

Burgos, Alexander N

Subject: FW: 14B NCAC 15C .0700s - Agency's second response
Attachments: 14B NCAC 15C .0710 - Accepted Trade Practices - Services - RRC April 2026 - RFC.docx; 14B NCAC 15C .0711 - Accepted Trade Practices - Things of Value - RRC April 2026 - RFC.docx; 14B NCAC 15C .0712 - Transactions with Government and SOT Permittees - RRC April 2026 - RFC.docx; 14B NCAC 15C .0713 - Tournaments - RRC April 2026 - RFC.docx; 14B NCAC 15C .0714 - Consumer Contests - Sweepstakes - RRC April 2026 - RFC.docx; 14B NCAC 15C .0103 - Beer Franchise Law - RRC April 2026 - RFC.docx; 14B NCAC 15C .0701 - Definition - RRC April 2026 - RFC.docx; 14B NCAC 15C .0702 - Malt Beverages-Allowance for Damage - RRC April 2026 - RFC.docx; 14B NCAC 15C .0703 - Removal or Disturbance of Other Brands Prohibited - RRC April 2026 - RFC.docx; 14B NCAC 15C .0704 - Quantity Discounts Prohibited - RRC April 2026 - RFC.docx; 14B NCAC 15C .0705 - Exclusive Outlets - RRC April 2026 - RFC.docx; 14B NCAC 15C .0706 - Inducements - Tied House - RRC April 2026 - RFC.docx; 14B NCAC 15C .0707 - Commercial Bribery - RRC April 2026 - RFC.docx; 14B NCAC 15C .0709 - Prohibited Trade Practices - RRC April 2026 - RFC.docx

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Subject: RE: 14B NCAC 15C .0700s - Agency's second response

Thank you! I will be recommending approval of the revised versions of these rules. I am attaching the versions that will be used for next week's RRC meeting.

Let me know if you have any questions before then.

Regards,
Chris

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1 14B NCAC 15C .0103 is readopted with changes as published in 40:12 NCR 998 as follows:

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3 **14B NCAC 15C .0103 BEER FRANCHISE LAW; "BRAND" DEFINED**

4 For purposes of Article 13 of Chapter ~~18B~~, 18B of the General Statutes, the Beer Franchise Law, a distribution
5 agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand
6 name. Different categories of products manufactured and marketed under a common identifying trade name are
7 considered to be the same brand; e.g., the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would
8 include "Old Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful Dry" and other products identified
9 principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also
10 manufactured by Yellowstone Brewery Co. brand. The Commission shall determine the brand ~~Determination of a~~
11 ~~product's brand shall be made by the Commission at the time the product is approved for sale in North Carolina~~
12 Carolina. Later changes to advertising strategy or labeling and shall not affect the Commission's [brand]-brand
13 determination. ~~be affected by later changes in the manufacturer's advertising strategy or labeling. Differences in~~
14 ~~packaging, such as different style, type or size of container, Different packaging, style, font, or container~~ do does not
15 establish different brands. The name of the manufacturer shall not be the brand name unless no other information on
16 the label qualifies as a brand.

17 Note: As an illustration, the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would include "Old
18 Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful [Dry]" [Dry," and other products identified
19 principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also
20 manufactured by Yellowstone Brewery Co.

21
22 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1303(a);*
23 *Eff. November 1, 1994;*
24 *Amended Eff. April 1, 2011;*
25 *Transferred and Recodified from 04 NCAC 02T .0103 Eff. August 1, 2015;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
27 *2017.*
28 [Amended] Readopted Eff. May 1, 2026.
29

1 14B NCAC 15C .0701 is readopted with changes as published in 40:12 NCR 998-999 as follows:

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3 **14B NCAC 15C .0701 DEFINITIONS**

4 For the purposes of this Section, the following definitions shall apply:

- 5 (1) "Equipment" shall include draft beer boxes, wine dispensing machines, refrigeration devices, sinks,
6 dishwashers, dispensing trucks, trailers, caddies, and ~~any other item useful or suitable items used~~
7 for the preparation, serving, ~~dispensing~~ dispensing, or cleaning of ~~food or beverages~~ food,
8 beverages, or food and beverage containers.
- 9 (2) "Point-of-Sale advertising" shall mean advertising material ~~such as including~~ signs, posters,
10 banners, and ~~decorations that bears conspicuous and substantial product advertising matter, that has~~
11 ~~no secondary value to the retailer, and that is designed and intended to be used inside a retailer's~~
12 ~~licensed premises where alcoholic beverage products are displayed and sold.~~ decorations:
- 13 (a) containing alcoholic beverage product advertising matter;
14 (b) having no secondary value to the retailer; and
15 (c) designed and intended to be used inside a retailer's licensed premises where alcoholic
16 beverages are displayed and sold.
- 17 (3) "Promotion" shall include ~~any advertising publicity~~ advertising, publicity, or sponsorship activity in
18 connection with ~~any a~~ special event, ~~function~~ function, or holiday ~~that is~~ outside the scope of routine
19 sales and marketing, ~~and shall include including~~ fundraisers, concerts, sporting events, festivals,
20 celebrations, anniversaries, ceremonies, operations, observances, ~~sweepstakes~~ sweepstakes, or
21 contests.

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23 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1116;*
24 *Eff. January 1, 1982;*
25 *Amended Eff. July 1, 1992; May 1, 1984;*
26 *Transferred and Recodified from 04 NCAC 02T .0702 Eff. August 1, 2015;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
28 *2017.*
29 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C .0702 is readopted with changes as published in 40:12 NCR 999 as follows:

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3 **14B NCAC 15C .0702 MALT BEVERAGES: ALLOWANCES FOR DAMAGE**

4 ~~No allowance shall be made by any malt~~ Malt beverage industry member ~~members shall not provide a credit or~~
5 ~~allowance to any a~~ retailer for flat beer or chipped or broken bottles, except ~~in instances where~~ when the retailer returns
6 the tops of the bottles with glass attached to the industry member. ~~No refund shall be made by any industry member~~
7 Industry members shall not provide a refund on canned malt beverages ~~that have been~~ opened by a can opener or pull
8 tab. ~~Refunds~~ Industry members may be made give refunds on canned malt beverages if it is obvious the malt beverages
9 ~~have been~~ damaged in during shipment to the wholesaler or retailer.

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

12 *Eff. January 1, 1982;*

13 *Amended Eff. May 1, 1984;*

14 *Transferred and Recodified from 04 NCAC 02T .0703 Eff. August 1, 2015;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
16 *2017.*

17 *[Amended] Readopted Eff. May 1, 2026.*

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1 14B NCAC 15C .0703 is readopted with changes as published in 40:12 NCR 999 as follows:

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14B NCAC 15C .0703 REMOVAL OR DISTURBANCE OF OTHER BRANDS PROHIBITED

~~No wholesaler~~ Wholesalers shall not remove from a retailer's premises ~~any~~ bottles, ~~cartons~~ cartons, or kegs bearing brand identification ~~except brands that are distributed by that wholesaler~~ unless the wholesaler is authorized to distribute the brand. ~~No wholesaler~~ Wholesalers shall not remove, ~~rearrange~~ rearrange, or otherwise disturb ~~any~~ malt beverages or wine displayed by another wholesaler on a retail licensed premises ~~by another wholesaler~~, except:

- (1) to return merchandise to its ~~properly~~ assigned shelf space when ~~it has been inadvertently~~ placed in the wholesaler's assigned space; ~~or~~
- (2) to remove a competitor's product from a promotional display area ~~that has been~~ assigned to the ~~wholesaler, and wholesaler~~ if the competitor's personnel are ~~not available~~ unavailable to move their ~~own product from the area at the time when~~ the wholesaler's product is scheduled to go on promotion, promotion; or
- (3) with the consent of the affected wholesaler.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1116(b);
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0704 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.
[Amended] [Readoption] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C .0704 is readopted with changes as published in 40:12 NCR 999 as follows:

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3 **14B NCAC 15C .0704 QUANTITY DISCOUNTS PROHIBITED**

4 ~~No wholesaler or his employee~~ A wholesaler or **wholesaler's** salesman shall not give any a retailer a quantity discount
5 on the price of malt beverages or ~~wine, nor shall a retailer~~ wine. A quantity discount includes charging a fee for an
6 order of less than a full ~~case.~~ **case when the same fee is not charged for full case orders.** Retailers shall not require a
7 wholesaler to provide ~~these~~ quantity discounts.

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9 *History Note:* Authority G.S. 18B-100; 18B-207; **18B-1116(a);**

10 *Eff. January 1, 1982;*

11 *Amended Eff. May 1, 1984;*

12 *Transferred and Recodified from 04 NCAC 02T .0705 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*

15 **[Amended] Readopted Eff. May 1, 2026.**

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1 14B NCAC 15C .0705 is readopted with changes as published in 40:12 NCR 999 as follows:

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3 **14B NCAC 15C .0705 EXCLUSIVE OUTLETS**

4 ~~No~~An industry member shall not require, by agreement or otherwise, directly or indirectly, [through direct or indirect
5 or by any means, that ~~any a~~ retailer ~~engaged in the sale of malt beverages, wine or mixed beverages~~ purchase any
6 alcoholic beverages from ~~that person~~ the industry member pursuant to ~~any~~ of the following practices:

- 7 (1) ~~written or unwritten~~ contractual purchase agreements;
- 8 (2) threat of loss of supply;
- 9 (3) purchases made as a prerequisite for the purchase of short supply items; or
- 10 (4) ~~any form of~~ coercion by the industry member, including threats of physical or economic harm.

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12 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1116(a);*
13 *Eff. January 1, 1982;*
14 *Amended Eff. May 1, 1984;*
15 *Transferred and Recodified from 04 NCAC 02T.0706 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]~~ Readopted Eff. May 1, 2026.

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1 14B NCAC 15C .0706 is readopted with changes as published in 40:12 NCR 999-1000 as follows:

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3 **14B NCAC 15C .0706 INDUCEMENTS (TIED HOUSE)**

4 ~~No industry member shall:~~ Industry members shall not:

- 5 (1) acquire or hold ~~any-an~~ interest in ~~any-a~~ license or permit ~~with respect to or~~ the premises of a retail
6 permittee;
- 7 (2) acquire ~~any-an~~ interest in real or personal property owned, occupied, or used by a retail permittee ~~in~~
8 ~~the conduct of his- for the retailer's~~ business;
- 9 (3) furnish, give, rent, lend, or sell to a retail permittee ~~any~~ equipment, fixtures, signs, supplies, money,
10 services, or ~~other~~ things of value except as ~~otherwise~~ provided in these Rules;
- 11 (4) pay or credit a retail permittee for ~~any~~ advertising, display, or distribution service;
- 12 (5) guarantee ~~any-a~~ loan or the repayment of ~~any-a~~ financial obligation of a retail permittee;
- 13 (6) extend credit to a retail permittee, except as ~~otherwise~~ provided in these Rules;
- 14 (7) require a retail permittee to take and dispose of a certain quota of ~~any~~ alcoholic beverages;
- 15 (8) acquire ~~any-an~~ interest in a mortgage or deed of trust on the retailer's business or property;
- 16 (9) pay a third party for the display of advertising on ~~any~~ signs or scorecards manufactured by a third
17 party for a retailer;
- 18 (10) furnish free warehousing by delaying delivery of alcoholic beverage product or by providing
19 refrigerated vehicles for a retailer; or
- 20 (11) purchase advertising on signs, scoreboards scoreboards, and programs at ballparks, racetracks, and
21 coliseums from the retail concessionaire, unless the retailer is a city or county, and an exemption
22 has been granted pursuant to G.S. 18B-1116(b).

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24 *History Note:* *Authority G.S. 18B-100; 18B-207; 18B-1116(a);*
25 *Eff. January 1, 1982;*
26 *Amended Eff. July 1, 1992; May 1, 1984;*
27 *Transferred and Recodified from 04 NCAC 02T .0707 Eff. August 1, 2015;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
29 *2017.*
30 [Amended] Readopted Eff. May 1, 2026.
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1 14B NCAC 15C .0707 is readopted with changes as published in 40:12 NCR 1000 as follows:

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3 **14B NCAC 15C .0707 COMMERCIAL BRIBERY**

4 (a) ~~No industry member~~ Industry members shall ~~make not give~~ gifts or ~~payoffs-payments~~ to purchasing agents, clerks,
5 bartenders, ~~salesmen-salesmen~~, or other employees of retail permittees.

6 (b) ~~No industry member~~ Industry members shall not give any a bonus, ~~premium-premium~~, or compensation to ~~any a~~
7 retailer or an officer, ~~employee-employee~~, or agent of the retailer. Prohibited acts include:

8 (1) monetary inducements ("push money") ~~given~~ to retailers or their employees;

9 (2) ~~total or partial~~ payment of any part of a retailer's employee's salary;

10 (3) sales promotion contests ~~in which where~~ a retailer's employees are offered or awarded ~~prizes-prizes~~
11 ~~such as trips abroad, cash, or automobiles that are totally or partially~~ financed by an industry
12 member;

13 (4) payments or gratuities to groups or associations of retailer's employees;

14 (5) ~~other gifts such as trips, appliances, or other items given~~ to retail corporate officers; or

15 (6) participation in a retailer's sales or management ~~meetings, conventions or outings-meeting,~~
16 convention, or outing by sponsoring or underwriting ~~any events in connection with at~~ the meeting,
17 ~~convention-convention,~~ or outing, unless ~~such~~ participation is limited to ~~the~~ providing of a
18 hospitality suite with light hors d'oeuvres and beverages, and the price paid for the suite is not greater
19 than that paid by any other participant in the meeting, ~~convention-convention,~~ or outing.

20 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, an industry member may invite and pay for up to two
21 employees or representatives of a retail permittee ~~who is permitted under pursuant to~~ G.S. 18B-1001, ~~to, and pay for,~~
22 ~~to for~~ a business meal to discuss sales and promotions in person, ~~provided that:~~ with the following conditions:

23 (1) ~~the business meal, including beverages consumed with the meal, shall take place within North~~
24 ~~Carolina and shall not take place at any entertainment venue or in conjunction with~~
25 ~~entertainment;~~ the industry member shall conduct the business meal in North Carolina but not [at an
26 entertainment venue or]in conjunction with entertainment;

27 (2) if the industry member provides transportation, ~~that it shall be by personal vehicle only;~~ the industry
28 member shall use only a personal vehicle;

29 (3) the industry member must accompany the employees or representatives of a retail permittee for the
30 duration of the business meal;

31 (4) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
32 obligation ~~on the part~~ of the retailer to purchase alcoholic beverages or to provide ~~any other a~~ benefit
33 to ~~such the~~ industry member;

34 (5) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
35 obligation ~~on the part~~ of the retailer to exclude from sale the products of ~~any other another~~ industry
36 member;

1 ~~(6)~~ the cost of the business meal shall not exceed the cost of a business meal in the food and non-
2 alcoholic beverage industry provided in the ordinary course of business; ~~[business in other food and~~
3 ~~beverage service industries;]~~ and

4 ~~(7)(6)~~ an the industry member shall pay for no more than two business meals per retail permittee per
5 calendar year.

6 This Paragraph does not apply to ~~any~~ an industry member ~~that has a bona fide, with a~~ pre-existing relationship with
7 ~~any~~ a retail permittee separate from the beverage alcohol industry.

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9 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(a);~~
10 Eff. January 1, 1982;
11 Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;
12 Transferred and Recodified from 04 NCAC 02T .0708 Eff. August 1, 2015;
13 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
14 2017.
15 ~~[Amended]~~ Readopted Eff. May 1, 2026.
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1 14B NCAC 15C .0709 is readopted with changes as published in 40:12 NCR 1001-1002 as follows:

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3 **14B NCAC 15C .0709 PROHIBITED TRADE PRACTICES**

4 (a) General. ~~It shall be a violation of this Rule for any~~ An alcoholic beverage (~~including malt beverages, wines and~~
5 ~~spirituous liquors~~) industry ~~member, member for malt beverages, wine, or spirituous liquor, whether or not~~ licensed
6 in this ~~state, state or not~~, or any officer, director, ~~employee~~ employee, or affiliate, ~~to either directly or indirectly shall~~
7 ~~not~~ lend, give, ~~furnish~~ furnish, or ~~offer~~ offer, either directly or [indirectly,] through a third party, to ~~any a~~ retail
8 ~~permittee or his permittee, a retailer's employee, or to the owner of the premises on which where~~ the business of a
9 retailer is conducted, or for ~~any a~~ retail permittee, employee, or owner to demand, ~~require~~ require, or accept from ~~any~~
10 an industry member, ~~any~~ money, services, furniture, fixture, equipment, sign, glasses, barware, ~~supplies~~ supplies, or
11 ~~other~~ thing of value, except as provided in this Rule.

12 (b) Prohibited Services. ~~By way of illustration, the~~ The following services shall not be furnished, given, ~~provided~~
13 provided, or made available to a retail permittee by an industry member, even if the retailer is charged or billed for
14 the services for their market value:

- 15 (1) installing, ~~repairing~~ repairing, or maintaining equipment, outdoor ~~signs~~ signs, or other fixtures;
- 16 (2) promoting a retailer in advertising;
- 17 (3) reconciling inventory for a retailer;
- 18 (4) providing labor or employees to assist a retailer in the retailer's promotional events unless otherwise
19 allowed in the rules of the Commission;
- 20 (5) loaning or renting aerial displays or outdoor inflatables to a retailer for use, whether on or off the
21 retailer's licensed premises;
- 22 (6) pricing or repricing a product without the retailer's consent;
- 23 (7) warehousing, by:
 - 24 (A) making refrigerated vehicles available to the retailer; or
 - 25 (B) delaying delivery from a manufacturer, importer, nonresident ~~vendor~~ vendor, or warehouse
26 ~~in order to enable the retailer to take advantage of promotional prices or for any other~~
27 ~~reason;~~ for the retailer's advantage;
- 28 (8) affixing special retailer stamps or stickers to beer or wine ~~packaging, but a~~ packaging. A wholesaler
29 may affix signs, stickers, stamps, or tags indicating the product's price to a container, ~~shelf~~ shelf, or
30 display of ~~its~~ the wholesaler's products;
- 31 (9) entering delivery data on a retailer's in-store computer;
- 32 (10) providing data processing services;
- 33 (11) sponsoring sports leagues ~~that are~~ also sponsored by a ~~retailer,~~ retailer or that use the facilities of a
34 retailer for sporting events;
- 35 (12) guaranteeing the loan of a retailer;
- 36 (13) extending credit to a retailer;
- 37 (14) failing to require a deposit equal to that charged by the supplier on kegs and returnable bottles; or

1 (15) negotiating special prices for or financing of equipment.

2 (c) Prohibited Things of Value. ~~By way of illustration, the~~ The following things of value shall not be furnished, given,
3 loaned, ~~rented-rented,~~ or sold to a retail permittee by ~~any-an~~ industry member:

4 (1) aerial displays or tethered inflatables;

5 (2) parties ~~given~~ for retailers or groups of retailers' employees, unless otherwise allowed by the rules of
6 the Commission;

7 (3) prizes at retailer conventions;

8 (4) advertising in a retailer periodical or advertising in a retailer publication designed for distribution to
9 consumers;

10 (5) outside signs;

11 (6) cooperative advertising, including:

12 (A) providing or assisting retailer promotions, whether on or off the retailer's premises;

13 (B) participation with a retailer in the advertising of alcoholic beverages, the retailer's ~~business~~
14 business, or special events unless specifically approved by the Commission in the case of
15 fundraisers for non-profit charitable organizations after consideration of the factors listed
16 in G.S. 18B-1116(b);

17 (C) underwriting the cost of T-markers, ~~scorecards-scorecards,~~ or scoreboards by the purchase
18 of advertising from a third party; or

19 (D) customizing point-of-sale advertising materials, novelties, glassware, consumer ~~specialties~~
20 specialties, or product displays by printing or having printed the retailer's name, slogan or
21 logo on the item, unless otherwise specifically allowed in the rules of the Commission;

22 (7) making discounts, ~~rebates-rebates,~~ or refunds to a retailer on the condition ~~that~~ the retailer use the
23 discount, ~~rebate-rebate,~~ or refund to pay off a loan;

24 (8) equipment, fixtures fixtures, or furnishings; or

25 (9) clothing, except as provided in ~~Rule .0711 of this Section.~~ 14B NCAC 15C .0711.

