23 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;  
24 Eff. April 1, 2019.  
25

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1303

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 8, I am just asking – given the language that precedes it, do you need the sentence “No unrelated activities may be conducted in the designated tasting area.”?*

*In (f), so that I’m clear – if the distiller is holding the tasting, the distiller must purchase the liquor from the ABC store and not bring it from their warehouse?*

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: March 1, 2019

14B NCAC 15C .1303 is adopted as published in 33:08 NCR 829 as follows:

**14B NCAC 15C .1303 TASTINGS HELD FOR CONSUMERS**

(a) Tasting Area Designation. Tastings permitted pursuant to a spirituous liquor special event permit shall only be conducted within a designated tasting area, delineated by vertical markings no less than 24 inches in height that the consumer would recognize as indicating the boundaries that physically separate the tasting area from the remainder of the special event. Only tastings, sale of branded merchandise, and advertising authorized pursuant to G.S. 18B-1114.7 may be conducted in the tasting area. No unrelated activities may be conducted in the designated tasting area. Consumers shall not be permitted to take tasting samples outside the designated tasting area. The permittee shall ensure that designated tasting area signs are displayed at the permittee's tastings serving tables and at the entrances and exits to the designated tasting area, with lettering of at least 2 inches in height, informing consumers that they must be 21 years of age to participate in the tastings and that no tasting samples are allowed to be taken out of the designated tasting area. A designated tasting area may include one or more permittees. A special event may have multiple designated tasting areas.

(b) Each permittee conducting a tasting may give each consumer tasting samples up to the limits set forth in G.S. 18B-1114.7(b)(3).

(c) Training. Any employee of a permittee who will be conducting or supervising any tasting conducted pursuant to a spirituous liquor special event permit shall be given training, including:

- (1) identification of potential underage consumers;
- (2) recognition of fictitious identification;
- (3) identification of consumers who are visibly intoxicated;
- (4) service of correct sample sizes; and
- (5) methods to ensure compliance with G.S. 18B-1114.7 in accordance with Rule .1304 of this Section.

(d) Consumption prohibited. The permittee, the permittee's agent, or employee shall not be in the designated tasting area after consuming alcoholic beverages except under the following conditions:

- (1) the permittee, agent, or employee is off duty for the remainder of that day or night during which the individual consumes any alcoholic beverage;
- (2) the permittee, agent, or employee is out of uniform when uniforms are required to be worn while performing any on duty services; and
- (3) the permittee, agent, or employee shall not perform any on duty services of any nature while or after consuming alcoholic beverages.

(e) Limitations. Spirituous liquors provided as tastings pursuant to a spirituous liquor special event permit shall not be mixed with any other alcoholic or non-alcoholic beverage. No non-alcoholic beverages, other than water, shall be made available to the consumer in the designated tasting area.

(f) Source of spirituous liquor. All spirituous liquor used for tasting samples given in accordance with this Rule shall be purchased by the permittee from an ABC store.

- 1 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;
- 2 Eff. April 1, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1304

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 (b), I am simply noting that Rule .1302 does not reference the issuance of the approval letter by the ABC Commission. Since it is referenced here, should that be included in Rule .1302?*

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: March 1, 2019

1 14B NCAC 15C .1304 is adopted as published in 33:08 NCR 829 as follows:

2  
3 **14B NCAC 15C .1304 SPECIAL EVENT COMPLIANCE PROCEDURE**

4 (a) The permittee to whom the spirituous liquor special event permit was issued must be present in the designated  
5 tasting area at the time the tastings occur. A copy of the spirituous liquor special event permit shall be on display in  
6 the designated tasting area and shall be made available to law enforcement agents upon request.

7 (b) For other special events approved by the Commission pursuant to Rule .1302 of this Section, a copy of the  
8 Commission's approval shall be kept in the designated tasting area during the duration of the tastings and made  
9 available to law enforcement upon request.

10 (c) A spirituous liquor special event permit holder shall maintain a written procedure establishing the method to be  
11 used by the permit holder and the permit holder's employees or agents to ensure compliance with the requirements of  
12 G.S. 18B-1114.7(b)(3), (4), and (5). A copy of the written procedure shall be available in the designated tasting area  
13 to the permit holder's employees and designated agents and shall be made available in the designated tasting area to  
14 law enforcement agents upon request.

15 (d) A copy of the written procedure required pursuant to Paragraph (c) of this Rule shall be:

16 (1) maintained for one year following the tasting;

17 (2) included as part of the consumer tasting record maintained in accordance with G.S. 18B-  
18 1114.7(b)(10); and

19 (3) made available upon request to the Commission and law enforcement agents pursuant to G.S. 18B-  
20 502.

21  
22 History Note: Authority G.S. 18B-100; 18B-201; 18B-1114.7;

23 Eff. April 1, 2019.



## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1305

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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), why do you need to repeat this language in light of Rule .1303(a)? Do you need this both places?*

*In (b), line 9, do you mean "Rule" instead of "Section"?*

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: March 1, 2019

1 14B NCAC 15C .1305 is adopted as published in 33:08 NCR 829 as follows:

2  
3 **14B NCAC 15C .1305 SPECIAL EVENT SALE OF BRANDED MERCHANDISE, POINT-OF-SALE**  
4 **ADVERTISING MATERIALS AND ADVERTISING SPECIALTIES**

5 (a) In addition to the tastings permitted under this Section, a spirituous liquor special event permit holder may sell  
6 branded merchandise and provide point-of-sale advertising materials and advertising specialties to consumers at  
7 consumer tastings only within the designated tasting area. No other activities shall be conducted within the designated  
8 tasting area.

9 (b) For purposes of this Section:

10 (1) "Point-of-sale advertising materials" means advertising that is located inside the designated tasting  
11 area established in accordance with Rule .1303 of this Section where the product is displayed or  
12 sampled. Advertising materials may include signs, posters, banners, and decorations that bear  
13 product advertising matter. Point-of-sale advertising materials as used in this Section shall not  
14 include items listed in 14B NCAC 15C .0711(c).

15 (2) "Advertising specialties" means coasters, shot glasses, bottle or can openers, cork screws, ash trays,  
16 shopping bags, individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), and  
17 key chains.

18  
19 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;  
20 Eff. April 1, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1306

**DEADLINE FOR RECEIPT: Friday, March 15, 2019**

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 Paragraph (c), I understand the prohibition in G.S. 18B-1116. But how will the permittee know this? Should this state "shall not knowingly participate"?*

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: March 1, 2019

1 14B NCAC 15C .1306 is adopted as published in 33:08 NCR 829 as follows:

2  
3 **14B NCAC 15C .1306 SPECIAL EVENT PARTICIPATION LIMITATIONS**

4 (a) For special events in shopping malls, the spirituous liquor special event permittee shall not participate in any single  
5 mall more than 10 days cumulatively in any three-month period.

6 (b) A spirituous liquor special event permittee shall not participate more than 10 days cumulatively during a three-  
7 month period in a special event sponsored or arranged by the same person or business.

8 (c) A spirituous liquor special event permittee shall not participate in a special event for which the permittee was the  
9 only spirituous liquor special event permittee invited or allowed to participate in the special event.

10  
11 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7; 18B-1116;

12 Eff. April 1, 2019.