Burgos, Alexander N

Subject: FW: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up

From: Metz, Renee <renee.metz@abc.nc.gov>
Sent: Thursday, November 19, 2026 2:47 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>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up

Hello, Chris.

I have to admit I'm confused with some of the formatting. I thought I was using the examples from the RRC website, but I did print the guidance almost a year ago. I will double-check that I have the most up-to-date examples.

You are correct regarding my intent for 14B NCAC 15C .0715(b)(3).

As far as I can tell, everything is ready to proceed. Thank you again for your assistance.

Kind regards,

Renee C. Metz
Assistant General Counsel
NC Alcoholic Beverage Control Commission

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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.

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Burgos, Alexander N

Subject: FW: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up
Attachments: 14B NCAC 15C .0708 - RFC November RRC Agenda (v4).docx; 14B NCAC 15C .0715 - RFC November RRC Agenda (v4).docx; 14B NCAC 15C .1301 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1302 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1303 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1304 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1306 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1307 - RFC November RRC Agenda (v2).docx

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, November 19, 2026 11:34 AM
To: Metz, Renee <renee.metz@abc.nc.gov>; SVC_ABC.rules <rules@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up

Thanks, Renee.

I am okay with the changes – and I anticipate recommending approval for all 8 rules at next week's RRC meeting.

I am attaching the final versions for these rules. Please confirm that these are correct/accurate.

I note that for rule 15C .0715, in (b)(3) with edits, this now reads as: "the event is a bona fide promotion and not subterfuge for cooperative advertising between industry members and retail permittees." I believe this is what you meant, but please let me know if you had a different intent.

We will upload the final versions to the agenda once you've confirmed.

Thank you!
Chris

Chris Miller
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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.

14B NCAC 15C .0708 is readopted with changes as published in 41:02 NCR 194-195 as follows:

14B NCAC 15C .0708 CONSIGNMENT SALES: CONDITIONAL SALES: RETURNS

(a) Consignment Sales Prohibited. ~~No~~ An industry member shall not sell, offer for sale, or contract to sell to ~~any~~ a retail permittee, ~~nor shall any retail permittee~~ and a retail permittee shall not purchase, offer to purchase, or contract to purchase from ~~any~~ an industry ~~member any~~ member, alcoholic beverages on ~~consignment or~~ consignment, under conditional sale, ~~or~~ with the privilege of return, or on ~~any~~ a basis other than a bona fide cash sale. For the purposes of this Rule, a consignment sale is ~~any~~ a transaction ~~in which~~ where title to the merchandise is not transferred at the time of shipment or delivery and ~~which~~ does not involve ~~some form of~~ full cash settlement. ~~No~~ [~~An~~]~~industry member shall~~ [~~not~~]~~contract or agree with a retailer to retain title to alcoholic beverages until those products are~~ ~~sold.~~[~~sold by the retailer.~~]

(b) Privilege of Return. ~~No~~ An industry member and a ~~retailer~~ retail permittee shall not enter into ~~any~~ an agreement ~~whereby~~ where the ~~retailer~~ retail permittee has an ~~expressed~~ express or implied right to return alcoholic beverages ~~that he~~ the[~~retailer~~] retail permittee cannot sell. ~~Any~~ [~~An industry member's~~]~~acceptance of returned merchandise is considered a strong indication that the "privilege of return" existed at the time of~~ ~~sale,~~[~~sale.~~]~~and a repeated practice of accepting returned merchandise from a retailer would establish an implied privilege of return, even though no formal agreement has been made.~~

(c) Sales Conditioned on the Acquisition of Other Merchandise. ~~No~~ An industry member shall ~~make any~~ not enter an agreement with ~~any~~ a ~~retailer~~ retail permittee ~~with terms that~~ to allow the industry member to remove the ~~retailer's~~ retail permittee's inventory if conditioned upon present or future sales. The exchange of alcoholic beverages for equal quantities of the same type and brand in containers of another size and style is not considered an acquisition of "other" alcoholic beverages ~~and, therefore,~~ and is not prohibited ~~where~~ when the return is ~~otherwise permissible.~~[~~authorized.~~]authorized by this Section.

(d) Exceptions. This Rule does not apply to the following transactions:

(1) returns of malt beverages or wine for ordinary and usual commercial reasons [~~reasons,~~]as defined in 27 CFR 11.32 through [~~11.39~~]11.39, which are incorporated by reference, including subsequent amendments and editions, and [~~available~~]may be accessed for free at https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-11/subpart-D, arising after the alcoholic beverages have been sold, ~~such as~~ including mutilated or damaged labels or containers, ~~error in delivery,~~ delivery error, product deterioration, ~~products have been deemed unsafe by~~ a declaration by State or federal ~~authorities,~~authorities that the product is unsafe, ~~the~~ product approval has been withdrawn ~~as referenced by~~ pursuant to 14B NCAC 15C .0201 and .0202, or a bona fide discontinuance of the ~~retailer's~~ retail permittee business;

(2) exchanges of malt beverage products for equal quantities of the same brand and ~~type, so long as~~ type if the manufacturer's code date on the products will expire within 30 calendar days of the date of ~~exchange, and the~~ exchange. The quantity exchanged ~~does~~ shall not exceed 50 cases of each brand per ~~30 day~~ 30-day period per retail permittee. For the purposes of this Rule, the term

"exchange" means to replace product for product and does not authorize the wholesaler to accept returned malt beverage products for cash or credit; ~~and~~

(3) returns of wine or malt beverage products from a seasonal ~~retailer~~ retail permittee who is open only a portion of the year if the products ~~are likely to~~ may spoil during the off-season. For purposes of this Rule, a "seasonal ~~retailer"~~ retail permittee" is defined as one that closes its business completely for a period of at least eight weeks during the summer months of June through August or winter ~~months.~~months of November through February. Returns from a seasonal ~~retailer~~ retail permittee may be for cash or ~~credit.~~credit; and

(4) [~~exchanges of~~]malt beverages seasonal in nature may be exchanged [~~for freshness reasons~~] if all the following conditions are met:

(A) the industry member has policies and procedures in place that specify the date the [~~retailer~~] retail permittee must pull the product;

(B) the industry member's freshness exchange policies and procedures are verifiable and followed by the industry member;

(C) the malt beverage container has identifying markings that correspond with the date in Part [~~(B);~~](d)(4)(A) of this Rule; and

(D) the malt beverage product pulled by the [~~retailer~~] retail permittee does not reenter the retail marketplace.

Note: The return or exchange of wine products is governed by this Rule and the regulations ~~under the Federal Alcohol Administration Act found in Title 27 of the United States Code of Federal Regulations, Part 11 (27 CFR Sec. 11.1 through 11.46), and~~ pursuant to Part 11 of 27 CFR, and nothing in ~~these Rules~~ this Section shall be construed to authorize the return or exchange of wine products if the transaction is prohibited by federal law.

History Note: *Authority G.S. 18B-100; 18B-203; 18B-207; ~~18B-1116;~~ 27 CFR Part 11;*
Eff. January 1, 1982;
Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0709 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017.~~2017;
Readopted Eff. December 1, 2026.

14B NCAC 15C .0715 is readopted with changes as published in 41:02 NCR 195-196 as follows:

14B NCAC 15C .0715 CONDITIONS WHEN COMMISSION APPROVAL REQUIRED FOR PROMOTIONS

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

(1) sponsorships of nonprofit organizations that are not special one-time permittees, and the sponsored activity is ~~neither~~ not held on the premises of a retailer ~~nor~~ and is not cosponsored by a retailer;

(2) printing and distribution of items that are classified as point-of-sale advertising ~~material,~~ material pursuant to 14B NCAC 15C. 0701(2), consumer specialty ~~items,~~ items pursuant to 14B NCAC 15C .0711(b)(5), and retailer specialty ~~items~~ [~~items,~~]~~or novelty~~ ~~items, so long as the items are~~ items pursuant to 14B NCAC 15B .1006(a)(4) if displayed and distributed in compliance with 14B NCAC 15B .1006, 14B NCAC 15C ~~.0709(c)(6)(B).~~0709(c)(6), and 14B NCAC 15C .0711;

(3) promotions that occur on an annual or ~~regular~~ recurring basis and ~~that~~ have received written approval by the Commission within the previous five years [~~prior~~]~~in a previous years,so long as~~ if the sponsorship activities ~~engaged in by~~ of the industry member have not changed; and

(4) sponsorships of individual amateur sports teams, when:

(A) the services or things of value provided by the industry member are given to benefit the individual team and its members;

(B) the team is not comprised of retailers or employees of retailers; and

(C) the team is not jointly sponsored by a retailer.