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27 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1116;

28 *Eff. July 1, 1992;*

29 *Amended Eff. April 1, 2011;*

30 *Transferred and Recodified from 04 NCAC 02T .0711 Eff. August 1, 2015;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
32 *2017.*

33 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C ~~.710~~.0710 is readopted with changes as published in 40:12 NCR 1002-1004 as follows:

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3 **14B NCAC 15C .0710 ACCEPTED TRADE PRACTICES; SERVICES**

4 ~~The following service activities are specifically allowed in transactions between alcoholic beverage (which includes~~
5 ~~malt beverages, wines and spirituous liquors) industry member and retailers:~~Malt beverage, wine, and spirituous liquor
6 industry members are authorized to provide the following services to retailers:

7 (1) Shelving and Pricing for Malt Beverage and Wine Wholesalers.

8 (a) Malt beverage and wine wholesalers ~~who have been~~ assigned space in retail permittee
9 outlets may price or re-price their stock as ~~designated~~ requested by the retail permittee.

10 (b) Malt beverage and wine wholesalers may rearrange and place their brand or brands in their
11 assigned shelf space ~~so as to rotate their stock and to keep their assigned space clean and~~
12 neat.

13 (c) Malt beverage and wine wholesalers may rearrange or reset a retail permittee's alcoholic
14 beverage shelf space, display area, or department pursuant to that retail permittee's plan
15 and ~~direction, direction.~~ but that industry Industry members shall not move or disturb
16 brands sold by other industry ~~members~~ members except as authorized in 14B NCAC 15C
17 .0703.

18 ~~(2) — Coil Cleaning Service. An industry member may render coil cleaning services to a retailer.~~

19 ~~(3)~~(2) Shelf Management Plans; Notice Prior to Reset.

20 (a) An industry member may discuss with a retailer shelf-management concepts and programs
21 and may provide, publish, and make available data on market sales and analysis.

22 (b) An industry member may provide and suggest shelf-management plans which are
23 customized for a specific retail permittee or group of retail permittees. The retail permittee
24 shall remain solely responsible for implementing ~~any a~~ suggested shelf-management plan.
25 If an industry member provides a suggested shelf-management plan to a retail permittee or
26 group of retail permittees, ~~he if~~ must provide a suggested plan to ~~any other retail permittee~~
27 permittees upon request. Shelf-management plans shall meet the following conditions:

28 (i) no retail permittee or person acting on ~~its~~ the retail permittee's behalf shall
29 implement a shelf-management plan unless the retail permittee sends notice of the
30 plan to all wholesalers ~~that service that servicing the location who have provided~~
31 ~~a request to the retail permittee to receive such notice;~~ requested notification from
32 the retail permittee;

33 (ii) the retail permittee shall provide the notice to wholesalers required under this Sub-
34 ~~item~~ SubItem at least two weeks prior to implementation of the plan and the notice
35 shall include the date and time of the contemplated plan ~~implementation and shall~~
36 ~~be provided at least two weeks before such time implementation.~~ In the event of
37 an exigent or other unforeseen circumstance in which such [If] notice cannot be

1 provided within the two week period, the retail permittee shall provide such notice
2 within a reasonable period of time as referenced by ~~[pursuant to]G.S. 25-1-~~
3 ~~205(a)~~; If it is not feasible for the retail permittee to provide notice before the two-
4 week period, the retail permittee shall provide such notice no less than 48 hours
5 prior to implementation of the plan.

6 (iii) the retail permittee shall include the proposal in a notice if an industry member
7 assists in the creation of a proposed plan, the notice provided by the retail
8 permittee shall also include the proposal plan; and

9 (iv) if a retail permittee develops a shelf-management plan without assistance from an
10 industry member or makes adjustments to less than 15 percent of the current shelf-
11 management plan, the retail permittee is not required to send the notice to
12 wholesalers required under this Sub item does not apply to a retail permittee that
13 independently develops or designs his own shelf management plan without the
14 assistance of an industry member, or who makes adjustments to less than 15
15 percent of the current self management plan. SubItem.

16 (c) A wholesaler may provide physical labor to implement a shelf-management plan.

17 (d) For purposes of this Rule, a shelf-management plan includes shelf resets.

18 (e) For purposes of this Rule, ~~notice from either~~ a retail permittee or an industry member shall
19 ~~be provided~~ provide notice by verifiable electronic mail, certified mail, or other delivery
20 service ~~which requires~~ requiring written verification of delivery, and shall include a
21 ~~designated person and contact~~ contact person's information for return correspondence.

22 **(4)(3)** Participation in Retailer Association Activities. An industry member may participate in retailer
23 association activities by:

24 (a) displaying product at association conventions or trade shows;

25 (b) renting display or booth space ~~so long as only~~ if the rental fee is the same as the fee paid
26 by all exhibitors;

27 (c) providing hospitality events which are independent from association sponsored activities;

28 (d) purchasing tickets to functions and paying registration fees only if such fees are the same
29 fees are as paid by all exhibitors; and

30 (e) making payments for advertisements in programs or brochures at association shows within
31 the dollar limits established by ~~27 C.F.R. 6.100 and the Bureau of Alcohol, Tobacco and~~
32 ~~Firearms which is incorporated herein by reference. Cost adjustment increases authorized~~
33 ~~by 27 C.F.R. 6.83 are also incorporated herein by reference but subsequent amendments to~~
34 ~~27 C.F.R. 6.100 are not incorporated. Copies of these regulations are available for~~
35 ~~inspection and copying as provided by 14B NCAC 15C .0401. Subpart D of 27 CFR Part~~
36 6, incorporated herein by reference and available for free at

1 <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-6/subpart-D>.

2 **Subsequent amendments and editions are incorporated by reference.**

3 ~~(5)~~(4) Educational Seminars. An industry member may provide or sponsor seminars for retailers and their
4 employees in the following areas:

- 5 (a) the proper use of equipment;
- 6 (b) the proper storage, ~~handling~~ handling, and service of alcoholic beverages;
- 7 (c) safe driving programs;
- 8 (d) recognizing underage and intoxicated customers; and
- 9 (e) the history or aspects of a product's manufacturing process.

10 Seminars may be conducted at the premises of either the retailer or industry member. ~~Nothing in this Rule shall be~~
11 ~~construed to authorize an~~ An industry member ~~to shall not~~ pay the retailer's expenses in attending the seminar.

12 ~~(6)~~(5) Tastings. ~~Beer and wine tastings may be conducted in accordance with 14B NCAC 15B .0901 and~~
13 ~~.0902.~~ Industry members shall conduct tastings in compliance with 14B NCAC 15B, Section .0900.

14 ~~(7)~~(6) Labor for Displays. An industry member may provide personnel to construct a promotional product
15 display on the premises of a retailer, and may move other products from the display area ~~in~~
16 ~~accordance with~~ per 14B NCAC 15C .0703.

17 ~~(8)~~(7) Installations. The following items may be installed by an industry member at no charge to a retailer:

- 18 (a) point of sale advertising materials; and
- 19 (b) tapping accessories.

20 ~~(9)~~(8) Bar Spending. An industry member may visit the premises of an on-premise retail account for the
21 purpose of promoting its brands so long as:

- 22 (a) the visit is unannounced and not advertised; and
- 23 (b) a patron who refuses the industry member's offer to consume a product is offered a
24 comparable price-point beverage of ~~his~~ the patron's choice, either alcoholic or non-
25 alcoholic.

26 ~~(10)~~(9) Non-alcoholic Beverages. A malt beverage wholesaler who is also engaged in the business of selling
27 non-alcoholic beverage products may engage in the accepted trade practices of the soft drink and
28 snack food industries, so long as the sales and practices surrounding the non-alcoholic beverage
29 merchandise are not used as an unlawful inducement to purchase malt beverages.

30 Note: Wine wholesalers selling non-alcoholic beverage merchandise are governed by the provisions of 27 ~~C.F.R.~~ CFR
31 6.101.

32
33 *History Note:* Authority G.S. 18B-100; 18B-203(b); 18B-207; ~~18B-1116(b)~~;

34 *Eff. July 1, 1992;*

35 *Amended Eff. April 1, 2011;*

36 *Transferred and Recodified from 04 NCAC 02T .0712 Eff. August 1, 2015;*

1 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2 2017.
3 [Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0711 is readopted with changes as published in 40:12 NCR 1004-1005 as follows:

2
3 **14B NCAC 15C .0711 ACCEPTED TRADE PRACTICES; THINGS OF VALUE; RETAIL PERMITTEES**

4 (a) Items That Must Be Sold. ~~The following things of value shall not be given, loaned or rented by any alcoholic~~
5 ~~beverage (which includes malt beverages, wines and spirituous liquors) industry member~~ Malt beverage, wine, and
6 spirituous liquor industry members shall not give, lend, or rent to a retail permittee, but may be sold ~~sell~~ to the retail
7 permittee at the price paid for the item by the first industry member who acquires the item; following things of value:

- 8 (1) novelties, ~~such as~~ coolers, umbrellas, ice chests, beach towels, towels, and sports equipment, so long
9 as the novelty item if the item has not been customized for a retail permittee with the retail
10 permittee's name or logo;
- 11 (2) glassware and cups, ~~so long as the items have if the item has~~ not been customized for a retail
12 permittee with the retail permittee's name or logo;
- 13 (3) carbon dioxide;
- 14 (4) ice;
- 15 (5) beer tapping accessories, ~~including~~ faucets, rods, vents, taps, hoses, washers, couplings, gas gauges,
16 vent tongues, shanks, and check valves; and
- 17 (6) menus that exceed the number of food items ~~provided in [pursuant to]~~ allowed by 14B NCAC 15B
18 .1006(a)(3).

19 (b) Items That May Be Provided at No Charge. Industry members may give, provide, loan, rent, or sell the ~~The~~
20 following things of value may be given, furnished, loaned, rented or sold by an industry member to a retail permittee:

- 21 (1) samples of malt beverage, ~~wine~~ wine, and spirituous liquor products in the following quantities:
- 22 (A) no more than three gallons of any brand of malt beverages;
- 23 (B) no more than three liters of any brand of wine; and
- 24 (C) no more than 50 milliliters of any brand of spirituous liquor.

25 Industry members may only give samples ~~Samples may be given only~~ to a retail permittee who has not previously
26 purchased those brands from the industry member within the previous calendar year.

- 27 (2) recipes, ~~booklets~~ booklets, and brochures for cooking with ~~wine, malt beverages~~ malt beverages,
28 wine, or spirituous liquors as described in pursuant to 14B NCAC 15B .1006(a)(3). ~~.1006(a)(3);~~
- 29 (3) malt beverage, ~~wine~~ wine, and mixed beverage ~~lists, in accordance with lists pursuant to 14B NCAC~~
30 15B .1006(a)(3). ~~.1006(a)(3);~~
- 31 (4) combination ~~packaging, as provided in packaging pursuant to 27 C.F.R.~~ CFR 6.93;
- 32 (5) consumer specialty items such as bottle or can openers, cork screws, ash trays, shopping bags,
33 individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), or key chains. Such
34 items may be given to retail permittees for distribution to consumers, or may be provided by industry
35 member personnel directly to consumers at the retail permittee's place of business during visits that
36 are not announced or advertised to consumers. Consumer specialty items shall not be customized
37 for a retail permittee with the retail permittee's name or logo; and.

1 (6) product displays, to include wine racks, bins, barrels, casks and shelving from which malt beverage,
2 wine or spirituous liquor are displayed and sold, so long as:

3 (A) each display bears ~~conspicuous and substantial~~ advertising matter; and

4 (B) the dollar limitations per brand do not exceed ~~one hundred sixty dollars (\$160.00); those~~
5 established in G.S. 18B-105.

6 (7)(6) point of sale advertising materials which have value only as advertising, so long as the pieces have
7 not been customized for any individual retail ~~permittee; and permittee.~~

8 (8) retail permittee advertising specialty items as described in 14B NCAC 15B .1006(a)(4), so long as
9 the items have not been customized for an individual retail permittee, and so long as the dollar
10 limitations per brand do not exceed ~~three hundred dollars (\$300.00) per year; those established in~~
11 G.S. 18B-105.

12 (c) Point-Of-Sale Advertising Materials. Notwithstanding having a secondary value, the following items are
13 considered to be point-of-sale materials and an industry member is not required to submit to legal@abc.nc.gov ~~need~~
14 ~~not be submitted by an industry member~~ for approval prior to use, so long as the items bear conspicuous advertising
15 matter:

16 (1) clocks;

17 (2) lamps;

18 (3) lighted displays;

19 (4) blackboards;

20 (5) bulletin boards;

21 (6) dart board backgrounds;

22 (7) menu and price boards;

23 (8) tap standards;

24 (9) calendars;

25 (10) mirrors; and

26 (11) prizes offered in a consumer sweepstakes or contest pursuant to 14B NCAC 15C .0714(b). ~~The~~
27 ~~prizes shall bear a sticker that shows it is the property of the industry member. Industry members~~
28 ~~shall place a sticker on prizes to show the prize is the property of the industry member. The prizes~~
29 ~~shall be picked up by the industry member shall pick up the prize~~ at the conclusion of the
30 sweepstakes or contest.

31 (d) The provisions of ~~27 C.F.R. CFR~~ 6.93 referenced in this Rule are incorporated by ~~reference, but such incorporation~~
32 ~~does not include subsequent amendments. Copies of this regulation are available for inspection and copying as~~
33 ~~provided in 14B NCAC 15C .0401, reference including subsequent amendments and editions that may be accessed for~~
34 free at <https://www.ecfr.gov/current/title-27/section-6.93>.

35 (e) Nothing ~~within in~~ this Rule applies to ABC boards.

36
37 *History Note:* Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1116(b);~~

1 *Eff. July 1, 1992;*
2 *Amended Eff. April 1, 2011;*
3 *Transferred and Recodified from 04 NCAC 02T .0713 Eff. August 1, 2015;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
5 *2017.*
6 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C .0712 is readopted with changes as published in 40:12 NCR 1005-1006 as follows:

2
3 **14B NCAC 15C .0712 TRANSACTIONS WITH GOVERNMENT AND SPECIAL ONE-TIME**
4 **PERMITTEES**

5 (a) Permitted Activities. Notwithstanding the restrictions contained in 14B NCAC 15C .0709, ~~the following activities~~
6 ~~by alcoholic beverage (which includes malt beverages, wines and spirituous liquors)~~ malt beverage, wine, and
7 spirituous liquor industry members are ~~allowed, as described in this Rule, authorized to conduct the following~~
8 activities in transactions with cities, counties, the ~~state, or State,~~ in transactions with nonprofit or political
9 organizations that have obtained a Special One-Time permit under the provisions of G.S. 18B-1002(a)(2) or (5), or in
10 transactions with nonprofit organizations that do not hold an ABC permit:

- 11 (1) sponsorships of festivals, concerts, ~~fundraisers~~ fundraisers, or special events cosponsored by the
12 local government, the ~~state~~ State, or nonprofit or political organizations, including payments of
13 advertising fees;
- 14 (2) loaning or renting portable equipment to a local government, the ~~state~~ State, or a nonprofit or
15 political organization so long as the equipment loaned or rented is for a single event of limited
16 duration;
- 17 (3) contracts to provide payment for permanent advertising on signs or scoreboards when the industry
18 member has submitted a request ~~for and received an exemption pursuant to G.S. 18B-1116(b); to~~
19 legal@abc.nc.gov and received approval;
- 20 (4) providing labor or employees to assist in the setting up or changing of draft beer kegs and equipment
21 which has been loaned or rented pursuant to Subparagraph (a)(2) of this Rule;
- 22 (5) loaning or renting ~~previously approved~~ aerial displays or outdoor ~~inflatables~~ inflatables, approved
23 prior to the event by submission to legal@abc.nc.gov, for the duration of a special event;
- 24 (6) loaning or allowing the use of refrigerated vehicles;
- 25 (7) providing novelties, ~~prizes~~ prizes, or prize money to nonprofit organizations that have obtained a
26 Special One-Time Permit;
- 27 (8) providing cash contributions, product ~~donations~~ donations, and other consumer goods, ~~provided on~~
28 the condition that any donated product remaining after the event is ~~not supplied~~ provided by the
29 Special One-Time Permittee to a ~~regular~~ retail permittee;
- 30 (9) participation with a local government or the ~~state~~ State in the advertising of events cosponsored by
31 the local government or ~~state~~; State; and
- 32 (10) ~~accepting after the event is over, accepting, for cash or credit, the return of alcoholic beverages not~~
33 sold, for cash or credit, after the event is over.

34 (b) Sponsorship/Advertising Agreements Restricted. ~~No Industry members shall not enter a~~ sponsorship agreement
35 or advertising contract ~~between an industry member and with~~ a city, county, the ~~state~~, State, or a Special One-Time
36 permittee ~~shall contain any agreement, either express or implied, where, either express or implied, that~~ the industry

1 member's products will be sold to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by
2 competitors.

3 (c) Cosponsorship with Retail Permittee. ~~In any promotion by an~~ An industry member shall not promote or sponsor
4 an event with a local government, the ~~state,~~ State, or a nonprofit organization ~~in which there is cosponsorship by where~~
5 a retailer other than the local government or the ~~state,~~ State has a cosponsorship unless the industry member ~~shall~~
6 ~~obtain~~ obtains prior written approval from the Commission at legal@abc.nc.gov and as provided in 14B NCAC 15C
7 .0715.

8
9 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(b);~~
10 *Eff. July 1, 1992;*
11 *Amended Eff. November 1, 2012; April 1, 2011;*
12 *Transferred and Recodified from 04 NCAC 02T .0714 Eff. August 1, 2015;*
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*
15 ~~Amended~~ Readopted *Eff. May 1, 2026.*

16
17

1 14B NCAC 15C .0713 is readopted with changes as published in 40:12 NCR 1006 as follows:

2
3 **14B NCAC 15C .0713 TOURNAMENTS**

4 (a) General. ~~Sponsorship by an~~ An industry member may sponsor of a regional, ~~statewide~~ statewide, or national sports
5 ~~tournament, when the tournament is held~~ on the property or premises of a retail ~~permittee, is permissible~~ permittee
6 only if all of the following conditions are met:

7 (1) The tournament is promoted or sanctioned by the official governing body of the sport, or is promoted
8 and sponsored by a ~~bona fide~~ nonprofit organization for the purpose of raising funds for a civic,
9 scientific, ~~charitable~~ charitable, or educational cause;

10 (2) An industry member does not give, rent, or loan ~~No~~ money, novelty ~~items~~ items, or other prohibited
11 ~~services~~ services, or things of value ~~are given, rented or loaned by an industry member~~ to the retailer;
12 and

13 (3) An industry member gives all ~~All~~ sponsorship ~~money or fees and other~~ money, fees, and things of
14 ~~value from the industry member are given~~ to the official governing body of the sport or the nonprofit
15 organization.

16 (b) Advertising. An industry member may advertise ~~via mass media~~ or pay for the advertising of a tournament ~~when~~
17 ~~the primary theme of the advertisement is the tournament and its purpose.~~ [purpose are the main theme.] only if the
18 primary purpose of the tournament is to raise funds for a civic, scientific, charitable, or educational cause. The
19 Commission shall consider advertising materials, social media accounts, and websites in determining a tournament's
20 primary purpose. ~~The naming of~~ Citing the retailer's premises as the location of a tournament shall not be construed
21 to be cooperative advertising in violation of 14B NCAC 15B .1005 ~~of this Chapter~~ when the retailer's ~~tradename~~ trade
22 name is stated in substantially smaller ~~typeface~~ typeface than the majority of the advertisement.

23 (c) Sponsorship/Advertising Agreements Restricted. No industry member agreeing to sponsor a tournament shall
24 enter into any agreement or contract, either express or implied, that a retailer or special one-time permittee will sell
25 that industry member's products to the exclusion, in whole or in part, of other brands of alcoholic beverages offered
26 by competitors.

27 (d) Joint Sponsorships. An industry member shall not agree to cosponsor ~~any a~~ tournament with ~~any a~~ retail permittee
28 unless the proceeds from the tournament are paid to a nonprofit civic, scientific, ~~charitable~~ charitable, or educational
29 organization.

30 (e) Prohibited Sponsorships. An industry member shall not sponsor or aid a retailer in the promotion of ~~any a~~
31 tournament held ~~primarily~~ to benefit the retailer, its employees, ~~members~~ members, or guests.

32
33 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(b);~~

34 *Eff. July 1, 1992;*

35 *Amended Eff. November 1, 2012;*

36 *Transferred and Recodified from 04 NCAC 02T .0715 Eff. August 1, 2015;*

1 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2 2017.
3 [Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0714 is readopted with changes as published in 40:12 NCR 1006 as follows:

2

3 **14B NCAC 15C .0714 CONSUMER CONTESTS; SWEEPSTAKES**

4 (a) General. ~~Malt beverage, wine, and spirituous liquor industry members may offer consumer~~ Consumer contests or
5 sweepstakes ~~may be offered by an alcoholic beverage (which includes malt beverages, wines and spirituous liquors)~~
6 ~~industry member so long as only if~~ no purchase is required. Entry forms may be attached to or part of an alcoholic
7 beverage label or package so long as ~~alternative methods of entry are available to the consumer by means of a tear~~
8 pad of entry forms is available to the consumer at the point of purchase or ~~by means of~~ electronic entry forms are
9 available on the internet.

10 (b) Point-of-Sale Permissible; Restriction on Retailer Involvement. An industry member may provide to a retailer
11 point-of-sale advertising materials promoting a sweepstakes or contest. An industry member shall not offer or promote
12 ~~any a~~ sweepstakes or contest in conjunction with ~~any a~~ retailer as a cosponsor or as the provider of ~~any a~~ prize. No
13 prizes may be drawn or awarded on the premises of ~~any a~~ retailer. Officers, ~~employees~~ employees, and representatives
14 of industry members and retailers are excluded from participating in a consumer sweepstakes or contest offered under
15 this Rule.

16

17 *History Note:* Authority G.S. 18B-100; 18B-105; 18B-207; 18B-1116(b);

18 *Eff. July 1, 1992;*

19 *Amended Eff. April 1, 2011;*

20 *Transferred and Recodified from 04 NCAC 02T .0716 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] Readopted Eff. May 1, 2026.

24

25

Burgos, Alexander N

Subject: FW: 14B NCAC 15C .0700s - Agency's second response
Attachments: 14B NCAC 15C .0710 - Accepted Trade Practices - Services - RRC April 2026 - RFC.docx

From: Metz, Renee <renee.metz@abc.nc.gov>
Sent: Thursday, April 23, 2026 2:40 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: 14B NCAC 15C .0700s - Agency's second response

Thank you for your patience working through this with me.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307

Location: 400 East Tryon Road, Raleigh, NC 27610

Disclaimer: I represent the NC ABC Commission and any information provided in this email is not legal advice and should not be relied upon as legal advice. I can only provide you with information about alcoholic beverage control laws. You should consult your own attorney for advice.

Email correspondence to and from this address is subject to the Public Records Law and may be disclosed to third parties pursuant to Chapter 132 of the NC General Statutes.



1 14B NCAC 15C ~~.710~~ .0710 is readopted with changes as published in 40:12 NCR 1002-1004 as follows:

2
3 **14B NCAC 15C .0710 ACCEPTED TRADE PRACTICES; SERVICES**

4 ~~The following service activities are specifically allowed in transactions between alcoholic beverage (which includes~~
5 ~~malt beverages, wines and spirituous liquors) industry member and retailers:~~ Malt beverage, wine, and spirituous liquor
6 industry members are authorized to provide the following services to retailers:

7 (1) Shelving and Pricing for Malt Beverage and Wine Wholesalers.

8 (a) Malt beverage and wine wholesalers ~~who have been~~ assigned space in retail permittee
9 outlets may price or re-price their stock as ~~designated~~ requested by the retail permittee.

10 (b) Malt beverage and wine wholesalers may rearrange and place their brand or brands in their
11 assigned shelf space ~~so as to rotate their stock and to keep their assigned space clean and~~
12 neat.

13 (c) Malt beverage and wine wholesalers may rearrange or reset a retail permittee's alcoholic
14 beverage shelf space, display area, or department pursuant to that retail permittee's plan
15 and ~~direction, direction, but that industry~~ Industry members shall not move or disturb
16 brands sold by other industry ~~members~~ members except as authorized in 14B NCAC 15C
17 .0703.

18 ~~(2) — Coil Cleaning Service. An industry member may render coil cleaning services to a retailer.~~

19 ~~(3)~~ (2) Shelf Management Plans; Notice Prior to Reset.

20 (a) An industry member may discuss with a retailer shelf-management concepts and programs
21 and may provide, publish, and make available data on market sales and analysis.

22 (b) An industry member may provide and suggest shelf-management plans which are
23 customized for a specific retail permittee or group of retail permittees. The retail permittee
24 shall remain solely responsible for implementing ~~any a~~ suggested shelf-management plan.
25 If an industry member provides a suggested shelf-management plan to a retail permittee or
26 group of retail permittees, ~~he if~~ must provide a suggested plan to ~~any other retail permittee~~
27 permittees upon request. Shelf-management plans shall meet the following conditions:

28 (i) no retail permittee or person acting on ~~its~~ the retail permittee's behalf shall
29 implement a shelf-management plan unless the retail permittee sends notice of the
30 plan to all wholesalers ~~that service that servicing the location who have provided~~
31 ~~a request to the retail permittee to receive such notice;~~ requested notification from
32 the retail permittee;

33 (ii) the retail permittee shall provide the notice to wholesalers required under this Sub-
34 ~~item~~ SubItem at least two weeks prior to implementation of the plan and the notice
35 shall include the date and time of the contemplated plan ~~implementation and shall~~
36 ~~be provided at least two weeks before such time.~~ implementation. In the event of
37 ~~an exigent or other unforeseen circumstance in which such~~ If notice cannot be

1 provided within the two week period, the retail permittee shall provide such notice
2 within a reasonable period of time as referenced by pursuant to G.S. 25-1-
3 205(a); no less than 48 hours; If it is not feasible for the retail permittee to provide
4 notice before the two-week period, the retail permittee shall provide such notice
5 no less than 48 hours prior to implementation of the plan.

6 (iii) the retail permittee shall include the proposal in a notice if an industry member
7 assists in the creation of a proposed plan, the notice provided by the retail
8 permittee shall also include the proposal plan; and

9 (iv) if a retail permittee develops a shelf-management plan without assistance from an
10 industry member or makes adjustments to less than 15 percent of the current shelf-
11 management plan, the retail permittee is not required to send the notice to
12 wholesalers required under this Sub item does not apply to a retail permittee that
13 independently develops or designs his own shelf management plan without the
14 assistance of an industry member, or who makes adjustments to less than 15
15 percent of the current self management plan. SubItem.

16 (c) A wholesaler may provide physical labor to implement a shelf-management plan.

17 (d) For purposes of this Rule, a shelf-management plan includes shelf resets.

18 (e) For purposes of this Rule, ~~notice from either~~ a retail permittee or an industry member shall
19 ~~be provided~~ provide notice by verifiable electronic mail, certified mail, or other delivery
20 service which requires requiring written verification of delivery, and shall include a
21 designated person and contact contact person's information for return correspondence.

22 (4)(3) Participation in Retailer Association Activities. An industry member may participate in retailer
23 association activities by:

24 (a) displaying product at association conventions or trade shows;

25 (b) renting display or booth space ~~so long as only~~ if the rental fee is the same as the fee paid
26 by all exhibitors;

27 (c) providing hospitality events which are independent from association sponsored activities;

28 (d) purchasing tickets to functions and paying registration fees only if such fees are the same
29 fees are as paid by all exhibitors; and

30 (e) making payments for advertisements in programs or brochures at association shows within
31 the dollar limits established by 27 C.F.R. 6.100 and the Bureau of Alcohol, Tobacco and
32 Firearms which is incorporated herein by reference. Cost adjustment increases authorized
33 by 27 C.F.R. 6.83 are also incorporated herein by reference but subsequent amendments to
34 27 C.F.R. 6.100 are not incorporated. Copies of these regulations are available for
35 inspection and copying as provided by 14B NCAC 15C .0401. Subpart D of 27 CFR Part
36 6, incorporated herein by reference and available for free at

1 <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-6/subpart-D>.

2 **Subsequent amendments and editions are incorporated by reference.**

3 ~~(5)~~(4) Educational Seminars. An industry member may provide or sponsor seminars for retailers and their
4 employees in the following areas:

- 5 (a) the proper use of equipment;
- 6 (b) the proper storage, ~~handling~~ handling, and service of alcoholic beverages;
- 7 (c) safe driving programs;
- 8 (d) recognizing underage and intoxicated customers; and
- 9 (e) the history or aspects of a product's manufacturing process.

10 Seminars may be conducted at the premises of either the retailer or industry member. ~~Nothing in this Rule shall be~~
11 ~~construed to authorize an~~ An industry member ~~to shall not~~ pay the retailer's expenses in attending the seminar.

12 ~~(6)~~(5) Tastings. ~~Beer and wine tastings may be conducted in accordance with 14B NCAC 15B .0901 and~~
13 ~~.0902.~~ Industry members shall conduct tastings in compliance with 14B NCAC 15B, Section .0900.

14 ~~(7)~~(6) Labor for Displays. An industry member may provide personnel to construct a promotional product
15 display on the premises of a retailer, and may move other products from the display area ~~in~~
16 ~~accordance with~~ per 14B NCAC 15C .0703.

17 ~~(8)~~(7) Installations. The following items may be installed by an industry member at no charge to a retailer:

- 18 (a) point of sale advertising materials; and
- 19 (b) tapping accessories.

20 ~~(9)~~(8) Bar Spending. An industry member may visit the premises of an on-premise retail account for the
21 purpose of promoting its brands so long as:

- 22 (a) the visit is unannounced and not advertised; and
- 23 (b) a patron who refuses the industry member's offer to consume a product is offered a
24 comparable price-point beverage of ~~his~~ the patron's choice, either alcoholic or non-
25 alcoholic.

26 ~~(10)~~(9) Non-alcoholic Beverages. A malt beverage wholesaler who is also engaged in the business of selling
27 non-alcoholic beverage products may engage in the accepted trade practices of the soft drink and
28 snack food industries, so long as the sales and practices surrounding the non-alcoholic beverage
29 merchandise are not used as an unlawful inducement to purchase malt beverages.

30 Note: Wine wholesalers selling non-alcoholic beverage merchandise are governed by the provisions of 27 ~~C.F.R.~~ CFR
31 6.101.

32
33 *History Note:* Authority G.S. 18B-100; 18B-203(b); 18B-207; ~~18B-1116(b)~~;
34 *Eff. July 1, 1992;*
35 *Amended Eff. April 1, 2011;*
36 *Transferred and Recodified from 04 NCAC 02T .0712 Eff. August 1, 2015;*

1 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2 2017.
3 [Amended] Readopted Eff. May 1, 2026.

Burgos, Alexander N

Subject: FW: 14B NCAC 15C .0700s - Agency's second response

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, April 23, 2026 2:08 PM
To: Metz, Renee <renee.metz@abc.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 14B NCAC 15C .0700s - Agency's second response

Renee,
Please see final comments below in **red**. Please update accordingly.
Thank you,
Chris

From: Metz, Renee <renee.metz@abc.nc.gov>
Sent: Wednesday, April 22, 2026 12:15 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: 14B NCAC 15C .0700s - Agency's second response

14B NCAC 15C .0707(c)(6) removed and renumbered (attached)

Looks good.

14B NCAC 15C .0710 - These times frames are a continuation from the beginning of (2)(b)(ii) - "the retail permittee shall provide the notice to wholesalers under this SubItem at least two weeks prior to implementation of the plan....." so 48-hours prior to implementation of the plan. There has been no interpretation of this rule by the Commission to my knowledge. The retailers and the wholesalers work this out between themselves pursuant to these guidelines. Based on this exception being less than the two-week notice, I selected a specific time frame that gave wholesalers sufficient time to ensure a wholesaler staff member is available to assist with the retailer's reset. I understand from counsel for the beer and wine wholesalers that they often coordinate with each other so Wholesaler A has permission to move Wholesaler B, C, and D's products during a reset at Retailer 1, while Wholesaler B has permission to move Wholesaler A, C and D's products during a reset at Retailer 2. They cover more ground this way.

Got it. For clarity, in (2)(b)(ii), consider revising further. I would suggest the following language: "If it is not feasible for the retail permittee to provide notice before the two-week period, the retail permittee shall provide such notice no less than 48 hours prior to implementation of the plan."

14B NCAC 15C .0715 - I am unsure what happened and why this rule was not included. Between eRATS and my human error, I have regularly "lost" a rule in a sequence. I already plan to add .0715 to 15C Section .1300's journey through the process.

Thanks. This rule will not be included in the RRC's review next week.

Please let me know if you need anything further.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307

Location: 400 East Tryon Road, Raleigh, NC 27610

Disclaimer: I represent the NC ABC Commission and any information provided in this email is not legal advice and should not be relied upon as legal advice. I can only provide you with information about alcoholic beverage control laws. You should consult your own attorney for advice.

Email correspondence to and from this address is subject to the Public Records Law and may be disclosed to third parties pursuant to Chapter 132 of the NC General Statutes.



Burgos, Alexander N

Subject: FW: 14B NCAC 15C .0700s - Agency's second response
Attachments: 14B NCAC 15C .0707 - Commercial Bribery - RRC April 2026 - RFC.docx

From: Metz, Renee <renee.metz@abc.nc.gov>
Sent: Wednesday, April 22, 2026 12:15 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: 14B NCAC 15C .0700s - Agency's second response

14B NCAC 15C .0707(c)(6) removed and renumbered (attached)

14B NCAC 15C .0710 - These times frames are a continuation from the beginning of (2)(b)(ii) - "the retail permittee shall provide the notice to wholesalers under this SubItem at least two weeks prior to implementation of the plan....." so 48-hours prior to implementation of the plan. There has been no interpretation of this rule by the Commission to my knowledge. The retailers and the wholesalers work this out between themselves pursuant to these guidelines. Based on this exception being less than the two-week notice, I selected a specific time frame that gave wholesalers sufficient time to ensure a wholesaler staff member is available to assist with the retailer's reset. I understand from counsel for the beer and wine wholesalers that they often coordinate with each other so Wholesaler A has permission to move Wholesaler B, C, and D's products during a reset at Retailer 1, while Wholesaler B has permission to move Wholesaler A, C and D's products during a reset at Retailer 2. They cover more ground this way.

14B NCAC 15C .0715 - I am unsure what happened and why this rule was not included. Between eRATS and my human error, I have regularly "lost" a rule in a sequence. I already plan to add .0715 to 15C Section .1300's journey through the process.

Please let me know if you need anything further.

Kind regards,

Renee C. Metz

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NC Alcoholic Beverage Control Commission

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1 14B NCAC 15C .0707 is readopted with changes as published in 40:12 NCR 1000 as follows:

2
3 **14B NCAC 15C .0707 COMMERCIAL BRIBERY**

4 (a) ~~No industry member~~ Industry members shall ~~make not give~~ gifts or ~~payoffs-payments~~ to purchasing agents, clerks,
5 bartenders, ~~salesmen-salesmen~~, or other employees of retail permittees.

6 (b) ~~No industry member~~ Industry members shall not give any a bonus, ~~premium-premium~~, or compensation to ~~any a~~
7 retailer or an officer, ~~employee-employee~~, or agent of the retailer. Prohibited acts include:

8 (1) monetary inducements ("push money") ~~given~~ to retailers or their employees;

9 (2) ~~total or partial~~ payment of any part of a retailer's employee's salary;

10 (3) sales promotion contests ~~in which where~~ a retailer's employees are offered or awarded ~~prizes-prizes~~
11 ~~such as trips abroad, cash, or automobiles that are totally or partially~~ financed by an industry
12 member;

13 (4) payments or gratuities to groups or associations of retailer's employees;

14 (5) ~~other gifts such as trips, appliances, or other items given~~ to retail corporate officers; or

15 (6) participation in a retailer's sales or management ~~meetings, conventions or outings-meeting,~~
16 convention, or outing by sponsoring or underwriting ~~any events in connection with at~~ the meeting,
17 ~~convention-convention,~~ or outing, unless ~~such~~ participation is limited to ~~the~~ providing of a
18 hospitality suite with light hors d'oeuvres and beverages, and the price paid for the suite is not greater
19 than that paid by any other participant in the meeting, ~~convention-convention,~~ or outing.

20 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, an industry member may invite and pay for up to two
21 employees or representatives of a retail permittee ~~who is permitted under pursuant to~~ G.S. 18B-1001, ~~to, and pay for,~~
22 ~~to for~~ a business meal to discuss sales and promotions in person, ~~provided that:~~ with the following conditions:

23 (1) ~~the business meal, including beverages consumed with the meal, shall take place within North~~
24 ~~Carolina and shall not take place at any entertainment venue or in conjunction with~~
25 ~~entertainment;~~ the industry member shall conduct the business meal in North Carolina but not [at an
26 entertainment venue or]in conjunction with entertainment;

27 (2) if the industry member provides transportation, ~~that it shall be by personal vehicle only;~~ the industry
28 member shall use only a personal vehicle;

29 (3) the industry member must accompany the employees or representatives of a retail permittee for the
30 duration of the business meal;

31 (4) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
32 obligation ~~on the part~~ of the retailer to purchase alcoholic beverages or to provide ~~any other a~~ benefit
33 to ~~such the~~ industry member;

34 (5) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
35 obligation ~~on the part~~ of the retailer to exclude from sale the products of ~~any other another~~ industry
36 member;

1 ~~(6) — the cost of the business meal shall not exceed the cost of a business meal in the food and non-~~
2 ~~alcoholic beverage industry provided in the ordinary course of business; business in other food and~~
3 ~~beverage service industries; and~~

4 (7)(6) ~~an~~ the industry member shall pay for no more than two business meals per retail permittee per
5 calendar year.

6 This Paragraph does not apply to ~~any~~ an industry member ~~that has a bona fide, with a~~ pre-existing relationship with
7 ~~any~~ a retail permittee separate from the beverage alcohol industry.

8
9 History Note: Authority G.S. 18B-100; 18B-207; ~~18B-1116(a);~~
10 Eff. January 1, 1982;
11 Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;
12 Transferred and Recodified from 04 NCAC 02T .0708 Eff. August 1, 2015;
13 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
14 2017.
15 ~~[Amended]~~ Readopted Eff. May 1, 2026.

Burgos, Alexander N

Subject: FW: 14B NCAC 15C .0700s - Agency's second response
Attachments: 14B NCAC 15C .0707 - Commercial Bribery - RRC April 2026 - RFC.docx; 14B NCAC 15C .0710 - Accepted Trade Practices - Services - RRC April 2026 - RFC.docx; 14B NCAC 15C .0715 - Conditions When Comm Approval Reqd for Promotions - RRC April 2026 - RFC.docx; 14B NCAC 15C .0715 - Form 0400 v2 - April 2026.pdf

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, April 22, 2026 11:47 AM
To: SVC_ABC.rules <rules@abc.nc.gov>; Metz, Renee <renee.metz@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 14B NCAC 15C .0700s - Agency's second response

Thanks, Renee. I still have a few unresolved concerns. Please see below.

14B NCAC 15C .0707(c)(6)

- As stated in your response, the intent of this provision “is to prevent exorbitant business meals being provided as a means to induce a retailer to purchase a greater share of the industry member’s alcoholic beverages.” To accomplish this, the rule now states that “the cost of the business meal shall not exceed the cost of a business meal provided in the ordinary course of business in other food and beverage service industries”. Do these other industries that you reference have rules or standards on the cost of business meals? And if so, do their rules have some method as to how this amount is calculated or do they set a specific \$ amount limit? You need to consider tying your rule to something that has a clear and articulable standard for this price limit.
- Would the Commission be willing to consider removing this provision for now and developing further with additional rulemaking?
- If the rule text is left in and remains unchanged, I will likely be objecting on the basis of clarity.