(b) The Commission shall approve a promotion if:

(1) the procedure for approval is complied with as required by Paragraph (c) of this Rule;

(2) the information provided as required by Paragraph (c) of this Rule is accurate; and

(3) the event ~~promotion~~ is a bona fide ~~promotional event.~~[~~promotion.~~]promotion and not subterfuge for cooperative advertising between industry members and retail permittees.

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

(1) ~~submit~~ a completed Industry Promotion Approval ~~form;~~[~~form~~]Form found for free at [~~https://www.abc.nc.gov/ legal/laws rules and resources including the following information:~~] https://www.abc.nc.gov/legal/laws-rules-and-resources including the following information:

(A) the industry member's name, address, contact person, email address, and telephone number;

(B) the name of event or promotion, the dates and times of the event, the business name if applicable of the location of the event, the location address and county, the web address if applicable of the event or venue, and whether the location holds retail permits;

(C) the name of the sponsored organization, the contact person for the organization and [~~their~~]his or her telephone number or email address;

(D) [~~whether~~]whether:

(i) the sponsored organization is a nonprofit,

(ii) the nonprofit will be obtaining a Special One-Time permit,

(iii) alcoholic beverages will be sold or given away, and

(iv) tickets will be sold;

(E) which organization will maintain possession and control of the alcoholic beverages; and

(F) what the industry member will provide, donate, or sell to the event organization.

(2) ~~submit~~ copies of broadcast and print advertisements; and

(3) ~~submit~~ samples of advertising pieces and costs of items.

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

(e) Approvals Restricted to Industry Members. ~~No [Industry member] approval for any [a]promotional activity by an industry member shall not be granted~~ The Commission shall not grant approval under this Rule to a special one-time permittee, ~~retailer,~~ retail permittee, advertising agency, ~~broadcaster~~ broadcaster, or publisher.

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

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

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

History Note: *Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1116;~~*
Eff. July 1, 1992;
Amended Eff. April 1, 2011;
Transferred and Recodified from 04 NCAC 02T .0717 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017~~ 2017;

Readopted Eff. December 1, 2026.

14B NCAC 15C .1301 is readopted with changes as published in 41:02 NCR 196 as follows:

SECTION .1300 – SPIRITUOUS LIQUOR TASTING SPECIAL EVENT PERMITS

14B NCAC 15C .1301 DEFINITIONS

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

(1) "Advertising specialties" means small, branded items such as coasters, shot glasses, bottle or can openers, cork screws, ash trays, shopping bags, individual can coolers, hats, caps, visors, t-shirts ~~(without collars or buttons),~~ without collars or buttons, and key chains.

(2) "~~Charitable,~~ Charitable nonprofit organization" means ~~a nonprofit organization that is a charitable organization~~ the same as defined in G.S. ~~1-539.11(1).~~18B-1002.

(3) "Consumer ~~tasting event~~"tasting" means ~~any time~~ a single spirituous liquor special event where a spirituous liquor special event permittee provides samples of spirituous liquor to a consumer ~~in an ABC store pursuant to~~ in compliance with the restrictions of G.S. ~~18B-1114.7(c).~~18B-1114.7(b) and (c).

(4) "Local ~~fund raiser~~"fundraiser" means a special event sponsored or cosponsored by a local government, a local ~~charitable,~~ charitable nonprofit organization, or a local political organization for the purpose of raising funds for a governmental, charitable, or political purpose.

(5) "Permit holder's authorized agent" means an individual authorized in writing by the spirituous liquor special event permittee to conduct a consumer tasting ~~or consumer tasting event~~ pursuant to the permittee's spirituous liquor special event permit. The ~~individual~~ authorized agent shall be responsible for ~~the management on~~ the site of the consumer tasting ~~or consumer tasting event,~~ and the supervision of the permittee's or agent's employees or independent contractors ~~offering or pouring~~ providing ~~tasting~~ samples at the consumer ~~tasting or consumer tasting event.~~tasting. Nothing in this Rule alters the permittee's responsibility under G.S. 18B-1114.7(b)(1).

(6) "Point-of-sale advertising materials" means advertising that is located where the spirituous liquor product is displayed or sampled. Advertising materials ~~may~~ include signs, posters, banners, and decorations that bear product advertising matter. Point-of-sale advertising materials as used in this Section shall not include items listed in 14B NCAC 15C .0711(c).

(7) "Special event" means either:

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

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

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7;*
Eff. April 1, 2019;
Amended Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1302 is readopted with changes as published in 41:02 NCR 196-197 as follows:

14B NCAC 15C .1302 OTHER SIMILAR EVENTS APPROVAL

(a) For ~~other~~ events not specifically listed in G.S. 18B-1114.7, the holder of a spirituous liquor special event permit ~~issued pursuant to G.S. 18B-1114.7~~ shall obtain approval of ~~that other similar~~ the event from the Commission prior to the permit holder participating in the event. The Commission's approval of ~~other~~ events ~~under~~ pursuant to this Rule shall be provided to the permittee in writing.

(b) The holder of the permit shall submit a written application for approval to the Commission at permits@abc.nc.gov no less than seven business days prior to the starting date of the event. The Special Event Approval Request Form, ~~application,~~ available for free on the Commission's website, at https://www.abc.nc.gov/permit-forms, ~~includes:~~shall include:

(1) the permit holder's name, business name, spirituous liquor special event permit number, email address, and telephone and fax numbers;

(2) the name, dates, time, location, address, and county of the event; and

~~(3) whether an admission fee will be charged of the attendees by the event sponsor;~~

~~(4)~~(3) the event sponsor's ~~name, address, contact information, event or sponsor's social media link or webpage, and whether the event sponsor is a non-profit organization;~~name and [~~website.~~]website, if any.

~~(5) whether the event sponsor holds a special one-time ABC permit pursuant to G.S. 18B-1002(a)(2) or (5) and whether alcohol will otherwise be sold or given away at the event; and~~

~~(6) the names of other co-sponsors, supporters, vendors, or exhibitors who are expected to participate in the event, and whether those persons hold ABC permits.~~

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

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7;*
Eff. April 1, ~~2019.~~2019;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1303 is readopted with changes as published in 41:02 NCR 197 as follows:

14B NCAC 15C .1303 TASTINGS HELD FOR CONSUMERS

(a) ~~If a tasting is conducted pursuant to this Section at an event where~~ When the event sponsor holds an ABC permit for ~~thatevent,~~an event pursuant to this Section, the area for conducting the tasting shall be limited to the area of the event covered by the ABC permit. ~~If the tasting is conducted pursuant to this Section at an event where~~ When the event sponsor does not hold an ABC permit, the area for conducting the tasting shall be limited to the area allocated or assigned by the event sponsor for the exclusive use of the spirituous liquor special event permittee ~~conducting the tasting.~~during the event.

(b) ~~Each~~ A spirituous liquor special event permittee conducting a tasting may give ~~each~~ a consumer tasting samples up to the limits set forth in G.S. 18B-1114.7(b)(3) or (c)(4), as applicable.[~~18B-1114.7.~~]

(c) A spirituous liquor special event permittee shall ensure that ~~any~~ an employee or agent of the permittee ~~who will be~~ conducting or supervising ~~any~~ a tasting ~~conducted~~ pursuant to a spirituous liquor special event permit has completed training ~~that includes:~~including:

(1) identification of potential underage consumers;

(2) recognition of fictitious identification;

(3) identification of consumers who are visibly intoxicated;

(4) service of correct sample sizes; and

(5) ~~methods~~ specific steps to be taken to ensure compliance with G.S. 18B-1114.7 ~~in accordance with Rule .1304 of this Section.~~[~~18B-1114.7.~~]and Rule .1304 of this Section.

(d) The spirituous liquor special event permittee, the permittee's agent, or the permittee's employee shall not be in the area for conducting the tasting after consuming alcoholic beverages except under the following conditions:

(1) the spirituous liquor special event permittee, agent, or employee is off duty for the remainder of that day or night during which the individual consumes ~~any~~ an alcoholic beverage;

(2) the spirituous liquor special event permittee, agent, or employee is out of uniform when uniforms are required to be worn while performing ~~any on duty~~ services; and

(3) the spirituous liquor special event permittee, agent, or employee shall not perform ~~any~~ services related to the business of the ~~permit~~ permittee while or after consuming alcoholic beverages.