14B NCAC 15C .0710(2)(b)(ii)

- In your response, you’ve updated the rule to now read as, “If notice cannot be provided within the two week period, the retail permittee shall provide notice within no less than 48 hours;”.
- “[W]ithin no less than 48 hours” from when? There is some context missing here that is necessary to clear up the rule.
- And is this 48-hour standard consistent with how the Commission has interpreted “reasonable” in the past? Does this 48-hour standard come from the cases that you mentioned in your original response?
- Alternatively, would the Commission consider including language from the case law referenced in your response into the rule?

14B NCAC 15C .0715

- As mentioned in my last email, as part of your responses, it appears as if you provided me a form and draft for rule 14B NCAC 15C .0715. Where did this come from? This rule was not included in your original submission to OAH for RRC review this month.

- If this was accidentally omitted from your original submission, you will likely need to readopt the rule and submit for review at a future RRC meeting (since you are now outside of the 30 day window set forth in § 150B-21.2(g)).

Please provide responses **as soon as possible**.

Thanks,
Chris

Burgos, Alexander N

From: SVC_ABC.rules
Sent: Tuesday, April 21, 2026 1:56 PM
To: Miller, Christopher S
Cc: Burgos, Alexander N
Subject: 14B NCAC 15C .0700s - Agency's second response
Attachments: Request for Changes - ABCC - 04 2026 - agency response_CM - 2nd response.docx; 14B NCAC 15C .0710 - Accepted Trade Practices - Services - RRC April 2026 - RFC.docx; 14B NCAC 15C .0711 - Accepted Trade Practices - Things of Value - RRC April 2026 - RFC.docx; 14B NCAC 15C .0713 - Tournaments - RRC April 2026 - RFC.docx

Good afternoon, Chris.

Please let me know if you need anything further.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

1 14B NCAC 15C ~~.710~~ .0710 is readopted with changes as published in 40:12 NCR 1002-1004 as follows:

2
3 **14B NCAC 15C .0710 ACCEPTED TRADE PRACTICES; SERVICES**

4 ~~The following service activities are specifically allowed in transactions between alcoholic beverage (which includes~~
5 ~~malt beverages, wines and spirituous liquors) industry member and retailers:~~ Malt beverage, wine, and spirituous liquor
6 industry members are authorized to provide the following services to retailers:

7 (1) Shelving and Pricing for Malt Beverage and Wine Wholesalers.

8 (a) Malt beverage and wine wholesalers ~~who have been~~ assigned space in retail permittee
9 outlets may price or re-price their stock as ~~designated~~ requested by the retail permittee.

10 (b) Malt beverage and wine wholesalers may rearrange and place their brand or brands in their
11 assigned shelf space ~~so as to rotate their stock and to keep their assigned space clean and~~
12 neat.

13 (c) Malt beverage and wine wholesalers may rearrange or reset a retail permittee's alcoholic
14 beverage shelf space, display area, or department pursuant to that retail permittee's plan
15 and ~~direction, direction, but that industry~~ Industry members shall not move or disturb
16 brands sold by other industry ~~members, members except as authorized in 14B NCAC 15C~~
17 .0703.

18 ~~(2) — Coil Cleaning Service. An industry member may render coil cleaning services to a retailer.~~

19 ~~(3)~~ (2) Shelf Management Plans; Notice Prior to Reset.

20 (a) An industry member may discuss with a retailer shelf-management concepts and programs
21 and may provide, publish, and make available data on market sales and analysis.

22 (b) An industry member may provide and suggest shelf-management plans which are
23 customized for a specific retail permittee or group of retail permittees. The retail permittee
24 shall remain solely responsible for implementing ~~any a~~ any a suggested shelf-management plan.
25 If an industry member provides a suggested shelf-management plan to a retail permittee or
26 group of retail permittees, ~~he if~~ he if must provide a suggested plan to ~~any other retail permittee~~
27 permittees upon request. Shelf-management plans shall meet the following conditions:

28 (i) no retail permittee or person acting on ~~its the retail permittee's~~ its behalf shall
29 implement a shelf-management plan unless the retail permittee sends notice of the
30 plan to all wholesalers ~~that service that servicing the location who have provided~~
31 a request to the retail permittee to receive such notice; requested notification from
32 the retail permittee;

33 (ii) the retail permittee shall provide the notice to wholesalers required under this ~~Sub-~~
34 ~~item-SubItem~~ SubItem at least two weeks prior to implementation of the plan and the notice
35 shall include the date and time of the contemplated plan ~~implementation and shall~~
36 be provided at least two weeks before such time implementation. In the event of
37 an exigent or other unforeseen circumstance in which such If notice cannot be

1 provided within the two week period, the retail permittee shall provide such notice
2 within a reasonable period of time as referenced by pursuant to G.S. 25 1-
3 205(a); no less than 48 hours;

4 (iii) the retail permittee shall include the proposal in a notice if an industry member
5 assists in the creation of a proposed plan, the notice provided by the retail
6 permittee shall also include the proposal; plan; and

7 (iv) if a retail permittee develops a shelf-management plan without assistance from an
8 industry member or makes adjustments to less than 15 percent of the current shelf-
9 management plan, the retail permittee is not required to send the notice to
10 wholesalers required under this Sub item does not apply to a retail permittee that
11 independently develops or designs his own shelf management plan without the
12 assistance of an industry member, or who makes adjustments to less than 15
13 percent of the current self management plan. SubItem.

14 (c) A wholesaler may provide physical labor to implement a shelf-management plan.

15 (d) For purposes of this Rule, a shelf-management plan includes shelf resets.

16 (e) For purposes of this Rule, notice from either a retail permittee or an industry member shall
17 be provided provide notice by verifiable electronic mail, certified mail, or other delivery
18 service which requires requiring written verification of delivery, and shall include a
19 designated person and contact contact person's information for return correspondence.

20 (4)(3) Participation in Retailer Association Activities. An industry member may participate in retailer
21 association activities by:

22 (a) displaying product at association conventions or trade shows;

23 (b) renting display or booth space so long as only if the rental fee is the same as the fee paid
24 by all exhibitors;

25 (c) providing hospitality events which are independent from association sponsored activities;

26 (d) purchasing tickets to functions and paying registration fees only if such fees are the same
27 fees are as paid by all exhibitors; and

28 (e) making payments for advertisements in programs or brochures at association shows within
29 the dollar limits established by 27 C.F.R. 6.100 and the Bureau of Alcohol, Tobacco and
30 Firearms which is incorporated herein by reference. Cost adjustment increases authorized
31 by 27 C.F.R. 6.83 are also incorporated herein by reference but subsequent amendments to
32 27 C.F.R. 6.100 are not incorporated. Copies of these regulations are available for
33 inspection and copying as provided by 14B NCAC 15C .0401. Subpart D of 27 CFR Part
34 6, incorporated herein by reference and available for free at
35 <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-6/subpart-D>.

36 Subsequent amendments and editions are incorporated by reference.

- 1 ~~(5)~~(4) Educational Seminars. An industry member may provide or sponsor seminars for retailers and their
2 employees in the following areas:
- 3 (a) the proper use of equipment;
 - 4 (b) the proper storage, ~~handling~~ handling, and service of alcoholic beverages;
 - 5 (c) safe driving programs;
 - 6 (d) recognizing underage and intoxicated customers; and
 - 7 (e) the history or aspects of a product's manufacturing process.

8 Seminars may be conducted at the premises of either the retailer or industry member. ~~Nothing in this Rule shall be~~
9 ~~construed to authorize an~~ An industry member ~~to~~ shall not pay the retailer's expenses in attending the seminar.

10 ~~(6)~~(5) Tastings. ~~Beer and wine tastings may be conducted in accordance with 14B NCAC 15B .0901 and~~
11 ~~.0902.~~ Industry members shall conduct tastings in compliance with 14B NCAC 15B, Section .0900.

12 ~~(7)~~(6) Labor for Displays. An industry member may provide personnel to construct a promotional product
13 display on the premises of a retailer, and may move other products from the display area ~~in~~
14 ~~accordance with~~ per 14B NCAC 15C .0703.

15 ~~(8)~~(7) Installations. The following items may be installed by an industry member at no charge to a retailer:

- 16 (a) point of sale advertising materials; and
- 17 (b) tapping accessories.

18 ~~(9)~~(8) Bar Spending. An industry member may visit the premises of an on-premise retail account for the
19 purpose of promoting its brands so long as:

- 20 (a) the visit is unannounced and not advertised; and
- 21 (b) a patron who refuses the industry member's offer to consume a product is offered a
22 comparable price-point beverage of ~~his~~ the patron's choice, either alcoholic or non-
23 alcoholic.

24 ~~(10)~~(9) Non-alcoholic Beverages. A malt beverage wholesaler who is also engaged in the business of selling
25 non-alcoholic beverage products may engage in the accepted trade practices of the soft drink and
26 snack food industries, so long as the sales and practices surrounding the non-alcoholic beverage
27 merchandise are not used as an unlawful inducement to purchase malt beverages.

28 Note: Wine wholesalers selling non-alcoholic beverage merchandise are governed by the provisions of 27 ~~C.F.R.~~ CFR
29 6.101.

31 *History Note:* Authority G.S. 18B-100; 18B-203(b); 18B-207; ~~18B-1116(b);~~
32 Eff. July 1, 1992;
33 Amended Eff. April 1, 2011;
34 Transferred and Recodified from 04 NCAC 02T .0712 Eff. August 1, 2015;
35 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
36 2017.
37 [Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0711 is readopted with changes as published in 40:12 NCR 1004-1005 as follows:

2
3 **14B NCAC 15C .0711 ACCEPTED TRADE PRACTICES; THINGS OF VALUE; RETAIL PERMITTEES**

4 (a) Items That Must Be Sold. ~~The following things of value shall not be given, loaned or rented by any alcoholic~~
5 ~~beverage (which includes malt beverages, wines and spirituous liquors) industry member~~ Malt beverage, wine, and
6 spirituous liquor industry members shall not give, lend, or rent to a retail permittee, but may be sold ~~sell~~ to the retail
7 permittee at the price paid for the item by the first industry member who acquires the item; following things of value:

- 8 (1) novelties, ~~such as~~ coolers, umbrellas, ice chests, beach towels, towels, and sports equipment, so long
9 as the novelty item if the item has not been customized for a retail permittee with the retail
10 permittee's name or logo;
- 11 (2) glassware and cups, ~~so long as the items have if the item has~~ not been customized for a retail
12 permittee with the retail permittee's name or logo;
- 13 (3) carbon dioxide;
- 14 (4) ice;
- 15 (5) beer tapping accessories, ~~including~~ faucets, rods, vents, taps, hoses, washers, couplings, gas gauges,
16 vent tongues, shanks, and check valves; and
- 17 (6) menus that exceed the number of food items ~~provided in [pursuant to]~~ allowed by 14B NCAC 15B
18 .1006(a)(3).

19 (b) Items That May Be Provided at No Charge. Industry members may give, provide, loan, rent, or sell the ~~The~~
20 following things of value may be given, furnished, loaned, rented or sold by an industry member to a retail permittee:

- 21 (1) samples of malt beverage, ~~wine-wine,~~ wine, and spirituous liquor products in the following quantities:
- 22 (A) no more than three gallons of any brand of malt beverages;
- 23 (B) no more than three liters of any brand of wine; and
- 24 (C) no more than 50 milliliters of any brand of spirituous liquor.

25 Industry members may only give samples ~~Samples may be given only~~ to a retail permittee who has not previously
26 purchased those brands from the industry member within the previous calendar year.

- 27 (2) recipes, ~~booklets-booklets,~~ booklets, and brochures for cooking with ~~wine, malt beverages-malt beverages,~~
28 wine, or spirituous liquors ~~as described in pursuant to 14B NCAC 15B .1006(a)(3).~~ 1006(a)(3);
- 29 (3) malt beverage, ~~wine-wine,~~ wine, and mixed beverage ~~lists, in accordance with lists pursuant to 14B NCAC~~
30 15B .1006(a)(3). 1006(a)(3);
- 31 (4) combination ~~packaging, as provided in packaging pursuant to 27 C.F.R.-CFR 6.93;~~
- 32 (5) consumer specialty items such as bottle or can openers, cork screws, ash trays, shopping bags,
33 individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), or key chains. Such
34 items may be given to retail permittees for distribution to consumers, or may be provided by industry
35 member personnel directly to consumers at the retail permittee's place of business during visits that
36 are not announced or advertised to consumers. Consumer specialty items shall not be customized
37 for a retail permittee with the retail permittee's name or logo; and,

1 (6) product displays, to include wine racks, bins, barrels, casks and shelving from which malt beverage,
2 wine or spirituous liquor are displayed and sold, so long as:

3 (A) each display bears ~~conspicuous and substantial~~ advertising matter; and

4 (B) the dollar limitations per brand do not exceed ~~one hundred sixty dollars (\$160.00); those~~
5 established in G.S. 18B-105.

6 (7)(6) point of sale advertising materials which have value only as advertising, so long as the pieces have
7 not been customized for any individual retail ~~permittee; and~~ permittee.

8 (8) retail permittee advertising specialty items as described in 14B NCAC 15B .1006(a)(4), so long as
9 the items have not been customized for an individual retail permittee, and so long as the dollar
10 limitations per brand do not exceed ~~three hundred dollars (\$300.00) per year; those established in~~
11 G.S. 18B-105.

12 (c) Point-Of-Sale Advertising Materials. Notwithstanding having a secondary value, the following items are
13 considered to be point-of-sale materials and an industry member is not required to submit to legal@abc.nc.gov ~~need~~
14 ~~not be submitted by an industry member~~ for approval prior to use, so long as the items bear conspicuous advertising
15 matter:

16 (1) clocks;

17 (2) lamps;

18 (3) lighted displays;

19 (4) blackboards;

20 (5) bulletin boards;

21 (6) dart board backgrounds;

22 (7) menu and price boards;

23 (8) tap standards;

24 (9) calendars;

25 (10) mirrors; and

26 (11) prizes offered in a consumer sweepstakes or contest pursuant to 14B NCAC 15C .0714(b). ~~The~~
27 ~~prizes shall bear a sticker that shows it is the property of the industry member. Industry members~~
28 ~~shall place a sticker on prizes to show the prize is the property of the industry member. The prizes~~
29 ~~shall be picked up by the industry member shall pick up the prize~~ at the conclusion of the
30 sweepstakes or contest.

31 (d) The provisions of ~~27 C.F.R. CFR~~ 6.93 referenced in this Rule are incorporated by ~~reference, but such incorporation~~
32 ~~does not include subsequent amendments. Copies of this regulation are available for inspection and copying as~~
33 ~~provided in 14B NCAC 15C .0401, reference including subsequent amendments and editions that may be accessed for~~
34 free at <https://www.ecfr.gov/current/title-27/section-6.93>.

35 (e) Nothing ~~within in~~ this Rule applies to ABC boards.

36
37 *History Note:* Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1116(b)~~;

1 *Eff. July 1, 1992;*
2 *Amended Eff. April 1, 2011;*
3 *Transferred and Recodified from 04 NCAC 02T .0713 Eff. August 1, 2015;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
5 *2017.*
6 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C .0713 is readopted with changes as published in 40:12 NCR 1006 as follows:

2
3 **14B NCAC 15C .0713 TOURNAMENTS**

4 (a) General. ~~Sponsorship by an~~ An industry member may sponsor of a regional, ~~statewide~~ statewide, or national sports
5 ~~tournament, when the tournament is held~~ on the property or premises of a retail ~~permittee, is permissible~~ permittee
6 only if all of the following conditions are met:

- 7 (1) The tournament is promoted or sanctioned by the official governing body of the sport, or is promoted
8 and sponsored by a ~~bona fide~~ nonprofit organization for the purpose of raising funds for a civic,
9 scientific, ~~charitable~~ charitable, or educational cause;
- 10 (2) An industry member does not give, rent, or loan ~~No~~ money, novelty ~~items~~ items, or other prohibited
11 ~~services~~ services, or things of value ~~are given, rented or loaned by an industry member~~ to the retailer;
12 and
- 13 (3) An industry member gives all ~~All~~ sponsorship ~~money or fees and other~~ money, fees, and things of
14 ~~value from the industry member are given~~ to the official governing body of the sport or the nonprofit
15 organization.

16 (b) Advertising. An industry member may advertise ~~via mass media~~ or pay for the advertising of a tournament ~~when~~
17 the primary theme of the advertisement is the tournament and its purpose ~~purpose [are the main theme]~~ only if the
18 primary purpose of the tournament is to raise funds for a civic, scientific, charitable, or educational cause. The
19 Commission shall consider advertising materials, social media accounts, and websites in determining a tournament's
20 primary purpose. ~~The naming of~~ Citing the retailer's premises as the location of a tournament shall not be construed
21 to be cooperative advertising in violation of 14B NCAC 15B .1005 ~~of this Chapter~~ when the retailer's ~~tradename~~ trade
22 name is stated in substantially smaller ~~typeface~~ typeface than the majority of the advertisement.

23 (c) Sponsorship/Advertising Agreements Restricted. No industry member agreeing to sponsor a tournament shall
24 enter into any agreement or contract, either express or implied, that a retailer or special one-time permittee will sell
25 that industry member's products to the exclusion, in whole or in part, of other brands of alcoholic beverages offered
26 by competitors.

27 (d) Joint Sponsorships. An industry member shall not agree to cosponsor ~~any a~~ tournament with ~~any a~~ retail permittee
28 unless the proceeds from the tournament are paid to a nonprofit civic, scientific, ~~charitable~~ charitable, or educational
29 organization.

30 (e) Prohibited Sponsorships. An industry member shall not sponsor or aid a retailer in the promotion of ~~any a~~
31 tournament held ~~primarily~~ to benefit the retailer, its employees, ~~members~~ members, or guests.

32
33 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(b)~~;

34 *Eff. July 1, 1992;*

35 *Amended Eff. November 1, 2012;*

36 *Transferred and Recodified from 04 NCAC 02T .0715 Eff. August 1, 2015;*

1
2
3

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.
[Amended] Readopted Eff. May 1, 2026.

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "~~a~~Association"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day, and"
 - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0103

DEADLINE FOR RECEIPT: April 17, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Deleted X in first box and all related data. Second box option remains checked.

Line 12: If accurate, consider revising this to state: "... shall not affect the Commission's ~~[brand.]~~ brand determination." [Renee Metz] Change made

Line 14: Change "do" to "does". [Renee Metz] Change made

Line 17: Add a comma after "Old Faithful Dry". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0701

DEADLINE FOR RECEIPT: April 17, 2026

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0702

DEADLINE FOR RECEIPT: April 17, 2026

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Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0703

DEADLINE FOR RECEIPT: **April 17, 2026**

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

History Note, Authority: Is G.S. 18B-1116(b) still relevant here? Where is this practice and exemption covered by the statutes you cite? [Renee Metz] Deleted

Sorry, my request was not clear. Can you explain to me how this practice and exemption is covered by the prohibitions listed in G.S. 18B-1116(b)? Is this practice covered under (a)(1-4)? Or is this practice covered by a different statute? It was not clear to me, but it's possible that G.S. 18B-1116(b) is the appropriate authority. [Renee Metz] I believe a prior rulemaking coordinator added 18B-1116 to the rules in 15C Section .0700. I do not believe the statute is related to these rules and that our general rulemaking authority pursuant to G.S. 18B-207 is most relevant.

History Note, line 22: Change "Readoption" to "Readopted". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0704

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

Line 4: Does the "salesman" have to be working for the wholesaler? As written, there is no link between the two. For example, in 15C .0502, you state, "wholesaler's salesman". [Renee Metz] Added "wholesaler" to read "or wholesaler's salesman"

Lines 5-6, second sentence: Does this mean that wholesalers are prohibited from "charging a fee for an order of less than a full case"? The wording used is slightly awkward because you're classifying the fee as a discount. Consider rephrasing. [Renee Metz] Added clarifying language (hopefully)

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0705

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

Lines 4-5: You state, "... by agreement or otherwise, through direct or indirect means, ..." Is this language necessary? Couldn't you just state, "by any means"? [Renee Metz] I had deleted the "directly or indirectly" but the regulated public asked that the language remain. I've made the "by any means" change.

If the regulated public specifically asked for the language to be left in, then perhaps it should stay. What was their reasoning? Why is it viewed as being necessary? For me, from an outsider's perspective, the language seems to be unnecessary because it would all be covered by more simply stating, "shall not require by any means". [Renee Metz] The meaning is basically what you cannot do directly you also cannot do indirectly via a third party. If I take out the "directly or indirectly," I guess some could argue that they didn't violate the rule, the third party violated the rule. The wholesalers are a competitive group and don't want one wholesaler to have an advantage over the other wholesalers.

History Note, line 18: "Amended" should also be struck through. [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0706

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(9): "Pay" whom? Consider specifying for clarity. [Renee Metz] Added "a third party."

(11), line 20: Add a comma after "scoreboards". [Renee Metz] Change made

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0707

DEADLINE FOR RECEIPT: **April 17, 2026**

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(b)(6), line 18: What qualifies as "light hors d'oeuvres and beverages"? This language alone may be ambiguous. [Renee Metz] I removed the word "light" but I'm at a loss as to how to otherwise state this.

The removal of the word "light" is helpful. Another question, for "beverages," does this include both alcoholic and non-alcoholic beverages? Or is this meant to be limited? [Renee Metz] Beverages in this sentence means anything you drink. We use "alcoholic beverages" if limited or meant to include only beverages that contain alcohol.

(c)(1): What is an "entertainment venue"? [Renee Metz] Deleted What constitutes a meal "in conjunction with entertainment"? [Renee Metz] Anything other than just a meal. Is this defined or explained elsewhere in your rules? [Renee Metz] It is not due to the industry members being more familiar with these practices than regulatory attorneys are. Please let me know how you wish to proceed.

I'm fine with the changes – so long as the regulated members are familiar with this language/requirement.

(c)(6): What does this mean? What is a "business meal in the food and non-alcoholic beverage industry provided in the ordinary course of business"? And how is the cost of that determined? This provision is not clear. [Renee Metz] Reworded. Please advise.

I'm still not sure that I understand what this is saying. Can you explain to me the intent here? Are you essentially saying that the business meal has to be comparable in

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

price to business meals that are conducted in other industries? [Renee Metz] Yes. And if so, how would one know what that price is? [Renee Metz] The intent is to prevent exorbitant business meals being provided as a means to induce a retailer to purchase a greater share of the industry member's alcoholic beverages. We had some issues 15-20 years ago where supplier representatives were providing expensive meals to multiple employees, even those not involved with purchasing, and their spouses so it was more of a party than a business meeting.

(c)(7), line 3: Change "an" to "the", for consistency. [Renee Metz] Change made

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0709

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(a), line 7: Is the added language here necessary? If so, why? [Renee Metz] The exact language isn't necessary but the concept is. If there is a prohibition of an activity between retailers and industry members, the industry members cannot have a third party do the activity. What you can't do directly, you also cannot do indirectly. I changed the "indirectly" to "through a third party."

(b): If the retailer pays market value for these services, how is this covered by § 18B-1116? Does "lend or give" include services for pay? Do "provide" and "give" have different meanings? [Renee Metz] Deleted 18B-1116

(c)(8): Add a comma after "fixtures". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0710

DEADLINE FOR RECEIPT: April 17, 2026

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Page 1, Line 1: Change ".710" to ".0710". [Renee Metz] Change made

(2)(b), line 26: Change "he" to "it". [Renee Metz] Change made

(2)(b)(ii): Who determines whether "reasonable" has been met under § 25-1-205? The Commission? [Renee Metz] This language was created by the regulated public several years ago. According to the attorney for the Beer and Wine Wholesalers' Association, there are several cases that discuss reasonableness in relation to § 25-1-205, which was why it was included here.

Do you know what the cases say? [Renee Metz] No. Are you able to incorporate that case language into your rule? As written, I still think this is ambiguous. The statute states, "Whether a time for taking an action required by this Chapter is reasonable depends on the nature, purpose, and circumstances of the action." This is not really a clear standard. What would the Commission specifically look at when determining "reasonableness"? OAH's Style Guide also asks agencies to avoid using the term "reasonable" in rules. [Renee Metz] I cannot disagree with you. I have changed the exigent time frame to 48 hours, although I believe the regulated public will object.

(3)(e): To comply with § 150B-21.6, please indicate whether or not the incorporation includes subsequent amendments and editions of the referenced material. [Renee Metz] Change made

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

(8)(b): What is a “comparable” beverage? Who makes this determination and how?
[Renee Metz] I believe it was meant in relation to price point and added the language to the rule.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0711

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(a)(6): I don't understand the interplay with 14B NCAC 15B .1006. You state here, sales are allowed for "menus that exceed the number of food items pursuant" to that rule. And then going to 14B NCAC 15B .1006, that rule states that industry members are permitted to supply menus to retailers that may "include up to six items from the retailer's food menu". Is your rule now saying that industry members can actually sell to retailers longer menus? Wouldn't this contradict your other rule? [Renee Metz] 18B.1006 authorizes the industry member to provide / pay for a menu for up to six items to be used by the retailer. 15C .0711 states that any menu for over six items must be paid for by the retailer. The difference is who must pay for the menu.

Understood. For clarity, on line 17, consider changing "pursuant to" to "allowed by" or something similar. [Renee Metz] Change made

(b)(6)(A): Consider defining what constitutes "conspicuous and substantial" advertising matter. Otherwise, the rule may be unclear. [Renee Metz] Removed conspicuous and substantial.

(b)(8), line 8: Add a space before "so long". [Renee Metz] Change made

(c), lines 13 and 14: Submit to whom for approval? [Renee Metz] Email address included

(c), line 14: Again, you may want to define what "conspicuous" means. [Renee Metz] Removed

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

(d): Please indicate the price to obtain the material (if free, please state this). **[Renee Metz] Information added**

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0712

DEADLINE FOR RECEIPT: April 17, 2026

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(b): It looks as if your mark up of the current rule is off. The current code states: "No sponsorship agreement or advertising contract between an industry member and a city, county, the state, or a Special One-Time permittee shall contain any agreement, either express or implied, that the industry member's products will be sold to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by competitors." Please check this. Something seems off here. [Renee Metz] I believe it is correct now.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0713

DEADLINE FOR RECEIPT: April 17, 2026

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(b), first sentence: What does this mean? How does one determine whether "the tournament and its purpose are the main theme"? Who makes this determination? What is a "main theme"? [Renee Metz] Nonprofits holding fundraising events aren't bound by the same rules as regular retailers are. Thus, less than forthright individuals will attempt to get a nonprofit to join an event, promise the nonprofit some money for lending their name, and then hold an event for the individual's benefit and not for the nonprofit. This language is attempting to dissuade those types of "fake" events. If the tournament is touted as a fundraiser for cancer, it truly needs to be a fundraiser for cancer and not a way for a promoter to make a buck. If a permit application is submitted, the Permit Section staff will research websites of the event and of the nonprofit to see if the application matches what is being advertised.

Understood – thanks for the explanation. I still think the wording of the rule is a bit unclear. Consider revising further. For example, the following could be considered: "An industry member may advertise or pay for the advertising of a tournament only if the primary purpose of the tournament is to raise funds for a civic, scientific, charitable, or educational cause." This takes language used in the Rule in (a)(1). And if you are considering certain factors in determining this, you could add language on this in the rule (e.g., The Commission shall consider advertising materials, websites, etc.).[Renee Metz] Changes made

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0714

DEADLINE FOR RECEIPT: April 17, 2026

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History Note, Authority: Is § 18B-105 also relevant here? If so, consider adding. [Renee Metz] Added

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

Burgos, Alexander N

Subject: FW: 14B NCAC 15C 0700s - Request for Changes
Attachments: Request for Changes - ABCC - 04 2026 - agency response_CM.docx; 14B NCAC 15C .0715 - Conditions When Comm Approval Req'd for Promotions - RRC April 2026 - RFC.docx; 14B NCAC 15C .0715 - Form 0400 v2 - April 2026.pdf

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Monday, April 20, 2026 1:57 PM
To: Metz, Renee <renee.metz@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 14B NCAC 15C 0700s - Request for Changes

Renee,

Thank you for the responses and revisions. I have a few follow up items for your consideration, highlighted in **yellow** in the attached document. Please provide your responses and edits (where needed) to me **by EOD Thursday, April 23rd**.

Also, as part of your responses, it appears as if you provided me a form and draft for rule 14B NCAC 15C .0715. Where did this come from? This rule was not included in your original submission to OAH for RRC review this month.

Thanks!
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

1 14B NCAC 15C .0715 is readopted with changes as published in 40:12 NCR 1006-1007 as follows:

2
3 **14B NCAC 15C .0715 CONDITIONS WHEN COMMISSION APPROVAL REQUIRED FOR**
4 **PROMOTIONS**

5 (a) Prior Approval Required; Exceptions. ~~An alcoholic beverage (which includes malt beverages, wines and spirituous~~
6 ~~liquors)~~ A malt beverage, wine, or spirituous liquor industry member shall obtain written approval from the
7 Commission prior to entering into ~~any an~~ agreement to ~~engage in activities as a sponsor for any a~~ promotion, as ~~that~~
8 ~~term is defined in 14B NCAC 15C .0701(3), unless the activity involves the following: .0701(3). Industry members~~
9 are not required to obtain prior written approval for the following:

- 10 (1) sponsorships of nonprofit organizations that are not special one-time permittees, and the sponsored
11 activity is ~~neither not~~ held on the premises of a retailer ~~nor and is not~~ cosponsored by a retailer;
- 12 (2) printing and distribution of items that are classified as point-of-sale advertising material, consumer
13 specialty items, retailer specialty ~~items items,~~ or novelty ~~items,~~ so long as the items are items if
14 displayed and distributed in compliance with 14B NCAC 15B .1006, 14B NCAC 15C
15 .0709(c)(6)(B) and 14B NCAC 15C .0711;
- 16 (3) promotions that occur on an annual or regular basis ~~and~~ that have received written approval by the
17 Commission no greater than five years previously in a previous years, if so long as the sponsorship
18 activities ~~engaged in by~~ of the industry member have not changed; and
- 19 (4) sponsorships of individual amateur sports teams, when:
- 20 (A) the services or things of value provided by the industry member are given to benefit the
21 individual team and its members;
- 22 (B) the team is not comprised of retailers or employees of retailers; and
- 23 (C) the team is not jointly sponsored by a retailer.

24 (b) The Commission shall approve a promotion if:

- 25 (1) the procedure for approval is complied with as required by Paragraph (c) of this Rule;
- 26 (2) the information provided as required by Paragraph (c) of this Rule is accurate; and
- 27 (3) the ~~event promotion~~ is a bona fide ~~promotional event promotion.~~

28 (c) Procedure for Approval. To receive consideration for approval by the Commission for a promotional activity, an
29 industry member shall ~~comply with the following procedures:~~ submit the following to legal@abc.nc.gov:

- 30 (1) ~~submit~~ —a completed Industry Promotion Approval form; found at
31 [https://www.abc.nc.gov/legal/laws-rules-and-resources;](https://www.abc.nc.gov/legal/laws-rules-and-resources)
- 32 (2) ~~submit~~ copies of broadcast and print advertisements; and
- 33 (3) ~~submit~~ samples of advertising pieces and costs of items.

34 (d) Notification to Wholesaler. A malt beverage or wine manufacturer, ~~importer importer,~~ or nonresident vendor ~~of~~
35 ~~beer or wine~~ that receives approval for promotional activity under this Rule shall provide a copy of the Commission's
36 approval to each of its wholesalers in this ~~state~~ State if that wholesaler ~~is or~~ will be participating in the promotion ~~in~~
37 ~~any manner,~~ including the distribution of promotional materials.

1 (e) Approvals Restricted to Industry Members. ~~No Industry member approval for any a promotional activity by an~~
2 ~~industry member~~ shall not be granted to a special one-time permittee, retailer, advertising agency, ~~broadcaster~~
3 ~~broadcaster~~, or publisher.

4 (f) Approvals Granted Only Upon Written Request. The Commission shall not approve ~~any~~ verbal requests or
5 hypothetical fact presentations describing promotional activities requiring prior written approval under this Rule.

6 (g) Timing of Requests. Industry members shall submit promotions for approval to legal@abc.nc.gov at least ~~two~~
7 ~~months~~ three weeks in advance of the promotion to allow adequate review by the ~~Commission~~, ~~and to allow for the~~
8 ~~mailing of written approvals to the industry member~~. Commission.

9 (h) Promotion Agreements Restricted. Commission approval of a promotion under this Rule shall not be construed
10 as approval for the industry member to enter into ~~any an~~ agreement, either express or implied, that its products will be
11 sold or distributed by a retailer or special one-time permittee to the exclusion, in whole or in part, of other brands of
12 alcoholic beverages offered by competitors.

13
14 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-1116;*

15 *Eff. July 1, 1992;*

16 *Amended Eff. April 1, 2011;*

17 *Transferred and Recodified from 04 NCAC 02T .0717 Eff. August 1, 2015;*

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

20 *[Amended] Readopted Eff. May 1, 2026.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0715 – Conditions When Commission Approval Required for Promotions			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A		
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.			
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency’s statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency “consider” an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency’s consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day~~,~~ and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0103

DEADLINE FOR RECEIPT: April 17, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Deleted X in first box and all related data. Second box option remains checked.

Line 12: If accurate, consider revising this to state: "... shall not affect the Commission's ~~[brand.]~~ brand determination." [Renee Metz] Change made

Line 14: Change "do" to "does". [Renee Metz] Change made

Line 17: Add a comma after "Old Faithful Dry". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0701

DEADLINE FOR RECEIPT: April 17, 2026

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0702

DEADLINE FOR RECEIPT: April 17, 2026

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0703

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

History Note, Authority: Is G.S. 18B-1116(b) still relevant here? Where is this practice and exemption covered by the statutes you cite? [Renee Metz] Deleted

Sorry, my request was not clear. Can you explain to me how this practice and exemption is covered by the prohibitions listed in G.S. 18B-1116(b)? Is this practice covered under (a)(1-4)? Or is this practice covered by a different statute? It was not clear to me, but it's possible that G.S. 18B-1116(b) is the appropriate authority.

History Note, line 22: Change "Readoption" to "Readopted". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0704

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

Line 4: Does the "salesman" have to be working for the wholesaler? As written, there is no link between the two. For example, in 15C .0502, you state, "wholesaler's salesman". [Renee Metz] Added "wholesaler" to read "or wholesaler's salesman"

Lines 5-6, second sentence: Does this mean that wholesalers are prohibited from "charging a fee for an order of less than a full case"? The wording used is slightly awkward because you're classifying the fee as a discount. Consider rephrasing. [Renee Metz] Added clarifying language (hopefully)

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0705

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

Lines 4-5: You state, "..., by agreement or otherwise, through direct or indirect means, ..." Is this language necessary? Couldn't you just state, "by any means"? [Renee Metz] I had deleted the "directly or indirectly" but the regulated public asked that the language remain. I've made the "by any means" change.

If the regulated public specifically asked for the language to be left in, then perhaps it should stay. What was their reasoning? Why is it viewed as being necessary? For me, from an outsider's perspective, the language seems to be unnecessary because it would all be covered by more simply stating, "shall not require by any means".

History Note, line 18: "Amended" should also be struck through. [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0706

DEADLINE FOR RECEIPT: April 17, 2026

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Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(9): "Pay" whom? Consider specifying for clarity. [Renee Metz] Added "a third party."

(11), line 20: Add a comma after "scoreboards". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0707

DEADLINE FOR RECEIPT: April 17, 2026

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(b)(6), line 18: What qualifies as "light hors d'oeuvres and beverages"? This language alone may be ambiguous. [Renee Metz] I removed the word "light" but I'm at a loss as to how to otherwise state this.

The removal of the word "light" is helpful. Another question, for "beverages," does this include both alcoholic and non-alcoholic beverages? Or is this meant to be limited?

(c)(1): What is an "entertainment venue"? [Renee Metz] Deleted What constitutes a meal "in conjunction with entertainment"? [Renee Metz] Anything other than just a meal. Is this defined or explained elsewhere in your rules? [Renee Metz] It is not due to the industry members being more familiar with these practices than regulatory attorneys are. Please let me know how you wish to proceed.

I'm fine with the changes – so long as the regulated members are familiar with this language/requirement.

(c)(6): What does this mean? What is a "business meal in the food and non-alcoholic beverage industry provided in the ordinary course of business"? And how is the cost of that determined? This provision is not clear. [Renee Metz] Reworded. Please advise.

I'm still not sure that I understand what this is saying. Can you explain to me the intent here? Are you essentially saying that the business meal has to be comparable in price to business meals that are conducted in other industries? And if so, how would one know what that price is?

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

(c)(7), line 3: Change “an” to “the”, for consistency. [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0709

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(a), line 7: Is the added language here necessary? If so, why? [Renee Metz] The exact language isn't necessary but the concept is. If there is a prohibition of an activity between retailers and industry members, the industry members cannot have a third party do the activity. What you can't do directly, you also cannot do indirectly. I changed the "indirectly" to "through a third party."

(b): If the retailer pays market value for these services, how is this covered by § 18B-1116? Does "lend or give" include services for pay? Do "provide" and "give" have different meanings? [Renee Metz] Deleted 18B-1116

(c)(8): Add a comma after "fixtures". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0710

DEADLINE FOR RECEIPT: April 17, 2026

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Page 1, Line 1: Change ".710" to ".0710". [Renee Metz] Change made

(2)(b), line 26: Change "he" to "it". [Renee Metz] Change made

(2)(b)(ii): Who determines whether "reasonable" has been met under § 25-1-205? The Commission? [Renee Metz] This language was created by the regulated public several years ago. According to the attorney for the Beer and Wine Wholesalers' Association, there are several cases that discuss reasonableness in relation to § 25-1-205, which was why it was included here.

Do you know what the cases say? Are you able to incorporate that case language into your rule? As written, I still think this is ambiguous. The statute states, "Whether a time for taking an action required by this Chapter is reasonable depends on the nature, purpose, and circumstances of the action." This is not really a clear standard. What would the Commission specifically look at when determining "reasonableness"? OAH's Style Guide also asks agencies to avoid using the term "reasonable" in rules.

(3)(e): To comply with § 150B-21.6, please indicate whether or not the incorporation includes subsequent amendments and editions of the referenced material. [Renee Metz] Change made

(8)(b): What is a "comparable" beverage? Who makes this determination and how? [Renee Metz] I believe it was meant in relation to price point and added the language to the rule.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0711

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(a)(6): I don't understand the interplay with 14B NCAC 15B .1006. You state here, sales are allowed for "menus that exceed the number of food items pursuant" to that rule. And then going to 14B NCAC 15B .1006, that rule states that industry members are permitted to supply menus to retailers that may "include up to six items from the retailer's food menu". Is your rule now saying that industry members can actually sell to retailers longer menus? Wouldn't this contradict your other rule? [Renee Metz] 18B.1006 authorizes the industry member to provide / pay for a menu for up to six items to be used by the retailer. 15C .0711 states that any menu for over six items must be paid for by the retailer. The difference is who must pay for the menu.

Understood. For clarity, on line 17, consider changing "pursuant to" to "allowed by" or something similar.

(b)(6)(A): Consider defining what constitutes "conspicuous and substantial" advertising matter. Otherwise, the rule may be unclear. [Renee Metz] Removed conspicuous and substantial.