~~(e) Spirituous liquor provided for tastings pursuant to a spirituous liquor special event permit shall not be mixed with any other alcoholic or non-alcoholic beverage.No non-alcoholic beverages, other than unflavored water, shall be made available or accessible to the consumer by the permittee in the area for conducting the tasting.permittee.~~

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7;*
Eff. April 1, 2019;
Amended Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1304 is readopted with changes as published in 41:02 NCR 197 as follows:

14B NCAC 15C .1304 SPECIAL EVENT COMPLIANCE PROCEDURE

(a) Either the spirituous liquor special event permittee ~~to whom the spirituous liquor special event permit was issued,~~ or ~~the permit holder's~~ their authorized ~~agent,~~ agent ~~must~~ shall be present in the tasting area ~~where~~ while the tasting is ~~conducted at the time the tasting occurs.~~conducted. A copy of the spirituous liquor special event permit shall be on display in the tasting ~~area where the tasting is conducted.~~area. A copy of the agent's ~~authority~~ written authorization ~~of the permit holder's authorized agent~~ to act on behalf of the permittee shall be present at the tasting event. A copy of the spirituous liquor special event permit and a copy of the agent's ~~authority~~ written authorization ~~of the permit holder's authorized agent to act on behalf of the permittee~~ shall be made available to law enforcement authorized to conduct inspections pursuant to G.S. 18B-502 ~~agents~~ upon request.

(b) For ~~other~~ special events approved by the Commission pursuant to ~~Rule .1302 of this Section,~~14B NCAC 15C .1302, a copy of the Commission's approval shall be kept at the tasting for the duration of the tasting and shall be made available to law enforcement ~~agents~~ upon request.

(c) A spirituous liquor special event permit holder shall maintain a written procedure including specific steps to be taken ~~establishing the method to be used by the permit holder and the permit holder's employees or agents~~ to ensure compliance with the requirements of G.S. 18B-1114.7(b)(3), (4), and (5), and (c)(4).[~~18B-1114.7.~~] A copy of the written procedure shall be available at the tasting to the permit holder's employees and ~~designated~~ authorized agents and shall be made available ~~at the tasting~~ to law enforcement ~~agents~~ upon request.

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

(1) maintained for one year following the tasting;

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

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

History Note: *Authority G.S. 18B-100; ~~18B-201;~~ 18B-207; 18B-1114.7;*
Eff. April 1, 2019;
Amended Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1306 is readopted with changes as published in 41:02 NCR 197-198 as follows:

14B NCAC 15C .1306 SPECIAL EVENT PARTICIPATION LIMITATIONS

(a) For special events in shopping malls, the spirituous liquor special event permittee shall not participate in special events at ~~any~~ a single shopping mall more than 10 total days ~~cumulatively in any [a]three-month period.~~during any three consecutive calendar months.

(b) A spirituous liquor special event permittee shall not participate more than 10 total days during any three consecutive calendar months ~~cumulatively during a three-month period~~ in ~~a~~ special ~~event~~ events sponsored or arranged by the same person or business.

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

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7; 18B-1116;*
Eff. April 1, ~~2019.~~2019;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1307 is readopted with changes as published in 41:02 NCR 198 as follows:

14B NCAC 15C .1307 ABC STORE SPIRITUOUS LIQUOR TASTINGS

(a) Local boards shall determine whether to allow tastings ~~to be conducted in any of~~ at their ABC stores. The local board shall determine the ABC store, date, and times for ~~any tastings~~ authorized tastings. ~~by the local board shall be set by the local board. Tastings are~~ The local board [~~is~~]shall not be required to ~~be conducted~~ authorize tastings every week or in all ABC stores operated by the local board. The local board [~~is~~]shall not be required to set the same schedule ~~schedule set by the local board for tastings may vary~~ from week to week.

(b) ~~If~~ When a local board authorizes consumer ~~tasting events to be held~~ tastings in a specific ABC store, the local board shall process written requests to conduct a consumer tasting ~~event at that ABC store at a specific date and time established by the local board shall be processed~~ on a first-come, first-served basis. A local board may require a permittee to include a signed agreement to comply with local board conditions [~~conditions.~~]as a part of a written request. ~~request for permission to conduct a consumer tasting event pursuant to G.S. 18B-1114.7(c)(10).~~

(c) Notwithstanding Paragraph (b) of this Rule, ~~once permission has been granted to conduct a consumer tasting event at a specific date and time, this permission shall be subject to the permission being~~ a local board's permission may be withdrawn ~~for that ABC store not later~~ no less than 30 calendar days prior to ~~the scheduled time of~~ the ~~event,~~ event upon ~~the~~ receipt of a request from another spirituous liquor special event permittee ~~that~~ that, within the previous 12-month period, has conducted fewer consumer tasting events ~~in the ABC store within a previous 12-month period~~ than the spirituous liquor special event permittee ~~originally~~ already granted permission. The local board shall provide the original spirituous liquor special event permittee with a written explanation of why permission has been withdrawn.~~A superseding request for the same date and time must be received in writing and submitted to by the local board before the close of business on the last business day prior to 35 days prior to the previously approved request date. Prior to accepting a request to preempt a previously approved request date and time, the local board shall provide to the superseding requestor a schedule of other available dates and times for consumer tasting events in lieu of the requested date. If the alternative dates and times are not acceptable to the superseding requestor, the original permission to the first shall be withdrawn, and the date and time shall be assigned to the superseding requestor. A local board that withdraws permission to conduct a consumer tasting event shall provide the permittee originally granted permission with a written explanation of the reason for the withdrawal and the process for requesting a rescheduling of the consumer tasting event.~~

(d) If a spirituous liquor special event permittee conducts a consumer tasting in violation of G.S. [~~18B-1114.7,~~]18B-1114.7(c)(10), the ~~The~~ local board may deny permission for a spirituous liquor special event permittee ~~the right~~ to conduct future consumer tasting events for a period of up to one year from the date of the ~~violation upon a determination by the local board that the permittee conducted a consumer tasting event in violation of G.S. 18B-1114.7(c)(10).~~violation.

(e) In addition to the requirements ~~set forth~~ in G.S. 18B-1114.7(c)(7), a spirituous liquor special event permittee ~~permit holder~~ shall include ~~with the notice~~ a copy of the local board's written approval for the ~~permit holder~~ spirituous liquor special event permittee to conduct a consumer ~~tasting~~[~~tasting.~~]tasting when it provides written notice to the

Commission. ~~event at a specific time and location.Written approval by the local board may be by email. For purposes of G.S. 18B-1114.7(c)(7)c., the list shall include the product codes of the specific spirituous liquor products available for tasting.~~

(f) ~~Proof of purchase of spirituous liquor from any ABC store shall be by receipts issued by an ABC store.~~ Permittees shall maintain receipts of purchases of spirituous liquor used in tastings for a period of six months from the date the spirituous liquor is first used for tastings pursuant to G.S. 18B-1114.7. Spirituous liquor purchased from an ABC store for use in tastings ~~conducted in accordance with this Section~~ may be used for multiple tastings at multiple locations.

(g) At the ~~time of the~~ completion of a tasting, the permittee shall submit to the local board in writing the name of the permittee that conducted the consumer tasting event, the names of all employees or agents of the permittee who were present at the tasting, and the name of each product available for tasting at the consumer tasting event. A local board that authorizes consumer tasting events shall maintain for a period of three years a list of all consumer tasting events conducted in each of its stores sorted by ~~date, name of the permittee that conducted the consumer tasting event, name of all employees or agents of the permittee who were present at the tasting, and name of each product available for tasting at the consumer tasting event.~~date.

(h) A local board that authorizes consumer tasting events shall maintain for a period of three years the following records by ~~types of permittees:~~permittee:

(1) written requests for permission to conduct tastings;

(2) permissions granted to conduct tastings;

(3) denials of request for permission to conduct tastings; and

(4) withdrawal of permissions to conduct tastings.

A local board shall make these records available to the Commission upon request.

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7; [~~18B-1114.7(c)(8);~~]*
Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

Burgos, Alexander N

Subject: FW: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up
Attachments: Request for Changes - ABC - 11 2026 - CM CHECK - ABC response.docx; 14B NCAC 15C .0708 - RFC November RRC Agenda (v3).docx; 14B NCAC 15C .0715 - RFC November RRC Agenda (v3).docx; 14B NCAC 15C .1302 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1307 - RFC November RRC Agenda (v2).docx

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From: Metz, Renee <renee.metz@abc.nc.gov>
Sent: Wednesday, November 18, 2026 3:59 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: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up

Thank you for your patience, Chris. I hope I have everything correct this time.

My responses to your second requests are highlighted in blue. Rules 14B NCAC 15C .1302 and .1307 required answers to questions but no changes were made to the rules themselves. They are included here for your convenience.

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.



14B NCAC 15C .0708 is readopted with changes as published in 41:02 NCR 194-195 as follows:

14B NCAC 15C .0708 CONSIGNMENT SALES: CONDITIONAL SALES: RETURNS

(a) Consignment Sales Prohibited. ~~No~~ An industry member shall not sell, offer for sale, or contract to sell to ~~any~~ a retail permittee, ~~nor shall any retail permittee~~ and a retail permittee shall not purchase, offer to purchase, or contract to purchase from ~~any~~ an industry ~~member any~~ member, alcoholic beverages on ~~consignment or~~ consignment, under conditional sale, ~~or~~ with the privilege of return, or on ~~any~~ a basis other than a bona fide cash sale. For the purposes of this Rule, a consignment sale is ~~any~~ a transaction ~~in which~~ where title to the merchandise is not transferred at the time of shipment or delivery and ~~which~~ does not involve ~~some form of~~ full cash settlement. ~~No [An]industry member shall [not]contract or agree with a retailer to retain title to alcoholic beverages until those products are sold.[sold by the retailer.]~~

(b) Privilege of Return. ~~No~~ An industry member and a ~~retailer~~ retail permittee shall not enter into ~~any~~ an agreement ~~whereby~~ where the ~~retailer~~ retail permittee has an ~~expressed~~ express or implied right to return alcoholic beverages ~~that he~~ the[~~retailer~~] retail permittee cannot sell. ~~Any [An industry member's]acceptance of returned merchandise is considered a strong indication that the "privilege of return" existed at the time of sale,[sale.]and a repeated practice of accepting returned merchandise from a retailer would establish an implied privilege of return, even though no formal agreement has been made.~~

(c) Sales Conditioned on the Acquisition of Other Merchandise. ~~No~~ An industry member shall ~~make any~~ not enter an agreement with ~~any~~ a ~~retailer~~ retail permittee ~~with terms that~~ to allow the industry member to remove the ~~retailer's~~ retail permittee's inventory if conditioned upon present or future sales. The exchange of alcoholic beverages for equal quantities of the same type and brand in containers of another size and style is not considered an acquisition of "other" alcoholic beverages ~~and, therefore,~~ and is not prohibited ~~where~~ when the return is ~~otherwise permissible.[authorized.]~~authorized by this Section.

(d) Exceptions. This Rule does not apply to the following transactions:

(1) returns of malt beverages or wine for ordinary and usual commercial ~~reasons [reasons.]~~ as defined in 27 CFR 11.32 through [~~11.39~~]11.39, which are incorporated by reference, including subsequent amendments and editions and [~~available~~]may be accessed for free at https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-11/subpart-D, arising after the alcoholic beverages have been sold, ~~such as~~ including mutilated or damaged labels or containers, ~~error in delivery,~~ delivery error, product deterioration, ~~products have been deemed unsafe by~~ a declaration by State or federal ~~authorities,~~authorities that the product is unsafe, ~~the~~ product approval has been withdrawn ~~as referenced by~~ pursuant to 14B NCAC 15C .0201 and .0202, or a bona fide discontinuance of the ~~retailer's~~ retail permittee business;

(2) exchanges of malt beverage products for equal quantities of the same brand and ~~type, so long as~~ type if the manufacturer's code date on the products will expire within 30 calendar days of the date of ~~exchange, and the~~ exchange. The quantity exchanged ~~does~~ shall not exceed 50 cases of each brand per ~~30 day~~ 30-day period per retail permittee. For the purposes of this Rule, the term

"exchange" means to replace product for product and does not authorize the wholesaler to accept returned malt beverage products for cash or credit; ~~and~~

(3) returns of wine or malt beverage products from a seasonal ~~retailer~~ retail permittee who is open only a portion of the year if the products ~~are likely to~~ may spoil during the off-season. For purposes of this Rule, a "seasonal ~~retailer"~~ retail permittee" is defined as one that closes its business completely for a period of at least eight weeks during the summer months of June through August or winter ~~months.~~months of November through February. Returns from a seasonal ~~retailer~~ retail permittee may be for cash or ~~credit.~~credit; and

(4) [~~exchanges of~~]malt beverages seasonal in nature may be exchanged [~~for freshness reasons~~] if all the following conditions are met:

(A) the industry member has policies and procedures in place that specify the date the [~~retailer~~] retail permittee must pull the product;

(B) the industry member's freshness exchange policies and procedures are verifiable and followed by the industry member;

(C) the malt beverage container has identifying markings that correspond with the date in Part [~~(B);~~](d)(4)(A) of this Rule; and

(D) the malt beverage product pulled by the [~~retailer~~] retail permittee does not reenter the retail marketplace.

Note: The return or exchange of wine products is governed by this Rule and the regulations ~~under the Federal Alcohol Administration Act found in Title 27 of the United States Code of Federal Regulations, Part 11 (27 CFR Sec. 11.1 through 11.46), and~~ pursuant to Part 11 of 27 CFR, and nothing in ~~these Rules~~ this Section shall be construed to authorize the return or exchange of wine products if the transaction is prohibited by federal law.

History Note: *Authority G.S. 18B-100; 18B-203; 18B-207; ~~18B-1116;~~ 27 CFR Part 11;*
Eff. January 1, 1982;
Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0709 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017.~~2017;
Readopted Eff. December 1, 2026.

14B NCAC 15C .0715 is readopted with changes as published in 41:02 NCR 195-196 as follows:

14B NCAC 15C .0715 CONDITIONS WHEN COMMISSION APPROVAL REQUIRED FOR PROMOTIONS

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

(1) sponsorships of nonprofit organizations that are not special one-time permittees, and the sponsored activity is ~~neither~~ not held on the premises of a retailer ~~nor~~ and is not cosponsored by a retailer;

(2) printing and distribution of items that are classified as point-of-sale advertising ~~material,~~ material pursuant to 14B NCAC 15C. 0701(2), consumer specialty ~~items,~~ items pursuant to 14B NCAC 15C .0711(b)(5), and retailer specialty ~~items~~ [~~items,~~]~~or novelty~~ ~~items, so long as the items are~~ items pursuant to 14B NCAC 15B .1006(a)(4) if displayed and distributed in compliance with 14B NCAC 15B .1006, 14B NCAC 15C ~~.0709(c)(6)(B).~~0709(c)(6), and 14B NCAC 15C .0711;

(3) promotions that occur on an annual or ~~regular~~ recurring basis and ~~that~~ have received written approval by the Commission within the previous five years [~~prior~~]~~in a previous years,so long as~~ if the sponsorship activities ~~engaged in by~~ of the industry member have not changed; and

(4) sponsorships of individual amateur sports teams, when:

(A) the services or things of value provided by the industry member are given to benefit the individual team and its members;

(B) the team is not comprised of retailers or employees of retailers; and

(C) the team is not jointly sponsored by a retailer.

(b) The Commission shall approve a promotion if:

(1) the procedure for approval is complied with as required by Paragraph (c) of this Rule;

(2) the information provided as required by Paragraph (c) of this Rule is accurate; and

(3) the [~~event~~]~~promotion~~ is a bona fide ~~promotional event.~~[~~promotion.~~]event and not subterfuge for cooperative advertising between industry members and retail permittees.

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

(1) ~~submit~~ a completed Industry Promotion Approval ~~form;~~[~~form~~]Form found for free at [~~https://www.abc.nc.gov/ legal/laws rules and resources including the following information:~~] https://www.abc.nc.gov/legal/laws-rules-and-resources including the following information:

(A) the industry member's name, address, contact person, email address, and telephone number;

(B) the name of event or promotion, the dates and times of the event, the business name if applicable of the location of the event, the location address and county, the web address if applicable of the event or venue, and whether the location holds retail permits;

(C) the name of the sponsored organization, the contact person for the organization and [~~their~~]his or her telephone number or email address;

(D) [~~whether~~]whether:

(i) the sponsored organization is a nonprofit,

(ii) the nonprofit will be obtaining a Special One-Time permit,

(iii) alcoholic beverages will be sold or given away, and

(iv) tickets will be sold;

(E) which organization will maintain possession and control of the alcoholic beverages; and

(F) what the industry member will provide, donate, or sell to the event organization.