(b)(8), line 8: Add a space before "so long". [Renee Metz] Change made

(c), lines 13 and 14: Submit to whom for approval? [Renee Metz] Email address included

(c), line 14: Again, you may want to define what "conspicuous" means. [Renee Metz] Removed

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

(d): Please indicate the price to obtain the material (if free, please state this). **[Renee Metz] Information added**

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0712

DEADLINE FOR RECEIPT: April 17, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(b): It looks as if your mark up of the current rule is off. The current code states: "No sponsorship agreement or advertising contract between an industry member and a city, county, the state, or a Special One-Time permittee shall contain any agreement, either express or implied, that the industry member's products will be sold to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by competitors." Please check this. Something seems off here. [Renee Metz] I believe it is correct now.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0713

DEADLINE FOR RECEIPT: April 17, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(b), first sentence: What does this mean? How does one determine whether "the tournament and its purpose are the main theme"? Who makes this determination? What is a "main theme"? [Renee Metz] Nonprofits holding fundraising events aren't bound by the same rules as regular retailers are. Thus, less than forthright individuals will attempt to get a nonprofit to join an event, promise the nonprofit some money for lending their name, and then hold an event for the individual's benefit and not for the nonprofit. This language is attempting to dissuade those types of "fake" events. If the tournament is touted as a fundraiser for cancer, it truly needs to be a fundraiser for cancer and not a way for a promoter to make a buck. If a permit application is submitted, the Permit Section staff will research websites of the event and of the nonprofit to see if the application matches what is being advertised.

Understood – thanks for the explanation. I still think the wording of the rule is a bit unclear. Consider revising further. For example, the following could be considered: "An industry member may advertise or pay for the advertising of a tournament only if the primary purpose of the tournament is to raise funds for a civic, scientific, charitable, or educational cause." This takes language used in the Rule in (a)(1). And if you are considering certain factors in determining this, you could add language on this in the rule (e.g., The Commission shall consider advertising materials, websites, etc.).

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0714

DEADLINE FOR RECEIPT: April 17, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

History Note, Authority: Is § 18B-105 also relevant here? If so, consider adding. [Renee Metz] Added

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

Burgos, Alexander N

Subject: FW: 14B NCAC 15C 0700s - Request for Changes
Attachments: Request for Changes - ABCC - 04 2026 - agency response.docx; 14B NCAC 15C .0103 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0103 - Beer Franchise Law - RRC April 2026 - RFC.docx; 14B NCAC 15C .0701 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0701 - Definition - RRC April 2026 - RFC.docx; 14B NCAC 15C .0702 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0702 - Malt Beverages-Allowance for Damage - RRC April 2026 - RFC.docx; 14B NCAC 15C .0703 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0703 - Removal or Disturbance of Other Brands Prohibited - RRC April 2026 - RFC.docx; 14B NCAC 15C .0704 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0704 - Quantity Discounts Prohibited - RRC April 2026 - RFC.docx; 14B NCAC 15C .0705 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0705 - Exclusive Outlets - RRC April 2026 - RFC.docx; 14B NCAC 15C .0706 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0706 - Inducements - Tied House - RRC April 2026 - RFC.docx; 14B NCAC 15C .0707 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0707 - Commercial Bribery - RRC April 2026 - RFC.docx; 14B NCAC 15C .0709 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0709 - Prohibited Trade Practices - RRC April 2026 - RFC.docx; 14B NCAC 15C .0710 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0710 - Accepted Trade Practices - Services - RRC April 2026 - RFC.docx; 14B NCAC 15C .0711 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0711 - Accepted Trade Practices - Things of Value - RRC April 2026 - RFC.docx; 14B NCAC 15C .0712 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0712 - Transactions with Government and SOT Permittees - RRC April 2026 - RFC.docx; 14B NCAC 15C .0713 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0713 - Tournaments - RRC April 2026 - RFC.docx; 14B NCAC 15C .0714 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0714 - Consumer Contests - Sweepstakes - RRC April 2026 - RFC.docx; 14B NCAC 15C .0715 - Form 0400 v2 - April 2026.pdf; 14B NCAC 15C .0715 - Conditions When Comm Approval Req'd for Promotions - RRC April 2026 - RFC.docx

From: Metz, Renee <renee.metz@abc.nc.gov>
Sent: Wednesday, April 15, 2026 11:46 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Subject: 14B NCAC 15C 0700s - Request for Changes

Good morning.

Please see the attached documents and let me know if you have any questions or recommendations. I will be in interviews all day Thursday but can certainly respond Friday morning.

Thank you.

Kind regards,

Renee C. Metz

Assistant General Counsel
NC Alcoholic Beverage Control Commission

Phone: (919) 948-7919

Email: renee.metz@abc.nc.gov

Mail: 4307 Mail Service Center, Raleigh, NC 27699-4307

Location: 400 East Tryon Road, Raleigh, NC 27610

Disclaimer: I represent the NC ABC Commission and any information provided in this email is not legal advice and should not be relied upon as legal advice. I can only provide you with information about alcoholic beverage control laws. You should consult your own attorney for advice.

Email correspondence to and from this address is subject to the Public Records Law and may be disclosed to third parties pursuant to Chapter 132 of the NC General Statutes.



Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency’s statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency “consider” an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency’s consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day~~,~~ and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0103

DEADLINE FOR RECEIPT: April 17, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Deleted X in first box and all related data. Second box option remains checked.

Line 12: If accurate, consider revising this to state: "... shall not affect the Commission's ~~brand.~~ brand determination." [Renee Metz] Change made

Line 14: Change "do" to "does". [Renee Metz] Change made

Line 17: Add a comma after "Old Faithful Dry". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0701

DEADLINE FOR RECEIPT: April 17, 2026

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0702

DEADLINE FOR RECEIPT: April 17, 2026

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0703

DEADLINE FOR RECEIPT: April 17, 2026

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

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History Note, Authority: Is G.S. 18B-1116(b) still relevant here? Where is this practice and exemption covered by the statutes you cite? [Renee Metz] Deleted

History Note, line 22: Change "Readoption" to "Readopted". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0704

DEADLINE FOR RECEIPT: April 17, 2026

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Line 4: Does the "salesman" have to be working for the wholesaler? As written, there is no link between the two. For example, in 15C .0502, you state, "wholesaler's salesman". [Renee Metz] Added "wholesaler" to read "or wholesaler's salesman"

Lines 5-6, second sentence: Does this mean that wholesalers are prohibited from "charging a fee for an order of less than a full case"? The wording used is slightly awkward because you're classifying the fee as a discount. Consider rephrasing. [Renee Metz] Added clarifying language (hopefully)

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0705

DEADLINE FOR RECEIPT: April 17, 2026

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Lines 4-5: You state, "..., by agreement or otherwise, through direct or indirect means, ..." Is this language necessary? Couldn't you just state, "by any means"? [Renee Metz] I had deleted the "directly or indirectly" but the regulated public asked that the language remain. I've made the "by any means" change.

History Note, line 18: "Amended" should also be struck through. [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0706

DEADLINE FOR RECEIPT: April 17, 2026

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(9): "Pay" whom? Consider specifying for clarity. [Renee Metz] Added "a third party."

(11), line 20: Add a comma after "scoreboards". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0707

DEADLINE FOR RECEIPT: April 17, 2026

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(b)(6), line 18: What qualifies as "light hors d'oeuvres and beverages"? This language alone may be ambiguous. [Renee Metz] I removed the word "light" but I'm at a loss as to how to otherwise state this.

(c)(1): What is an "entertainment venue"? [Renee Metz] Deleted What constitutes a meal "in conjunction with entertainment"? [Renee Metz] Anything other than just a meal. Is this defined or explained elsewhere in your rules? [Renee Metz] It is not due to the industry members being more familiar with these practices than regulatory attorneys are. Please let me know how you wish to proceed.

(c)(6): What does this mean? What is a "business meal in the food and non-alcoholic beverage industry provided in the ordinary course of business"? And how is the cost of that determined? This provision is not clear. [Renee Metz] Reworded. Please advise.

(c)(7), line 3: Change "an" to "the", for consistency. [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0709

DEADLINE FOR RECEIPT: April 17, 2026

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Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(a), line 7: Is the added language here necessary? If so, why? [Renee Metz] The exact language isn't necessary but the concept is. If there is a prohibition of an activity between retailers and industry members, the industry members cannot have a third party do the activity. What you can't do directly, you also cannot do indirectly. I changed the "indirectly" to "through a third party."

(b): If the retailer pays market value for these services, how is this covered by § 18B-1116? Does "lend or give" include services for pay? Do "provide" and "give" have different meanings? [Renee Metz] Deleted 18B-1116

(c)(8): Add a comma after "fixtures". [Renee Metz] Change made

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0710

DEADLINE FOR RECEIPT: **April 17, 2026**

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Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

Page 1, Line 1: Change ".710" to ".0710". [Renee Metz] Change made

(2)(b), line 26: Change "he" to "it". [Renee Metz] Change made

(2)(b)(ii): Who determines whether "reasonable" has been met under § 25-1-205? The Commission? [Renee Metz] This language was created by the regulated public several years ago. According to the attorney for the Beer and Wine Wholesalers' Association, there are several cases that discuss reasonableness in relation to § 25-1-205, which was why it was included here.

(3)(e): To comply with § 150B-21.6, please indicate whether or not the incorporation includes subsequent amendments and editions of the referenced material. [Renee Metz] Change made

(8)(b): What is a "comparable" beverage? Who makes this determination and how? [Renee Metz] I believe it was meant in relation to price point and added the language to the rule.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0711

DEADLINE FOR RECEIPT: April 17, 2026

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(a)(6): I don't understand the interplay with 14B NCAC 15B .1006. You state here, sales are allowed for "menus that exceed the number of food items pursuant" to that rule. And then going to 14B NCAC 15B .1006, that rule states that industry members are permitted to supply menus to retailers that may "include up to six items from the retailer's food menu". Is your rule now saying that industry members can actually sell to retailers longer menus? Wouldn't this contradict your other rule? [Renee Metz] 18B.1006 authorizes the industry member to provide / pay for a menu for up to six items to be used by the retailer. 15C .0711 states that any menu for over six items must be paid for by the retailer. The difference is who must pay for the menu.

(b)(6)(A): Consider defining what constitutes "conspicuous and substantial" advertising matter. Otherwise, the rule may be unclear. [Renee Metz] Removed conspicuous and substantial.

(b)(8), line 8: Add a space before "so long". [Renee Metz] Change made

(c), lines 13 and 14: Submit to whom for approval? [Renee Metz] Email address included

(c), line 14: Again, you may want to define what "conspicuous" means. [Renee Metz] Removed

(d): Please indicate the price to obtain the material (if free, please state this). [Renee Metz] Information added

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0712

DEADLINE FOR RECEIPT: April 17, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(b): It looks as if your mark up of the current rule is off. The current code states: "No sponsorship agreement or advertising contract between an industry member and a city, county, the state, or a Special One-Time permittee shall contain any agreement, either express or implied, that the industry member's products will be sold to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by competitors." Please check this. Something seems off here. [Renee Metz] I believe it is correct now.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0713

DEADLINE FOR RECEIPT: April 17, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

(b), first sentence: What does this mean? How does one determine whether "the tournament and its purpose are the main theme"? Who makes this determination? What is a "main theme"? [Renee Metz] Nonprofits holding fundraising events aren't bound by the same rules as regular retailers are. Thus, less than forthright individuals will attempt to get a nonprofit to join an event, promise the nonprofit some money for lending their name, and then hold an event for the individual's benefit and not for the nonprofit. This language is attempting to dissuade those types of "fake" events. If the tournament is touted as a fundraiser for cancer, it truly needs to be a fundraiser for cancer and not a way for a promoter to make a buck. If a permit application is submitted, the Permit Section staff will research websites of the event and of the nonprofit to see if the application matches what is being advertised.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 7, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0714

DEADLINE FOR RECEIPT: April 17, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Form 0400: In box 6, in response to "Link to Agency notice," you provided the following: "July 15, 2025". What is this date referring to? Also, please provide us with a hyperlink to the posting on the agency's website that complies with § 150B-19.1(c). [Renee Metz] Corrected

History Note, Authority: Is § 18B-105 also relevant here? If so, consider adding. [Renee Metz] Added

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 7, 2026

1 14B NCAC 15C .0103 is readopted with changes as published in 40:12 NCR 998 as follows:

2
3 **14B NCAC 15C .0103 BEER FRANCHISE LAW; "BRAND" DEFINED**

4 For purposes of Article 13 of Chapter ~~18B~~, 18B of the General Statutes, the Beer Franchise Law, a distribution
5 agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand
6 name. Different categories of products manufactured and marketed under a common identifying trade name are
7 considered to be the same brand; e.g., the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would
8 include "Old Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful Dry" and other products identified
9 principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also
10 manufactured by Yellowstone Brewery Co. brand. The Commission shall determine the brand ~~Determination of a~~
11 ~~product's brand shall be made by the Commission at the time the product is approved for sale in North Carolina~~
12 Carolina. Later changes to advertising strategy or labeling and shall not affect the Commission's [brand.] brand
13 determination. ~~be affected by later changes in the manufacturer's advertising strategy or labeling. Differences in~~
14 ~~packaging, such as different style, type or size of container, Different packaging, style, font, or container~~ do does not
15 establish different brands. The name of the manufacturer shall not be the brand name unless no other information on
16 the label qualifies as a brand.

17 Note: As an illustration, the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would include "Old
18 Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful [Dry]" [Dry," and other products identified
19 principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also
20 manufactured by Yellowstone Brewery Co.

21
22 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1303(a);*
23 *Eff. November 1, 1994;*
24 *Amended Eff. April 1, 2011;*
25 *Transferred and Recodified from 04 NCAC 02T .0103 Eff. August 1, 2015;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
27 *2017.*
28 [Amended] Readopted Eff. May 1, 2026.
29

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0103 – Beer Franchise Law; “Brand Defined”			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL through READOPTIO N			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A		
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A. 			
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-bottom: 10px;"> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

1 14B NCAC 15C .0701 is readopted with changes as published in 40:12 NCR 998-999 as follows:

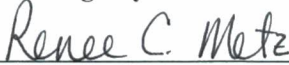
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3 **14B NCAC 15C .0701 DEFINITIONS**

4 For the purposes of this Section, the following definitions shall apply:

- 5 (1) "Equipment" shall include draft beer boxes, wine dispensing machines, refrigeration devices, sinks,
6 dishwashers, dispensing trucks, trailers, caddies, and ~~any other item useful or suitable items used~~
7 for the preparation, serving, ~~dispensing~~ dispensing, or cleaning of ~~food or beverages~~ food,
8 beverages, or food and beverage containers.
- 9 (2) "Point-of-Sale advertising" shall mean advertising material ~~such as including~~ signs, posters,
10 banners, and ~~decorations that bears conspicuous and substantial product advertising matter, that has~~
11 ~~no secondary value to the retailer, and that is designed and intended to be used inside a retailer's~~
12 ~~licensed premises where alcoholic beverage products are displayed and sold.~~ decorations:
- 13 (a) containing alcoholic beverage product advertising matter;
14 (b) having no secondary value to the retailer; and
15 (c) designed and intended to be used inside a retailer's licensed premises where alcoholic
16 beverages are displayed and sold.
- 17 (3) "Promotion" shall include ~~any advertising publicity~~ advertising, publicity, or sponsorship activity in
18 connection with ~~any a~~ special event, ~~function~~ function, or holiday ~~that is~~ outside the scope of routine
19 sales and marketing, ~~and shall include including~~ fundraisers, concerts, sporting events, festivals,
20 celebrations, anniversaries, ceremonies, operations, observances, ~~sweepstakes~~ sweepstakes, or
21 contests.

22
23 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1116;*
24 *Eff. January 1, 1982;*
25 *Amended Eff. July 1, 1992; May 1, 1984;*
26 *Transferred and Recodified from 04 NCAC 02T .0702 Eff. August 1, 2015;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
28 *2017.*
29 *[Amended] Readopted Eff. May 1, 2026.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0701 – Definitions	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL through READOPTIO N	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </div> </div>	
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.	
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0702 – Malt Beverages: Allowances for Damage			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A		
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10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

1 14B NCAC 15C .0702 is readopted with changes as published in 40:12 NCR 999 as follows:

2

3 **14B NCAC 15C .0702 MALT BEVERAGES: ALLOWANCES FOR DAMAGE**

4 ~~No allowance shall be made by any malt~~ Malt beverage industry member ~~members shall not provide a credit or~~
5 ~~allowance to any a~~ retailer for flat beer or chipped or broken bottles, except ~~in instances where~~ when the retailer returns
6 the tops of the bottles with glass attached to the industry member. ~~No refund shall be made by any industry member~~
7 Industry members shall not provide a refund on canned malt beverages ~~that have been~~ opened by a can opener or pull
8 tab. ~~Refunds~~ Industry members may be made give refunds on canned malt beverages if it is obvious the malt beverages
9 ~~have been~~ damaged in during shipment to the wholesaler or retailer.

10

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

12 *Eff. January 1, 1982;*

13 *Amended Eff. May 1, 1984;*

14 *Transferred and Recodified from 04 NCAC 02T .0703 Eff. August 1, 2015;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
16 *2017.*

17 *[Amended] Readopted Eff. May 1, 2026.*

18

19

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0703 – Removal or Disturbance of Other Brands Prohibited	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </div> </div>	
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.	
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 14B NCAC 15C .0703 is readopted with changes as published in 40:12 NCR 999 as follows:

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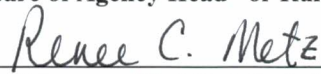
14B NCAC 15C .0703 REMOVAL OR DISTURBANCE OF OTHER BRANDS PROHIBITED

~~No wholesaler~~ Wholesalers shall not remove from a retailer's premises ~~any~~ bottles, ~~cartons~~ cartons, or kegs bearing brand identification ~~except brands that are distributed by that wholesaler~~, unless the wholesaler is authorized to distribute the brand. ~~No wholesaler~~ Wholesalers shall not remove, ~~rearrange~~ rearrange, or otherwise disturb ~~any~~ malt beverages or wine displayed by another wholesaler on a retail licensed premises ~~by another wholesaler~~, except:

- (1) to return merchandise to its ~~properly~~ assigned shelf space when ~~it has been inadvertently~~ placed in the wholesaler's assigned space; ~~or~~
- (2) to remove a competitor's product from a promotional display area ~~that has been~~ assigned to the ~~wholesaler, and wholesaler~~ if the competitor's personnel are ~~not available~~ unavailable to move their ~~own product from the area at the time when~~ the wholesaler's product is scheduled to go on promotion, promotion; or
- (3) with the consent of the affected wholesaler.

*History Note: Authority G.S. 18B-100; 18B-207; ~~18B-1116(b)~~;
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0704 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.
[Amended] [Readoption] Readopted Eff. May 1, 2026.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0704 – Quantity Discounts Prohibited	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </div> </div>	
9B. Explain: Mandatory review and reoption pursuant to G.S. 150B-21.3A. 	
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  _____ </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 14B NCAC 15C .0704 is readopted with changes as published in 40:12 NCR 999 as follows:

2

3 **14B NCAC 15C .0704 QUANTITY DISCOUNTS PROHIBITED**

4 ~~No wholesaler or his employee~~ A wholesaler or **wholesaler's** salesman shall ~~not give any~~ a retailer a quantity discount
5 on the price of malt beverages or ~~wine, nor shall a retailer~~ wine. A quantity discount includes charging a fee for an
6 order of less than a full ~~case.~~ **case when the same fee is not charged for full case orders.** Retailers shall not require a
7 wholesaler to provide ~~these~~ quantity discounts.

8

9 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(a);~~

10 *Eff. January 1, 1982;*

11 *Amended Eff. May 1, 1984;*

12 *Transferred and Recodified from 04 NCAC 02T .0705 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*

15 **[Amended] Readopted Eff. May 1, 2026.**

16

17

1 14B NCAC 15C .0705 is readopted with changes as published in 40:12 NCR 999 as follows:

2

3 **14B NCAC 15C .0705 EXCLUSIVE OUTLETS**

4 ~~No~~An industry member shall not require, by agreement or otherwise, directly or indirectly, [through direct or indirect
5 or by any means, that ~~any a~~ retailer ~~engaged in the sale of malt beverages, wine or mixed beverages~~ purchase any
6 alcoholic beverages from ~~that person~~ the industry member pursuant to ~~any~~ of the following practices:

- 7 (1) ~~written or unwritten~~ contractual purchase agreements;
- 8 (2) threat of loss of supply;
- 9 (3) purchases made as a prerequisite for the purchase of short supply items; or
- 10 (4) ~~any form of~~ coercion by the industry member, including threats of physical or economic harm.