(2) ~~submit~~ copies of broadcast and print advertisements; and

(3) ~~submit~~ samples of advertising pieces and costs of items.

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

(e) Approvals Restricted to Industry Members. ~~No [Industry member] approval for any [a]promotional activity by an industry member shall not be granted~~ The Commission shall not grant approval under this Rule to a special one-time permittee, ~~retailer,~~ retail permittee, advertising agency, ~~broadcaster~~ broadcaster, or publisher.

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

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

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

History Note: *Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1116;~~*
Eff. July 1, 1992;
Amended Eff. April 1, 2011;
Transferred and Recodified from 04 NCAC 02T .0717 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017~~ 2017;

Readopted Eff. December 1, 2026.

14B NCAC 15C .1302 is readopted with changes as published in 41:02 NCR 196-197 as follows:

14B NCAC 15C .1302 OTHER SIMILAR EVENTS APPROVAL

(a) For ~~other~~ events not specifically listed in G.S. 18B-1114.7, the holder of a spirituous liquor special event permit ~~issued pursuant to G.S. 18B-1114.7~~ shall obtain approval of ~~that other similar~~ the event from the Commission prior to the permit holder participating in the event. The Commission's approval of ~~other~~ events ~~under~~ pursuant to this Rule shall be provided to the permittee in writing.

(b) The holder of the permit shall submit a written application for approval to the Commission at permits@abc.nc.gov no less than seven business days prior to the starting date of the event. The Special Event Approval Request Form, ~~application,~~ available for free on the Commission's website, at https://www.abc.nc.gov/permit-forms, ~~includes:~~shall include:

(1) the permit holder's name, business name, spirituous liquor special event permit number, email address, and telephone and fax numbers;

(2) the name, dates, time, location, address, and county of the event; and

~~(3) whether an admission fee will be charged of the attendees by the event sponsor;~~

~~(4)~~(3) the event sponsor's ~~name, address, contact information, event or sponsor's social media link or webpage, and whether the event sponsor is a non-profit organization;~~name and [~~website.~~]website, if any.

~~(5) whether the event sponsor holds a special one-time ABC permit pursuant to G.S. 18B-1002(a)(2) or (5) and whether alcohol will otherwise be sold or given away at the event; and~~

~~(6) the names of other co-sponsors, supporters, vendors, or exhibitors who are expected to participate in the event, and whether those persons hold ABC permits.~~

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

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7;*
Eff. April 1, ~~2019.~~2019;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1307 is readopted with changes as published in 41:02 NCR 198 as follows:

14B NCAC 15C .1307 ABC STORE SPIRITUOUS LIQUOR TASTINGS

(a) Local boards shall determine whether to allow tastings ~~to be conducted in any of~~ at their ABC stores. The local board shall determine the ABC store, date, and times for ~~any tastings~~ authorized tastings. ~~by the local board shall be set by the local board. Tastings are~~ The local board [~~is~~]shall not be required to ~~be conducted~~ authorize tastings every week or in all ABC stores operated by the local board. The local board [~~is~~]shall not be required to set the same schedule ~~schedule set by the local board for tastings may vary~~ from week to week.

(b) ~~If~~ When a local board authorizes consumer ~~tasting events to be held~~ tastings in a specific ABC store, the local board shall process written requests to conduct a consumer tasting ~~event at that ABC store at a specific date and time established by the local board shall be processed~~ on a first-come, first-served basis. A local board may require a permittee to include a signed agreement to comply with local board conditions [~~conditions.~~]as a part of a written request. ~~request for permission to conduct a consumer tasting event pursuant to G.S. 18B-1114.7(c)(10).~~

(c) Notwithstanding Paragraph (b) of this Rule, ~~once permission has been granted to conduct a consumer tasting event at a specific date and time, this permission shall be subject to the permission being~~ a local board's permission may be withdrawn ~~for that ABC store not later~~ no less than 30 calendar days prior to ~~the scheduled time of~~ the ~~event,~~ event upon ~~the~~ receipt of a request from another spirituous liquor special event permittee ~~that~~ that, within the previous 12-month period, has conducted fewer consumer tasting events ~~in the ABC store within a previous 12-month period~~ than the spirituous liquor special event permittee ~~originally~~ already granted permission. The local board shall provide the original spirituous liquor special event permittee with a written explanation of why permission has been withdrawn.~~A superseding request for the same date and time must be received in writing and submitted to by the local board before the close of business on the last business day prior to 35 days prior to the previously approved request date. Prior to accepting a request to preempt a previously approved request date and time, the local board shall provide to the superseding requestor a schedule of other available dates and times for consumer tasting events in lieu of the requested date. If the alternative dates and times are not acceptable to the superseding requestor, the original permission to the first shall be withdrawn, and the date and time shall be assigned to the superseding requestor. A local board that withdraws permission to conduct a consumer tasting event shall provide the permittee originally granted permission with a written explanation of the reason for the withdrawal and the process for requesting a rescheduling of the consumer tasting event.~~

(d) If a spirituous liquor special event permittee conducts a consumer tasting in violation of G.S. [~~18B-1114.7,~~]18B-1114.7(c)(10), the ~~The~~ local board may deny permission for a spirituous liquor special event permittee ~~the right~~ to conduct future consumer tasting events for a period of up to one year from the date of the ~~violation upon a determination by the local board that the permittee conducted a consumer tasting event in violation of G.S. 18B-1114.7(c)(10).~~violation.

(e) In addition to the requirements ~~set forth~~ in G.S. 18B-1114.7(c)(7), a spirituous liquor special event permittee ~~permit holder~~ shall include ~~with the notice~~ a copy of the local board's written approval for the ~~permit holder~~ spirituous liquor special event permittee to conduct a consumer ~~tasting~~[~~tasting.~~]tasting when it provides written notice to the

Commission. ~~event at a specific time and location.Written approval by the local board may be by email. For purposes of G.S. 18B-1114.7(c)(7)c., the list shall include the product codes of the specific spirituous liquor products available for tasting.~~

(f) ~~Proof of purchase of spirituous liquor from any ABC store shall be by receipts issued by an ABC store.~~ Permittees shall maintain receipts of purchases of spirituous liquor used in tastings for a period of six months from the date the spirituous liquor is first used for tastings pursuant to G.S. 18B-1114.7. Spirituous liquor purchased from an ABC store for use in tastings ~~conducted in accordance with this Section~~ may be used for multiple tastings at multiple locations.

(g) At the ~~time of the~~ completion of a tasting, the permittee shall submit to the local board in writing the name of the permittee that conducted the consumer tasting event, the names of all employees or agents of the permittee who were present at the tasting, and the name of each product available for tasting at the consumer tasting event. A local board that authorizes consumer tasting events shall maintain for a period of three years a list of all consumer tasting events conducted in each of its stores sorted by ~~date, name of the permittee that conducted the consumer tasting event, name of all employees or agents of the permittee who were present at the tasting, and name of each product available for tasting at the consumer tasting event.~~date.

(h) A local board that authorizes consumer tasting events shall maintain for a period of three years the following records by ~~types of permittees:~~permittee:

(1) written requests for permission to conduct tastings;

(2) permissions granted to conduct tastings;

(3) denials of request for permission to conduct tastings; and

(4) withdrawal of permissions to conduct tastings.

A local board shall make these records available to the Commission upon request.

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7; [~~18B-1114.7(c)(8);~~]*
Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0708

DEADLINE FOR RECEIPT: November 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, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(a): Consider defining "bona fide cash sale" and "full cash settlement".

(a), lines 9-11: How is this last sentence different than the prohibition on consignment sales?

(a), lines 10 and 11: For consistency with the first sentence, should "retailer" be changed to "retail permittee" here?

(b), (c), and (d): Same comment as above regarding the use of "retailer" versus "retail permittee".

(b), lines 14-16, second sentence: How does this meet the definition of a rule? This seems more like a policy statement that is not binding.

(c), line 21: "Authorized" by who or what?

(d)(1), lines 23-25: This does not fully comply with the requirements for incorporation by reference. Please follow § 150B-21.6. For example, does this include subsequent amendments and editions of the referenced material?

*The formatting here for the incorporation is still a bit off. Consider: "… reasons~~,~~ as defined in 27 CFR 11.32 through 11.39**, which are incorporated by reference,** including subsequent amendments and editions**,** and ~~**available**~~ **may be accessed** for free at https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-11/subpart-D, arising …". ABC: Corrected*

(d)(3): "Summer or winter months" are not defined.

Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

(d)(4): The wording here is redundant. Consider deleting the first instance of "exchanges of".

(d)(4): What are "freshness reasons"? Define the qualifying characteristics.

(d)(4)(C): Change "Part (B)" to "Part (d)(4)(B) of this Rule". Also, shouldn't this say (A) rather than (B)? There is no date mentioned in (B).

(d)(4)(C), line 13: Add "and" at the end of this line.

Note, line 17: What is "these Rules" referring to?

History Note, Authority: With the deletion of 18B-1116, you are now only relying on your general rulemaking authority. Is there no other statute(s) that supports the restriction of consignments, conditional-sales, returns, and exchanges? Why are you deleting 18B-1116? And what about 18B-203?

History Note, Authority, line 20: It looks like you added 27 CFR Part 11 from the current version of the rule. This should be underlined. Also, add a semi-colon at the end of the line.

History Note, line 25: This line should end with a semi-colon rather than a period.

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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0715

DEADLINE FOR RECEIPT: November 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, Box 2: The rule number here is not accurate. Please correct this.

Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(a)(2): Are all of these different types of items defined somewhere? If so, provide a cross-reference.

(a)(2), line 15: Add a comma after the second cited rule.

(a)(3), line 16 and 18: What is a "regular basis"? And what would constitute a change?

Please provide a response to this request. Does "regular" just mean "recurring"? ABC: Changed from "regular" to "recurring" for clarity.

(a)(3), line 17: Change this to "within the previous five years".

(b)(3): Are all promotions events? I'm not sure that the updated language makes sense. And what is a "bona fide promotion"?

The changes here are still off. As written, this would read as: "the is a bona fide event and not subterfuge for cooperative advertising between industry members and retail permittees.". Please correct this. ABC: I believe I made the appropriate markings to correct.

(c)(1), line 30: Capitalize "form".

(c)(1), line 31: The web link is not correct.

Christopher S. Miller
Commission Counsel
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(c)(1)(B): Are all promotions/events held at businesses? And do they all have web addresses?

(c)(1)(C): Change "their" to "his or her".

(c)(1)(D): Consider breaking each item out into its own Part.

(e): I'm not sure I understand the purpose or need of this paragraph. Wouldn't it make more sense to state something like: "The Commission shall not grant approval under this Rule to a special one-time permittee, retailer, advertising agency, broadcaster, or publisher."

(f), line 18: Consider "hypothetical facts" rather than "hypothetical fact presentations".

History Note, line 32: This should end with a semi-colon rather than a period.

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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1301

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

Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

Line 6: Change this to, "As used in this Section:".

(1), line 7: Depending on your intent, consider adding descriptive language before "items". For example, something like "small, branded items" would be clearer.

(1): Remove the parenthesis around "without collars or buttons".

(2): Isn't this already defined in § 18B-1002? Why are the two definitions different?

(2), line 11: Add ""Charitable Organization" as" in between "as" and "defined".

(3), line 14: The statute cited provides restrictions on these events. I would change "pursuant to" to "in compliance with the restrictions of …".

(5): Consider adding: "Nothing in this Rule alters the permit holder's responsibility under G.S. 18B-1114.7(b)(1)."

(6), line 25: Delete "may".

(7)(a): Shouldn't the list also include "farmers market"? See § 18B-1114.7(a).

(7)(b): Add "with a duration" after "an event".

History Note, Authority: I would keep 18B-1114.7;.

History Note, line 4: This should end with a semi-colon rather than a period.

Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1302

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

Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

General Comment: How is the Commission making its determination on "similarity"? Are you considering certain criteria or factors of the event? Your rule provides no standard. Do you automatically approve the application so long as the person submits a complete form and meets (c)?

Please provide me a response to this question. ABC: I would say the overwhelming majority of these requests are approved so long as the form is completely filled out.

(a), line 7: Add "provided to the permit holder" in between "shall be" and "in writing".

(b), line 10: Change "includes" to "shall include".

(b)(3): Do all sponsors have websites? Consider adding ", if any.".

History Note, line 26: This line should end with a semi-colon rather than a period.

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Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1303

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

Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(b): Which "permittee"? This is confusing since you use "ABC permit holder" and "spirituous liquor special event permittee" in other places throughout the rule.

(b): Why are you removing the more specific citation? The broader one is less helpful.

(c)(3): Why are you deleting "visibly"? That language aligned with the statute.

(c)(5): This is very vague. What "methods" are you referring to?

(c)(5): I would keep the rule citation. Add " and Rule .1304 of this Section" after the statute.

(d): Again, which permitted? The one conducting the tasting? The one hosting the event?

(d)(3), line 27: Add "holder" after "permit".

(e), line 31: Remove the underline from "~~permittee.~~" to match the Register.

History Note, line 35: This line should end with a semi-colon rather than a period.

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Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1304

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Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

General Question: Who would constitute "law enforcement"? Is this defined somewhere? Do you mean those persons authorized under G.S. 18B-502?

(a), line 5: Change "must" to "shall".

(a), line 7: "A copy of the agent's authority" does not make sense. Consider something like "a copy of the agent's authorizing document" or "written authorization" something similar. Same applies to the next sentence as well.

(c): What exactly must the written procedure address? Your rule is quite vague.

(c), line 16: Why are you removing the more specific citation? The broader one is less helpful.

History Note, Authority: Do you mean "207" rather than "201"?

History Note, Authority: Why are you removing 1114.7? I think you need it.

History Note, line 28: This line should end with a semi-colon rather than a period.

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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1306

DEADLINE FOR RECEIPT: November 17, 2026

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

Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(a), line 4: Consider "… shall not participate in special events at a single shopping mall …"

(a), line 5: Consider "… during any three consecutive calendar months."

(b), lines 6-7: Consider "… during any three consecutive calendar months."

(b), line 7: Change "a special event" to "special events".

(c), line 9: Delete "in the special event". It is redundant.

History Note, Authority: Why are you removing these authorities? I suggest you keep them.

History Note, line 12: This line should end with a semi-colon rather than a period.

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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1307

DEADLINE FOR RECEIPT: November 17, 2026

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

Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(a), line 4: "… in at …" does not make sense. Delete one of the words.

(a), line 6: Change "is not" to "shall not be".

(a), line 7: Change "is not" to "shall not be".

(b), line 12: For clarity, I suggest adding back in " as a part of a written request". It would be clearer.

(c): What is your authority to apply this condition to all permittees? 18B-1114.7(c)(8) only applies to ***distillery*** *permits.*

Please provide an explanation in response to this question. ABC: The language was changed to limit applicability to "spirituous liquor special event permittees." Even a distillery must obtain a spirituous liquor special event permit to conduct a tasting at an ABC store pursuant to 18B-1114.7(c)(8) (see (a) of statute).

(c), line 16: Do you mean "no less than" rather than "not later than"? Also, is this "calendar" days or "business" days?

(c), line 24: Delete "If".

(d), line 29: I would suggest "G.S. 18B-1114.7(c)(10)" instead of "G.S. 18B-1114.7". Otherwise, how is the local board allowed to determine other types of violations of 1114.7?

Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

(d): Change to "… may deny the permittee permission to conduct future consumer tastings …"

(e), line 34: Add "when it provides written notice to the Commission" at the end of the sentence.

History Note, Authority: Keep "18B-1114.7".

History Note, line 21: This line should end with a semi-colon rather than a period.

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: November 07, 2026

Burgos, Alexander N

Subject: FW: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up
Attachments: Request for Changes - ABC - 11 2026 - CM CHECK.docx; 14B NCAC 15C .0708 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .0715 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1302 - RFC November RRC Agenda (v2).docx; 14B NCAC 15C .1307 - RFC November RRC Agenda (v2).docx

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, November 17, 2026 2:22 PM
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: ABC Commission - Rules for November 2026 RRC Meeting - Follow Up

Thanks, Renee!

Please use the attached rule versions when making additional edits (I corrected some small formatting issues). For the four attached rules, I have a few small follow up requests. Please see my comments highlighted in yellow in the Request for Changes document.

Please provide me with responses **by EOD on Thursday**.