11

12 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1116(a);*
13 *Eff. January 1, 1982;*
14 *Amended Eff. May 1, 1984;*
15 *Transferred and Recodified from 04 NCAC 02T.0706 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]~~ Readopted Eff. May 1, 2026.

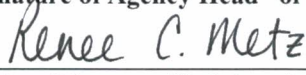
19

20

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0705 – Exclusive Outlets			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A
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9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A. 			
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  _____ </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0706 – Inducements (Tied House)			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A		
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10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

1 14B NCAC 15C .0706 is readopted with changes as published in 40:12 NCR 999-1000 as follows:

2
3 **14B NCAC 15C .0706 INDUCEMENTS (TIED HOUSE)**

4 ~~No industry member shall:~~ Industry members shall not:

- 5 (1) acquire or hold ~~any-an~~ interest in ~~any-a~~ license or permit ~~with respect to or~~ the premises of a retail
6 permittee;
- 7 (2) acquire ~~any-an~~ interest in real or personal property owned, occupied, or used by a retail permittee ~~in~~
8 ~~the conduct of his- for the retailer's~~ business;
- 9 (3) furnish, give, rent, lend, or sell to a retail permittee ~~any~~ equipment, fixtures, signs, supplies, money,
10 services, or ~~other~~ things of value except as ~~otherwise~~ provided in these Rules;
- 11 (4) pay or credit a retail permittee for ~~any~~ advertising, display, or distribution service;
- 12 (5) guarantee ~~any-a~~ loan or the repayment of ~~any-a~~ financial obligation of a retail permittee;
- 13 (6) extend credit to a retail permittee, except as ~~otherwise~~ provided in these Rules;
- 14 (7) require a retail permittee to take and dispose of a certain quota of ~~any~~ alcoholic beverages;
- 15 (8) acquire ~~any-an~~ interest in a mortgage or deed of trust on the retailer's business or property;
- 16 (9) pay a third party for the display of advertising on ~~any~~ signs or scorecards manufactured by a third
17 party for a retailer;
- 18 (10) furnish free warehousing by delaying delivery of alcoholic beverage product or by providing
19 refrigerated vehicles for a retailer; or
- 20 (11) purchase advertising on signs, scoreboards scoreboards, and programs at ballparks, racetracks, and
21 coliseums from the retail concessionaire, unless the retailer is a city or county, and an exemption
22 has been granted pursuant to G.S. 18B-1116(b).

23
24 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1116(a);

25 *Eff. January 1, 1982;*

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

27 *Transferred and Recodified from 04 NCAC 02T .0707 Eff. August 1, 2015;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
29 *2017.*

30 [Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0707 is readopted with changes as published in 40:12 NCR 1000 as follows:

2
3 **14B NCAC 15C .0707 COMMERCIAL BRIBERY**

4 (a) ~~No industry member~~ Industry members shall ~~make not give~~ gifts or ~~payoffs-payments~~ to purchasing agents, clerks,
5 bartenders, ~~salesmen-salesmen~~, or other employees of retail permittees.

6 (b) ~~No industry member~~ Industry members shall not give any a bonus, ~~premium-premium~~, or compensation to ~~any a~~
7 retailer or an officer, ~~employee-employee~~, or agent of the retailer. Prohibited acts include:

- 8 (1) monetary inducements ("push money") ~~given~~ to retailers or their employees;
- 9 (2) ~~total or partial~~ payment of any part of a retailer's employee's salary;
- 10 (3) sales promotion contests ~~in which where~~ a retailer's employees are offered or awarded ~~prizes-prizes~~
11 ~~such as trips abroad, cash, or automobiles that are totally or partially~~ financed by an industry
12 member;
- 13 (4) payments or gratuities to groups or associations of retailer's employees;
- 14 (5) ~~other gifts such as trips, appliances, or other items given~~ to retail corporate officers; or
- 15 (6) participation in a retailer's sales or management ~~meetings, conventions or outings-meeting,~~
16 convention, or outing by sponsoring or underwriting ~~any events in connection with at~~ the meeting,
17 ~~convention-convention~~, or outing, unless ~~such~~ participation is limited to ~~the~~ providing of a
18 hospitality suite with light hors d'oeuvres and beverages, and the price paid for the suite is not greater
19 than that paid by any other participant in the meeting, ~~convention-convention~~, or outing.

20 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, an industry member may invite and pay for up to two
21 employees or representatives of a retail permittee ~~who is permitted under pursuant to~~ G.S. 18B-1001, ~~to, and pay for,~~
22 ~~to for~~ a business meal to discuss sales and promotions in person, ~~provided that:~~ with the following conditions:

- 23 (1) ~~the business meal, including beverages consumed with the meal, shall take place within North~~
24 ~~Carolina and shall not take place at any entertainment venue or in conjunction with~~
25 ~~entertainment;~~ the industry member shall conduct the business meal in North Carolina but not [at an
26 entertainment venue or]in conjunction with entertainment;
- 27 (2) if the industry member provides transportation, ~~that it shall be by personal vehicle only;~~ the industry
28 member shall use only a personal vehicle;
- 29 (3) the industry member must accompany the employees or representatives of a retail permittee for the
30 duration of the business meal;
- 31 (4) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
32 obligation ~~on the part~~ of the retailer to purchase alcoholic beverages or to provide ~~any other a~~ benefit
33 to ~~such the~~ industry member;
- 34 (5) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
35 obligation ~~on the part~~ of the retailer to exclude from sale the products of ~~any other another~~ industry
36 member;

1 (6) the cost of the business meal shall not exceed the cost of a business meal ~~in the food and non-~~
2 ~~alcoholic beverage industry~~ provided in the ordinary course of ~~business;~~ business in other food and
3 beverage service industries; and

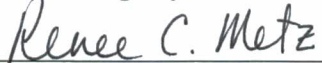
4 (7) ~~an the~~ industry member shall pay for no more than two business meals per retail permittee per
5 calendar year.

6 This Paragraph does not apply to ~~any an~~ industry member ~~that has a bona fide,~~ with a pre-existing relationship with
7 ~~any a~~ retail permittee separate from the beverage alcohol industry.

8
9 *History Note: Authority G.S. 18B-100; 18B-207; ~~18B-1116(a);~~*
10 *Eff. January 1, 1982;*
11 *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*
12 *Transferred and Recodified from 04 NCAC 02T .0708 Eff. August 1, 2015;*
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*
15 ~~[Amended]~~ Readopted Eff. May 1, 2026.

16
17

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0707 – Commercial Bribery			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
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RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

1 14B NCAC 15C .0709 is readopted with changes as published in 40:12 NCR 1001-1002 as follows:

2
3 **14B NCAC 15C .0709 PROHIBITED TRADE PRACTICES**

4 (a) General. ~~It shall be a violation of this Rule for any~~ An alcoholic beverage (~~including malt beverages, wines and~~
5 ~~spirituous liquors~~) industry ~~member, member for malt beverages, wine, or spirituous liquor, whether or not~~ licensed
6 in this ~~state, state or not~~, or any officer, director, ~~employee~~ employee, or affiliate, ~~to either directly or indirectly shall~~
7 ~~not~~ lend, give, ~~furnish~~ furnish, or ~~offer~~ offer, either directly or [indirectly,] through a third party, to ~~any a~~ retail
8 ~~permittee or his permittee, a retailer's employee, or to the owner of the premises on which where~~ the business of a
9 retailer is conducted, or for ~~any a~~ retail permittee, employee, or owner to demand, ~~require~~ require, or accept from ~~any~~
10 an industry member, ~~any~~ money, services, furniture, fixture, equipment, sign, glasses, barware, ~~supplies~~ supplies, or
11 ~~other~~ thing of value, except as provided in this Rule.

12 (b) Prohibited Services. ~~By way of illustration, the~~ The following services shall not be furnished, given, ~~provided~~
13 provided, or made available to a retail permittee by an industry member, even if the retailer is charged or billed for
14 the services for their market value:

- 15 (1) installing, ~~repairing~~ repairing, or maintaining equipment, outdoor ~~signs~~ signs, or other fixtures;
- 16 (2) promoting a retailer in advertising;
- 17 (3) reconciling inventory for a retailer;
- 18 (4) providing labor or employees to assist a retailer in the retailer's promotional events unless otherwise
19 allowed in the rules of the Commission;
- 20 (5) loaning or renting aerial displays or outdoor inflatables to a retailer for use, whether on or off the
21 retailer's licensed premises;
- 22 (6) pricing or repricing a product without the retailer's consent;
- 23 (7) warehousing, by:
 - 24 (A) making refrigerated vehicles available to the retailer; or
 - 25 (B) delaying delivery from a manufacturer, importer, nonresident ~~vendor~~ vendor, or warehouse
26 ~~in order to enable the retailer to take advantage of promotional prices or for any other~~
27 ~~reason;~~ for the retailer's advantage;
- 28 (8) affixing special retailer stamps or stickers to beer or wine ~~packaging, but a~~ packaging. A wholesaler
29 may affix signs, stickers, stamps, or tags indicating the product's price to a container, ~~shelf~~ shelf, or
30 display of ~~its~~ the wholesaler's products;
- 31 (9) entering delivery data on a retailer's in-store computer;
- 32 (10) providing data processing services;
- 33 (11) sponsoring sports leagues ~~that are~~ also sponsored by a ~~retailer,~~ retailer or that use the facilities of a
34 retailer for sporting events;
- 35 (12) guaranteeing the loan of a retailer;
- 36 (13) extending credit to a retailer;
- 37 (14) failing to require a deposit equal to that charged by the supplier on kegs and returnable bottles; or

1 (15) negotiating special prices for or financing of equipment.

2 (c) Prohibited Things of Value. ~~By way of illustration, the~~ The following things of value shall not be furnished, given,
3 loaned, ~~rented-rented,~~ or sold to a retail permittee by ~~any-an~~ industry member:

4 (1) aerial displays or tethered inflatables;

5 (2) parties ~~given~~ for retailers or groups of retailers' employees, unless otherwise allowed by the rules of
6 the Commission;

7 (3) prizes at retailer conventions;

8 (4) advertising in a retailer periodical or advertising in a retailer publication designed for distribution to
9 consumers;

10 (5) outside signs;

11 (6) cooperative advertising, including:

12 (A) providing or assisting retailer promotions, whether on or off the retailer's premises;

13 (B) participation with a retailer in the advertising of alcoholic beverages, the retailer's ~~business~~
14 business, or special events unless specifically approved by the Commission in the case of
15 fundraisers for non-profit charitable organizations after consideration of the factors listed
16 in G.S. 18B-1116(b);

17 (C) underwriting the cost of T-markers, ~~scorecards-scorecards,~~ or scoreboards by the purchase
18 of advertising from a third party; or

19 (D) customizing point-of-sale advertising materials, novelties, glassware, consumer ~~specialties~~
20 specialties, or product displays by printing or having printed the retailer's name, slogan or
21 logo on the item, unless otherwise specifically allowed in the rules of the Commission;

22 (7) making discounts, ~~rebates-rebates,~~ or refunds to a retailer on the condition ~~that~~ the retailer use the
23 discount, ~~rebate-rebate,~~ or refund to pay off a loan;

24 (8) equipment, fixtures fixtures, or furnishings; or

25 (9) clothing, except as provided in ~~Rule .0711 of this Section.~~ 14B NCAC 15C .0711.

26
27 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1116;

28 *Eff. July 1, 1992;*

29 *Amended Eff. April 1, 2011;*

30 *Transferred and Recodified from 04 NCAC 02T .0711 Eff. August 1, 2015;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
32 *2017.*

33 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C ~~.710~~ .0710 is readopted with changes as published in 40:12 NCR 1002-1004 as follows:

2
3 **14B NCAC 15C .0710 ACCEPTED TRADE PRACTICES; SERVICES**

4 ~~The following service activities are specifically allowed in transactions between alcoholic beverage (which includes~~
5 ~~malt beverages, wines and spirituous liquors) industry member and retailers:~~ Malt beverage, wine, and spirituous liquor
6 industry members are authorized to provide the following services to retailers:

7 (1) Shelving and Pricing for Malt Beverage and Wine Wholesalers.

8 (a) Malt beverage and wine wholesalers ~~who have been~~ assigned space in retail permittee
9 outlets may price or re-price their stock as ~~designated~~ requested by the retail permittee.

10 (b) Malt beverage and wine wholesalers may rearrange and place their brand or brands in their
11 assigned shelf space ~~so as to rotate their stock and to keep their assigned space clean and~~
12 neat.

13 (c) Malt beverage and wine wholesalers may rearrange or reset a retail permittee's alcoholic
14 beverage shelf space, display area, or department pursuant to that retail permittee's plan
15 and ~~direction, direction, but that industry~~ Industry members shall not move or disturb
16 brands sold by other industry ~~members, members except as authorized in 14B NCAC 15C~~
17 .0703.

18 ~~(2) — Coil Cleaning Service. An industry member may render coil cleaning services to a retailer.~~

19 ~~(3)~~ (2) Shelf Management Plans; Notice Prior to Reset.

20 (a) An industry member may discuss with a retailer shelf-management concepts and programs
21 and may provide, publish, and make available data on market sales and analysis.

22 (b) An industry member may provide and suggest shelf-management plans which are
23 customized for a specific retail permittee or group of retail permittees. The retail permittee
24 shall remain solely responsible for implementing ~~any a~~ any a suggested shelf-management plan.
25 If an industry member provides a suggested shelf-management plan to a retail permittee or
26 group of retail permittees, ~~he if~~ he if must provide a suggested plan to ~~any other retail permittee~~
27 permittees upon request. Shelf-management plans shall meet the following conditions:

28 (i) no retail permittee or person acting on ~~its the retail permittee's~~ its behalf shall
29 implement a shelf-management plan unless the retail permittee sends notice of the
30 plan to all wholesalers ~~that service that servicing the location who have provided~~
31 a request to the retail permittee to receive such notice; requested notification from
32 the retail permittee;

33 (ii) the retail permittee shall provide the notice to wholesalers required under this ~~Sub-~~
34 ~~item-SubItem~~ SubItem at least two weeks prior to implementation of the plan and the notice
35 shall include the date and time of the contemplated plan ~~implementation and shall~~
36 be provided at least two weeks before such time implementation. In the event of
37 an exigent or other unforeseen circumstance in which such If notice cannot be

1 provided within the two week period, the retail permittee shall provide ~~such~~ notice
2 within a reasonable period of time ~~as referenced by~~ pursuant to G.S. 25-1-205(a);

3 (iii) the retail permittee shall include the proposal in a notice if an industry member
4 assists in the creation of a proposed plan, the notice provided by the retail
5 permittee shall also include the proposal; plan; and

6 (iv) if a retail permittee develops a shelf-management plan without assistance from an
7 industry member or makes adjustments to less than 15 percent of the current shelf-
8 management plan, the retail permittee is not required to send the notice to
9 wholesalers required under this Sub item does not apply to a retail permittee that
10 independently develops or designs his own shelf management plan without the
11 assistance of an industry member, or who makes adjustments to less than 15
12 percent of the current self management plan. SubItem.

13 (c) A wholesaler may provide physical labor to implement a shelf-management plan.

14 (d) For purposes of this Rule, a shelf-management plan includes shelf resets.

15 (e) For purposes of this Rule, ~~notice from either~~ a retail permittee or an industry member shall
16 ~~be provided~~ provide notice by verifiable electronic mail, certified mail, or other delivery
17 service ~~which requires~~ requiring written verification of delivery, and shall include a
18 ~~designated person and contact~~ contact person's information for return correspondence.

19 **(4)(3)** Participation in Retailer Association Activities. An industry member may participate in retailer
20 association activities by:

21 (a) displaying product at association conventions or trade shows;

22 (b) renting display or booth space ~~so long as only~~ if the rental fee is the same ~~as the~~ fee paid
23 by all exhibitors;

24 (c) providing hospitality events which are independent from association sponsored activities;

25 (d) purchasing tickets to functions and paying registration fees only if such fees are the same
26 fees are ~~as~~ paid by all exhibitors; and

27 (e) making payments for advertisements in programs or brochures at association shows within
28 the dollar limits established by 27 C.F.R. 6.100 and the Bureau of Alcohol, Tobacco and
29 Firearms which is incorporated herein by reference. Cost adjustment increases authorized
30 by 27 C.F.R. 6.83 are also incorporated herein by reference but subsequent amendments to
31 27 C.F.R. 6.100 are not incorporated. Copies of these regulations are available for
32 inspection and copying as provided by 14B NCAC 15C .0401. Subpart D of 27 CFR Part
33 6, incorporated herein by reference and available for free at
34 <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-6/subpart-D>.

35 Subsequent amendments and editions are incorporated by reference.

36 **(5)(4)** Educational Seminars. An industry member may provide or sponsor seminars for retailers and their
37 employees in the following areas:

- 1 (a) the proper use of equipment;
- 2 (b) the proper storage, ~~handling~~ handling, and service of alcoholic beverages;
- 3 (c) safe driving programs;
- 4 (d) recognizing underage and intoxicated customers; and
- 5 (e) the history or aspects of a product's manufacturing process.

6 Seminars may be conducted at the premises of either the retailer or industry member. ~~Nothing in this Rule shall be~~
7 ~~construed to authorize an~~ An industry member ~~to shall not~~ pay the retailer's expenses in attending the seminar.

8 ~~(6)(5)~~ Tastings. ~~Beer and wine tastings may be conducted in accordance with 14B NCAC 15B .0901 and~~
9 ~~.0902. Industry members shall conduct tastings in compliance with 14B NCAC 15B, Section .0900.~~

10 ~~(7)(6)~~ Labor for Displays. An industry member may provide personnel to construct a promotional product
11 display on the premises of a retailer, and may move other products from the display area ~~in~~
12 ~~accordance with~~ per 14B NCAC 15C .0703.

13 ~~(8)(7)~~ Installations. The following items may be installed by an industry member at no charge to a retailer:

- 14 (a) point of sale advertising materials; and
- 15 (b) tapping accessories.

16 ~~(9)(8)~~ Bar Spending. An industry member may visit the premises of an on-premise retail account for the
17 purpose of promoting its brands so long as:

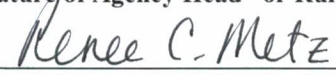
- 18 (a) the visit is unannounced and not advertised; and
- 19 (b) a patron who refuses the industry member's offer to consume a product is offered a
20 comparable price-point beverage of ~~his~~ the patron's choice, either alcoholic or non-
21 alcoholic.

22 ~~(10)(9)~~ Non-alcoholic Beverages. A malt beverage wholesaler who is also engaged in the business of selling
23 non-alcoholic beverage products may engage in the accepted trade practices of the soft drink and
24 snack food industries, so long as the sales and practices surrounding the non-alcoholic beverage
25 merchandise are not used as an unlawful inducement to purchase malt beverages.

26 Note: Wine wholesalers selling non-alcoholic beverage merchandise are governed by the provisions of 27 ~~C.F.R.~~ CFR
27 6.101.