Feel free to reach out with 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

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.

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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0708

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

Form 0400, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(a): Consider defining "bona fide cash sale" and "full cash settlement".

(a), lines 9-11: How is this last sentence different than the prohibition on consignment sales?

(a), lines 10 and 11: For consistency with the first sentence, should "retailer" be changed to "retail permittee" here?

(b), (c), and (d): Same comment as above regarding the use of "retailer" versus "retail permittee".

(b), lines 14-16, second sentence: How does this meet the definition of a rule? This seems more like a policy statement that is not binding.

(c), line 21: "Authorized" by who or what?

(d)(1), lines 23-25: This does not fully comply with the requirements for incorporation by reference. Please follow § 150B-21.6. For example, does this include subsequent amendments and editions of the referenced material?

*The formatting here for the incorporation is still a bit off. Consider: "… reasons~~,~~ as defined in 27 CFR 11.32 through 11.39**, which are incorporated by reference,** including subsequent amendments and editions**,** and ~~**available**~~ **may be accessed** for free at https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-11/subpart-D, arising …".*

(d)(3): "Summer or winter months" are not defined.

Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

(d)(4): The wording here is redundant. Consider deleting the first instance of "exchanges of".

(d)(4): What are "freshness reasons"? Define the qualifying characteristics.

(d)(4)(C): Change "Part (B)" to "Part (d)(4)(B) of this Rule". Also, shouldn't this say (A) rather than (B)? There is no date mentioned in (B).

(d)(4)(C), line 13: Add "and" at the end of this line.

Note, line 17: What is "these Rules" referring to?

History Note, Authority: With the deletion of 18B-1116, you are now only relying on your general rulemaking authority. Is there no other statute(s) that supports the restriction of consignments, conditional-sales, returns, and exchanges? Why are you deleting 18B-1116? And what about 18B-203?

History Note, Authority, line 20: It looks like you added 27 CFR Part 11 from the current version of the rule. This should be underlined. Also, add a semi-colon at the end of the line.

History Note, line 25: This line should end with a semi-colon rather than a period.

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Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .0715

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(a)(2): Are all of these different types of items defined somewhere? If so, provide a cross-reference.

(a)(2), line 15: Add a comma after the second cited rule.

(a)(3), line 16 and 18: What is a "regular basis"? And what would constitute a change?

Please provide a response to this request. Does "regular" just mean "recurring"?

(a)(3), line 17: Change this to "within the previous five years".

(b)(3): Are all promotions events? I'm not sure that the updated language makes sense. And what is a "bona fide promotion"?

The changes here are still off. As written, this would read as: "the is a bona fide event and not subterfuge for cooperative advertising between industry members and retail permittees.". Please correct this.

(c)(1), line 30: Capitalize "form".

(c)(1), line 31: The web link is not correct.

(c)(1)(B): Are all promotions/events held at businesses? And do they all have web addresses?

Christopher S. Miller
Commission Counsel
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(c)(1)(C): Change "their" to "his or her".

(c)(1)(D): Consider breaking each item out into its own Part.

(e): I'm not sure I understand the purpose or need of this paragraph. Wouldn't it make more sense to state something like: "The Commission shall not grant approval under this Rule to a special one-time permittee, retailer, advertising agency, broadcaster, or publisher."

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

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(1): Remove the parenthesis around "without collars or buttons".

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(5): Consider adding: "Nothing in this Rule alters the permit holder's responsibility under G.S. 18B-1114.7(b)(1)."

(6), line 25: Delete "may".

(7)(a): Shouldn't the list also include "farmers market"? See § 18B-1114.7(a).

(7)(b): Add "with a duration" after "an event".

History Note, Authority: I would keep 18B-1114.7;.

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Commission Counsel
Date submitted to agency: November 07, 2026

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Date submitted to agency: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1302

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Please provide me a response to this question.

(a), line 7: Add "provided to the permit holder" in between "shall be" and "in writing".

(b), line 10: Change "includes" to "shall include".

(b)(3): Do all sponsors have websites? Consider adding ", if any.".

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1303

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(b): Why are you removing the more specific citation? The broader one is less helpful.

(c)(3): Why are you deleting "visibly"? That language aligned with the statute.

(c)(5): This is very vague. What "methods" are you referring to?

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Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1304

DEADLINE FOR RECEIPT: November 17, 2026

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(c): What exactly must the written procedure address? Your rule is quite vague.

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History Note, Authority: Do you mean "207" rather than "201"?

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History Note, line 28: This line should end with a semi-colon rather than a period.

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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1306

DEADLINE FOR RECEIPT: November 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, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(a), line 4: Consider "… shall not participate in special events at a single shopping mall …"

(a), line 5: Consider "… during any three consecutive calendar months."

(b), lines 6-7: Consider "… during any three consecutive calendar months."

(b), line 7: Change "a special event" to "special events".

(c), line 9: Delete "in the special event". It is redundant.

History Note, Authority: Why are you removing these authorities? I suggest you keep them.

History Note, line 12: This line should end with a semi-colon rather than a period.

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: November 07, 2026

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

AGENCY: ABC Commission

RULE CITATION: 14B NCAC 15C .1307

DEADLINE FOR RECEIPT: November 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, Box 5: Please check the appropriate box.

Form 0400, Box 6: Why was Notice not Required for this rule?

(a), line 4: "… in at …" does not make sense. Delete one of the words.

(a), line 6: Change "is not" to "shall not be".

(a), line 7: Change "is not" to "shall not be".

(b), line 12: For clarity, I suggest adding back in " as a part of a written request". It would be clearer.

(c): What is your authority to apply this condition to all permittees? 18B-1114.7(c)(8) only applies to ***distillery*** *permits.*

Please provide an explanation in response to this question.

(c), line 16: Do you mean "no less than" rather than "not later than"? Also, is this "calendar" days or "business" days?

(c), line 24: Delete "If".

(d), line 29: I would suggest "G.S. 18B-1114.7(c)(10)" instead of "G.S. 18B-1114.7". Otherwise, how is the local board allowed to determine other types of violations of 1114.7?

(d): Change to "… may deny the permittee permission to conduct future consumer tastings …"

Christopher S. Miller
Commission Counsel
Date submitted to agency: November 07, 2026

(e), line 34: Add "when it provides written notice to the Commission" at the end of the sentence.

History Note, Authority: Keep "18B-1114.7".

History Note, line 21: This line should end with a semi-colon rather than a period.

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: November 07, 2026

14B NCAC 15C .0708 is readopted with changes as published in 41:02 NCR 194-195 as follows:

14B NCAC 15C .0708 CONSIGNMENT SALES: CONDITIONAL SALES: RETURNS

(a) Consignment Sales Prohibited. ~~No~~ An industry member shall not sell, offer for sale, or contract to sell to ~~any~~ a retail permittee, ~~nor shall any retail permittee~~ and a retail permittee shall not purchase, offer to purchase, or contract to purchase from ~~any~~ an industry ~~member any~~ member, alcoholic beverages on ~~consignment or~~ consignment, under conditional sale, ~~or~~ with the privilege of return, or on ~~any~~ a basis other than a bona fide cash sale. For the purposes of this Rule, a consignment sale is ~~any~~ a transaction ~~in which~~ where title to the merchandise is not transferred at the time of shipment or delivery and ~~which~~ does not involve ~~some form of~~ full cash settlement. ~~No~~ [~~An~~]~~industry member shall~~ [~~not~~]~~contract or agree with a retailer to retain title to alcoholic beverages until those products are~~ ~~sold.~~[~~sold by the retailer.~~]

(b) Privilege of Return. ~~No~~ An industry member and a ~~retailer~~ retail permittee shall not enter into ~~any~~ an agreement ~~whereby~~ where the ~~retailer~~ retail permittee has an ~~expressed~~ express or implied right to return alcoholic beverages ~~that he~~ the[~~retailer~~] retail permittee cannot sell. ~~Any~~ [~~An industry member's~~]~~acceptance of returned merchandise is considered a strong indication that the "privilege of return" existed at the time of~~ ~~sale,~~[~~sale.~~]~~and a repeated practice of accepting returned merchandise from a retailer would establish an implied privilege of return, even though no formal agreement has been made.~~

(c) Sales Conditioned on the Acquisition of Other Merchandise. ~~No~~ An industry member shall ~~make any~~ not enter an agreement with ~~any~~ a ~~retailer~~ retail permittee ~~with terms that~~ to allow the industry member to remove the ~~retailer's~~ retail permittee's inventory if conditioned upon present or future sales. The exchange of alcoholic beverages for equal quantities of the same type and brand in containers of another size and style is not considered an acquisition of "other" alcoholic beverages ~~and, therefore,~~ and is not prohibited ~~where~~ when the return is ~~otherwise permissible.~~[~~authorized.~~]authorized by this Section.