28
29 *History Note:* *Authority G.S. 18B-100; 18B-203(b); 18B-207; ~~18B-1116(b);~~*
30 *Eff. July 1, 1992;*
31 *Amended Eff. April 1, 2011;*
32 *Transferred and Recodified from 04 NCAC 02T.0712 Eff. August 1, 2015;*
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
34 *2017.*
35 *[Amended] Readopted Eff. May 1, 2026.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0710 – Accepted Trade Practices: Services	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <div style="float: right; text-align: right;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </div>	
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.	
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 14B NCAC 15C .0711 is readopted with changes as published in 40:12 NCR 1004-1005 as follows:

2
3 **14B NCAC 15C .0711 ACCEPTED TRADE PRACTICES; THINGS OF VALUE; RETAIL PERMITTEES**

4 (a) Items That Must Be Sold. ~~The following things of value shall not be given, loaned or rented by any alcoholic~~
5 ~~beverage (which includes malt beverages, wines and spirituous liquors) industry member~~ Malt beverage, wine, and
6 spirituous liquor industry members shall not give, lend, or rent to a retail permittee, but may be sold ~~sell~~ to the retail
7 permittee at the price paid for the item by the first industry member who acquires the item; following things of value:

- 8 (1) novelties, ~~such as~~ coolers, umbrellas, ice chests, beach towels, towels, and sports equipment, so long
9 as the novelty item if the item has not been customized for a retail permittee with the retail
10 permittee's name or logo;
- 11 (2) glassware and cups, ~~so long as the items have if the item has~~ not been customized for a retail
12 permittee with the retail permittee's name or logo;
- 13 (3) carbon dioxide;
- 14 (4) ice;
- 15 (5) beer tapping accessories, ~~including~~ faucets, rods, vents, taps, hoses, washers, couplings, gas gauges,
16 vent tongues, shanks, and check valves; and
- 17 (6) menus that exceed the number of food items ~~provided in pursuant to~~ 14B NCAC 15B .1006(a)(3).

18 (b) Items That May Be Provided at No Charge. Industry members may give, provide, loan, rent, or sell the ~~The~~
19 ~~following things of value may be given, furnished, loaned, rented or sold by an industry member to a retail permittee:~~

- 20 (1) samples of malt beverage, ~~wine~~ wine, and spirituous liquor products in the following quantities:
- 21 (A) no more than three gallons of any brand of malt beverages;
- 22 (B) no more than three liters of any brand of wine; and
- 23 (C) no more than 50 milliliters of any brand of spirituous liquor.

24 Industry members may only give samples ~~Samples may be given only~~ to a retail permittee who has not previously
25 purchased those brands from the industry member within the previous calendar year.

- 26 (2) recipes, ~~booklets~~ booklets, and brochures for cooking with ~~wine, malt beverages~~ malt beverages,
27 wine, or spirituous liquors as described in pursuant to 14B NCAC 15B .1006(a)(3); .1006(a)(3);
- 28 (3) malt beverage, ~~wine~~ wine, and mixed beverage lists, ~~in accordance with lists pursuant to~~ 14B NCAC
29 15B .1006(a)(3); .1006(a)(3);
- 30 (4) combination packaging, ~~as provided in packaging pursuant to~~ 27 C.F.R., CFR 6.93;
- 31 (5) consumer specialty items such as bottle or can openers, cork screws, ash trays, shopping bags,
32 individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), or key chains. Such
33 items may be given to retail permittees for distribution to consumers, or may be provided by industry
34 member personnel directly to consumers at the retail permittee's place of business during visits that
35 are not announced or advertised to consumers. Consumer specialty items shall not be customized
36 for a retail permittee with the retail permittee's name or logo; and,

1 (6) product displays, to include wine racks, bins, barrels, casks and shelving from which malt beverage,
2 wine or spirituous liquor are displayed and sold, so long as:

3 (A) each display bears ~~conspicuous and substantial~~ advertising matter; and

4 (B) the dollar limitations per brand do not exceed ~~one hundred sixty dollars (\$160.00); those~~
5 established in G.S. 18B-105.

6 (7)(6) point of sale advertising materials which have value only as advertising, so long as the pieces have
7 not been customized for any individual retail ~~permittee; and permittee.~~

8 (8) retail permittee advertising specialty items as described in 14B NCAC 15B .1006(a)(4), so long as
9 the items have not been customized for an individual retail permittee, and so long as the dollar
10 limitations per brand do not exceed ~~three hundred dollars (\$300.00) per year; those established in~~
11 G.S. 18B-105.

12 (c) Point-Of-Sale Advertising Materials. Notwithstanding having a secondary value, the following items are
13 considered to be point-of-sale materials and an industry member is not required to submit to legal@abc.nc.gov ~~need~~
14 ~~not be submitted by an industry member~~ for approval prior to use, so long as the items bear conspicuous advertising
15 matter:

16 (1) clocks;

17 (2) lamps;

18 (3) lighted displays;

19 (4) blackboards;

20 (5) bulletin boards;

21 (6) dart board backgrounds;

22 (7) menu and price boards;

23 (8) tap standards;

24 (9) calendars;

25 (10) mirrors; and

26 (11) prizes offered in a consumer sweepstakes or contest pursuant to 14B NCAC 15C .0714(b). ~~The~~
27 ~~prizes shall bear a sticker that shows it is the property of the industry member. Industry members~~
28 ~~shall place a sticker on prizes to show the prize is the property of the industry member. The prizes~~
29 ~~shall be picked up by the industry member shall pick up the prize~~ at the conclusion of the
30 sweepstakes or contest.

31 (d) The provisions of ~~27 C.F.R. CFR~~ 6.93 referenced in this Rule are incorporated by ~~reference, but such incorporation~~
32 ~~does not include subsequent amendments. Copies of this regulation are available for inspection and copying as~~
33 ~~provided in 14B NCAC 15C .0401, reference including subsequent amendments and editions that may be accessed for~~
34 free at <https://www.ecfr.gov/current/title-27/section-6.93>.

35 (e) Nothing ~~within in~~ this Rule applies to ABC boards.

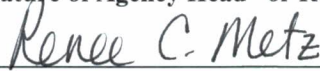
36
37 *History Note:* Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1116(b)~~;

1 *Eff. July 1, 1992;*
2 *Amended Eff. April 1, 2011;*
3 *Transferred and Recodified from 04 NCAC 02T .0713 Eff. August 1, 2015;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
5 *2017.*
6 *[Amended] Readopted Eff. May 1, 2026.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0711 – Accepted Trade Practices: Things of Value; Retail Permittees	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </div> </div>	
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.	
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0712 – Transactions with Governments and Special One-Time Permittees	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTON <input type="checkbox"/> REPEAL through READOPTON	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A	
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.	
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. <i>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</i> Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 14B NCAC 15C .0712 is readopted with changes as published in 40:12 NCR 1005-1006 as follows:

2
3 **14B NCAC 15C .0712 TRANSACTIONS WITH GOVERNMENT AND SPECIAL ONE-TIME**
4 **PERMITTEES**

5 (a) Permitted Activities. Notwithstanding the restrictions contained in 14B NCAC 15C .0709, ~~the following activities~~
6 ~~by alcoholic beverage (which includes malt beverages, wines and spirituous liquors)~~ malt beverage, wine, and
7 spirituous liquor industry members are ~~allowed, as described in this Rule, authorized to conduct the following~~
8 activities in transactions with cities, counties, the ~~state, or State,~~ in transactions with nonprofit or political
9 organizations that have obtained a Special One-Time permit under the provisions of G.S. 18B-1002(a)(2) or (5), or in
10 transactions with nonprofit organizations that do not hold an ABC permit:

- 11 (1) sponsorships of festivals, concerts, ~~fundraisers~~ fundraisers, or special events cosponsored by the
12 local government, the ~~state~~ State, or nonprofit or political organizations, including payments of
13 advertising fees;
- 14 (2) loaning or renting portable equipment to a local government, the ~~state~~ State, or a nonprofit or
15 political organization so long as the equipment loaned or rented is for a single event of limited
16 duration;
- 17 (3) contracts to provide payment for permanent advertising on signs or scoreboards when the industry
18 member has submitted a request ~~for and received an exemption pursuant to G.S. 18B-1116(b); to~~
19 legal@abc.nc.gov and received approval;
- 20 (4) providing labor or employees to assist in the setting up or changing of draft beer kegs and equipment
21 which has been loaned or rented pursuant to Subparagraph (a)(2) of this Rule;
- 22 (5) loaning or renting ~~previously approved~~ aerial displays or outdoor ~~inflatables~~ inflatables, approved
23 prior to the event by submission to legal@abc.nc.gov, for the duration of a special event;
- 24 (6) loaning or allowing the use of refrigerated vehicles;
- 25 (7) providing novelties, ~~prizes~~ prizes, or prize money to nonprofit organizations that have obtained a
26 Special One-Time Permit;
- 27 (8) providing cash contributions, product ~~donations~~ donations, and other consumer goods, ~~provided on~~
28 the condition that any donated product remaining after the event is ~~not supplied~~ provided by the
29 Special One-Time Permittee to a ~~regular~~ retail permittee;
- 30 (9) participation with a local government or the ~~state~~ State in the advertising of events cosponsored by
31 the local government or ~~state~~; State; and
- 32 (10) ~~accepting after the event is over, accepting, for cash or credit, the return of alcoholic beverages not~~
33 sold, for cash or credit, after the event is over.

34 (b) Sponsorship/Advertising Agreements Restricted. No Industry members shall not enter a sponsorship agreement
35 or advertising contract ~~between an industry member and with~~ a city, county, the ~~state~~, State, or a Special One-Time
36 permittee ~~shall contain any agreement, either express or implied, where, either express or implied, that~~ the industry

1 member's products will be sold to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by
2 competitors.

3 (c) Cosponsorship with Retail Permittee. ~~In any promotion by an~~ An industry member shall not promote or sponsor
4 an event with a local government, the ~~state, State,~~ or a nonprofit organization ~~in which there is cosponsorship by where~~
5 a retailer other than the local government or the ~~state, State~~ has a cosponsorship unless the industry member ~~shall~~
6 ~~obtain~~ obtains prior written approval from the Commission at legal@abc.nc.gov and as provided in 14B NCAC 15C
7 .0715.

8

9 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(b);~~

10 *Eff. July 1, 1992;*

11 *Amended Eff. November 1, 2012; April 1, 2011;*

12 *Transferred and Recodified from 04 NCAC 02T .0714 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*

15 ~~*[Amended]*~~ *Readopted Eff. May 1, 2026.*

16

17

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0713 – Tournaments			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL through READOPTIO N			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A		
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.			
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin: 10px 0;"> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

1 14B NCAC 15C .0713 is readopted with changes as published in 40:12 NCR 1006 as follows:

2
3 **14B NCAC 15C .0713 TOURNAMENTS**

4 (a) General. ~~Sponsorship by an~~ An industry member may sponsor of a regional, ~~statewide~~ statewide, or national sports
5 ~~tournament, when the tournament is held~~ on the property or premises of a retail ~~permittee, is permissible~~ permittee
6 only if all of the following conditions are met:

7 (1) The tournament is promoted or sanctioned by the official governing body of the sport, or is promoted
8 and sponsored by a ~~bona fide~~ nonprofit organization for the purpose of raising funds for a civic,
9 scientific, ~~charitable~~ charitable, or educational cause;

10 (2) An industry member does not give, rent, or loan No money, novelty ~~items~~ items, or other prohibited
11 ~~services~~ services, or things of value ~~are given, rented or loaned by an industry member~~ to the retailer;
12 and

13 (3) An industry member gives all All sponsorship ~~money or fees and other~~ money, fees, and things of
14 value ~~from the industry member~~ are given to the official governing body of the sport or the nonprofit
15 organization.

16 (b) Advertising. An industry member may advertise ~~via mass media~~ or pay for the advertising of a tournament when
17 the ~~primary theme of the advertisement is the~~ tournament and its ~~purpose~~ purpose are the main theme. ~~The naming of~~
18 Citing the retailer's premises as the location of a tournament shall not be construed to be cooperative advertising in
19 violation of 14B NCAC 15B .1005 ~~of this Chapter~~ when the retailer's ~~tradename~~ trade name is stated in substantially
20 smaller ~~typeface~~ typeface than the majority of the advertisement.

21 (c) Sponsorship/Advertising Agreements Restricted. No industry member agreeing to sponsor a tournament shall
22 enter into any agreement or contract, either express or implied, that a retailer or special one-time permittee will sell
23 that industry member's products to the exclusion, in whole or in part, of other brands of alcoholic beverages offered
24 by competitors.

25 (d) Joint Sponsorships. An industry member shall not agree to cosponsor ~~any a~~ tournament with ~~any a~~ retail permittee
26 unless the proceeds from the tournament are paid to a nonprofit civic, scientific, ~~charitable~~ charitable, or educational
27 organization.

28 (e) Prohibited Sponsorships. An industry member shall not sponsor or aid a retailer in the promotion of ~~any a~~
29 tournament held ~~primarily~~ to benefit the retailer, its employees, ~~members~~ members, or guests.

30
31 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1116(b);

32 Eff. July 1, 1992;

33 Amended Eff. November 1, 2012;

34 Transferred and Recodified from 04 NCAC 02T .0715 Eff. August 1, 2015;

35 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
36 2017.

37 [Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0714 is readopted with changes as published in 40:12 NCR 1006 as follows:

2
3 **14B NCAC 15C .0714 CONSUMER CONTESTS; SWEEPSTAKES**

4 (a) General. ~~Malt beverage, wine, and spirituous liquor industry members may offer consumer~~ Consumer contests or
5 sweepstakes ~~may be offered by an alcoholic beverage (which includes malt beverages, wines and spirituous liquors)~~
6 ~~industry member so long as only if~~ no purchase is required. Entry forms may be attached to or part of an alcoholic
7 beverage label or package so long as ~~alternative methods of entry are available to the consumer by means of a tear~~
8 pad of entry forms is available to the consumer at the point of purchase or ~~by means of~~ electronic entry forms are
9 available on the internet.

10 (b) Point-of-Sale Permissible; Restriction on Retailer Involvement. An industry member may provide to a retailer
11 point-of-sale advertising materials promoting a sweepstakes or contest. An industry member shall not offer or promote
12 ~~any a~~ sweepstakes or contest in conjunction with ~~any a~~ retailer as a cosponsor or as the provider of ~~any a~~ prize. No
13 prizes may be drawn or awarded on the premises of ~~any a~~ retailer. Officers, ~~employees~~ employees, and representatives
14 of industry members and retailers are excluded from participating in a consumer sweepstakes or contest offered under
15 this Rule.

16
17 *History Note:* Authority G.S. 18B-100; 18B-105; 18B-207; 18B-1116(b);

18 *Eff. July 1, 1992;*

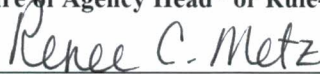
19 *Amended Eff. April 1, 2011;*

20 *Transferred and Recodified from 04 NCAC 02T .0716 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] Readopted Eff. May 1, 2026.*
24
25

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0714 – Consumer Contests; Sweepstakes	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2025 Link to Agency notice: abc.nc.gov/legal Hearing on: January 14, 2026 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: March 11, 2026 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </div> </div>	
9B. Explain: Mandatory review and readoption pursuant to G.S. 150B-21.3A.	
10. Rulemaking Coordinator: Renee Metz Phone: 919-948-7919 E-Mail: rules@abc.nc.gov Additional agency contact, if any: Marilyn Smalls Phone: 919-948-7949 E-Mail: rules@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Renee C. Metz Title: Assistant General Counsel / Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 14B NCAC 15C .0715 is readopted with changes as published in 40:12 NCR 1006-1007 as follows:

2
3 **14B NCAC 15C .0715 CONDITIONS WHEN COMMISSION APPROVAL REQUIRED FOR**
4 **PROMOTIONS**

5 (a) Prior Approval Required; Exceptions. ~~An alcoholic beverage (which includes malt beverages, wines and spirituous~~
6 ~~liquors)~~ A malt beverage, wine, or spirituous liquor industry member shall obtain written approval from the
7 Commission prior to entering into ~~any an~~ agreement to ~~engage in activities as a sponsor for any a~~ promotion, as ~~that~~
8 ~~term is defined in 14B NCAC 15C .0701(3), unless the activity involves the following: .0701(3). Industry members~~
9 are not required to obtain prior written approval for the following:

- 10 (1) sponsorships of nonprofit organizations that are not special one-time permittees, and the sponsored
11 activity is ~~neither not~~ held on the premises of a retailer ~~nor and is not~~ cosponsored by a retailer;
- 12 (2) printing and distribution of items that are classified as point-of-sale advertising material, consumer
13 specialty items, retailer specialty ~~items items,~~ or novelty ~~items,~~ so long as the items are items if
14 displayed and distributed in compliance with 14B NCAC 15B .1006, 14B NCAC 15C
15 .0709(c)(6)(B) and 14B NCAC 15C .0711;
- 16 (3) promotions that occur on an annual or regular basis ~~and~~ that have received written approval by the
17 Commission no greater than five years previously in a previous years, if so long as the sponsorship
18 activities ~~engaged in by~~ of the industry member have not changed; and
- 19 (4) sponsorships of individual amateur sports teams, when:
- 20 (A) the services or things of value provided by the industry member are given to benefit the
21 individual team and its members;
- 22 (B) the team is not comprised of retailers or employees of retailers; and
- 23 (C) the team is not jointly sponsored by a retailer.

24 (b) The Commission shall approve a promotion if:

- 25 (1) the procedure for approval is complied with as required by Paragraph (c) of this Rule;
- 26 (2) the information provided as required by Paragraph (c) of this Rule is accurate; and
- 27 (3) the ~~event promotion~~ is a bona fide ~~promotional event promotion.~~

28 (c) Procedure for Approval. To receive consideration for approval by the Commission for a promotional activity, an
29 industry member shall ~~comply with the following procedures:~~ submit the following to legal@abc.nc.gov:

- 30 (1) ~~submit~~—a completed Industry Promotion Approval ~~form;~~ found at
31 [https://www.abc.nc.gov/legal/laws-rules-and-resources;](https://www.abc.nc.gov/legal/laws-rules-and-resources)
- 32 (2) ~~submit~~ copies of broadcast and print advertisements; and
- 33 (3) ~~submit~~ samples of advertising pieces and costs of items.

34 (d) Notification to Wholesaler. A malt beverage or wine manufacturer, ~~importer importer,~~ or nonresident vendor ~~of~~
35 ~~beer or wine~~ that receives approval for promotional activity under this Rule shall provide a copy of the Commission's
36 approval to each of its wholesalers in this ~~state~~ State if that wholesaler ~~is or~~ will be participating in the promotion ~~in~~
37 ~~any manner,~~ including the distribution of promotional materials.

1 (e) Approvals Restricted to Industry Members. ~~No Industry member~~ approval for ~~any a~~ promotional activity ~~by an~~
2 ~~industry member~~ shall not be granted to a special one-time permittee, retailer, advertising agency, ~~broadcaster~~
3 ~~broadcaster~~, or publisher.

4 (f) Approvals Granted Only Upon Written Request. The Commission shall not approve ~~any~~ verbal requests or
5 hypothetical fact presentations describing promotional activities requiring prior written approval under this Rule.

6 (g) Timing of Requests. Industry members shall submit promotions for approval to legal@abc.nc.gov at least ~~two~~
7 ~~months~~ three weeks in advance of the promotion to allow adequate review by the ~~Commission~~, ~~and to allow for the~~
8 ~~mailing of written approvals to the industry member~~. Commission.

9 (h) Promotion Agreements Restricted. Commission approval of a promotion under this Rule shall not be construed
10 as approval for the industry member to enter into ~~any an~~ agreement, either express or implied, that its products will be
11 sold or distributed by a retailer or special one-time permittee to the exclusion, in whole or in part, of other brands of
12 alcoholic beverages offered by competitors.

13
14 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-1116;*

15 *Eff. July 1, 1992;*

16 *Amended Eff. April 1, 2011;*

17 *Transferred and Recodified from 04 NCAC 02T .0717 Eff. August 1, 2015;*

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

20 *[Amended] Readopted Eff. May 1, 2026.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission			
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0715 – Conditions When Commission Approval Required for Promotions			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION			
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No		
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9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A		
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

Burgos, Alexander N

From: Miller, Christopher S
Sent: Tuesday, April 7, 2026 3:17 PM
To: SVC_ABC.rules
Cc: Burgos, Alexander N; Miller, Christopher S
Subject: ABC Commission: Rules for April 2026 RRC Meeting
Attachments: Request for Changes - ABCC - 04 2026.docx

Hello,

I'm the staff attorney who reviewed the rules submitted by the NC Alcoholic Beverage Control Commission for the April 2026 RRC meeting. The RRC will formally review these rules at its meeting on Tuesday, April 28, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is my Request for Changes Pursuant to G.S. 150B-21.10. Please submit the responses and revised rules to me via email, no later than **5 p.m. on April 17, 2026**.

Let me know if you have any questions.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.