(d) Exceptions. This Rule does not apply to the following transactions:

(1) returns of malt beverages or wine for ordinary and usual commercial ~~reasons~~ reasons, as defined in 27 CFR 11.32 through 11.39 including subsequent amendments and editions and available for free at https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-11/subpart-D, arising after the alcoholic beverages have been sold, ~~such as~~ including mutilated or damaged labels or containers, ~~error in delivery,~~ delivery error, product deterioration, ~~products have been deemed unsafe by~~ a declaration by State or federal ~~authorities,~~authorities that the product is unsafe, ~~the~~ product approval has been withdrawn ~~as referenced by~~ pursuant to 14B NCAC 15C .0201 and .0202, or a bona fide discontinuance of the ~~retailer's~~ retail permittee business;

(2) exchanges of malt beverage products for equal quantities of the same brand and ~~type, so long as~~ type if the manufacturer's code date on the products will expire within 30 calendar days of the date of ~~exchange, and the~~ exchange. The quantity exchanged ~~does~~ shall not exceed 50 cases of each brand per ~~30 day~~ 30-day period per retail permittee. For the purposes of this Rule, the term

"exchange" means to replace product for product and does not authorize the wholesaler to accept returned malt beverage products for cash or credit; ~~and~~

(3) returns of wine or malt beverage products from a seasonal ~~retailer~~ retail permittee who is open only a portion of the year if the products ~~are likely to~~ may spoil during the off-season. For purposes of this Rule, a "seasonal ~~retailer"~~ retail permittee" is defined as one that closes its business completely for a period of at least eight weeks during the summer months of June through August or winter ~~months.~~months of November through February. Returns from a seasonal ~~retailer~~ retail permittee may be for cash or ~~credit.~~credit; and

(4) [~~exchanges of~~]malt beverages seasonal in nature may be exchanged [~~for freshness reasons~~] if all the following conditions are met:

(A) the industry member has policies and procedures in place that specify the date the [~~retailer~~] retail permittee must pull the product;

(B) the industry member's freshness exchange policies and procedures are verifiable and followed by the industry member;

(C) the malt beverage container has identifying markings that correspond with the date in Part [~~(B);~~](d)(4)(A) of this Rule; and

(D) the malt beverage product pulled by the [~~retailer~~] retail permittee does not reenter the retail marketplace.

Note: The return or exchange of wine products is governed by this Rule and the regulations ~~under the Federal Alcohol Administration Act found in Title 27 of the United States Code of Federal Regulations, Part 11 (27 CFR Sec. 11.1 through 11.46), and~~ pursuant to Part 11 of 27 CFR, and nothing in ~~these Rules~~ this Section shall be construed to authorize the return or exchange of wine products if the transaction is prohibited by federal law.

History Note: *Authority G.S. 18B-100; 18B-203; 18B-207; ~~18B-1116;~~ 27 CFR Part 11;*
Eff. January 1, 1982;
Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0709 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017.~~2017;
Readopted Eff. December 1, 2026.

14B NCAC 15C .0715 is readopted with changes as published in 41:02 NCR 195-196 as follows:

14B NCAC 15C .0715 CONDITIONS WHEN COMMISSION APPROVAL REQUIRED FOR PROMOTIONS

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

(1) sponsorships of nonprofit organizations that are not special one-time permittees, and the sponsored activity is ~~neither~~ not held on the premises of a retailer ~~nor~~ and is not cosponsored by a retailer;

(2) printing and distribution of items that are classified as point-of-sale advertising ~~material,~~ material pursuant to 14B NCAC 15C. 0701(2), consumer specialty ~~items,~~ items pursuant to 14B NCAC 15C .0711(b)(5), and retailer specialty ~~items~~ [~~items,~~]~~or novelty~~ ~~items, so long as the items are~~ items pursuant to 14B NCAC 15B .1006(a)(4) if displayed and distributed in compliance with 14B NCAC 15B .1006, 14B NCAC 15C ~~.0709(c)(6)(B).~~0709(c)(6), and 14B NCAC 15C .0711;

(3) promotions that occur on an annual or regular basis and ~~that~~ have received written approval by the Commission within the previous five years [~~prior~~]~~in a previous years,~~~~so long as~~ if the sponsorship activities ~~engaged in by~~ of the industry member have not changed; and

(4) sponsorships of individual amateur sports teams, when:

(A) the services or things of value provided by the industry member are given to benefit the individual team and its members;

(B) the team is not comprised of retailers or employees of retailers; and

(C) the team is not jointly sponsored by a retailer.

(b) The Commission shall approve a promotion if:

(1) the procedure for approval is complied with as required by Paragraph (c) of this Rule;

(2) the information provided as required by Paragraph (c) of this Rule is accurate; and

(3) the [~~event~~]~~promotion~~ is a bona fide ~~promotional event.~~[~~promotion.~~]event and not subterfuge for cooperative advertising between industry members and retail permittees.

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

(1) ~~submit~~ a completed Industry Promotion Approval ~~form;~~[~~form~~]Form found for free at [~~https://www.abc.nc.gov/ legal/laws rules and resources including the following information:~~] https://www.abc.nc.gov/legal/laws-rules-and-resources including the following information:

(A) the industry member's name, address, contact person, email address, and telephone number;

(B) the name of event or promotion, the dates and times of the event, the business name if applicable of the location of the event, the location address and county, the web address if applicable of the event or venue, and whether the location holds retail permits;

(C) the name of the sponsored organization, the contact person for the organization and [~~their~~]his or her telephone number or email address;

(D) [~~whether~~]whether:

(i) the sponsored organization is a nonprofit,

(ii) the nonprofit will be obtaining a Special One-Time permit,

(iii) alcoholic beverages will be sold or given away, and

(iv) tickets will be sold;

(E) which organization will maintain possession and control of the alcoholic beverages; and

(F) what the industry member will provide, donate, or sell to the event organization.

(2) ~~submit~~ copies of broadcast and print advertisements; and

(3) ~~submit~~ samples of advertising pieces and costs of items.

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

(e) Approvals Restricted to Industry Members. ~~No [Industry member] approval for any [a]promotional activity by an industry member shall not be granted~~ The Commission shall not grant approval under this Rule to a special one-time permittee, ~~retailer,~~ retail permittee, advertising agency, ~~broadcaster~~ broadcaster, or publisher.

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

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

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

History Note: *Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1116;~~*
Eff. July 1, 1992;
Amended Eff. April 1, 2011;
Transferred and Recodified from 04 NCAC 02T .0717 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017~~ 2017;

Readopted Eff. December 1, 2026.

14B NCAC 15C .1302 is readopted with changes as published in 41:02 NCR 196-197 as follows:

14B NCAC 15C .1302 OTHER SIMILAR EVENTS APPROVAL

(a) For ~~other~~ events not specifically listed in G.S. 18B-1114.7, the holder of a spirituous liquor special event permit ~~issued pursuant to G.S. 18B-1114.7~~ shall obtain approval of ~~that other similar~~ the event from the Commission prior to the permit holder participating in the event. The Commission's approval of ~~other~~ events ~~under~~ pursuant to this Rule shall be provided to the permittee in writing.

(b) The holder of the permit shall submit a written application for approval to the Commission at permits@abc.nc.gov no less than seven business days prior to the starting date of the event. The Special Event Approval Request Form, ~~application,~~ available for free on the Commission's website, at https://www.abc.nc.gov/permit-forms, ~~includes:~~shall include:

(1) the permit holder's name, business name, spirituous liquor special event permit number, email address, and telephone and fax numbers;

(2) the name, dates, time, location, address, and county of the event; and

~~(3) whether an admission fee will be charged of the attendees by the event sponsor;~~

~~(4)~~(3) the event sponsor's ~~name, address, contact information, event or sponsor's social media link or webpage, and whether the event sponsor is a non-profit organization;~~name and [~~website.~~]website, if any.

~~(5) whether the event sponsor holds a special one-time ABC permit pursuant to G.S. 18B-1002(a)(2) or (5) and whether alcohol will otherwise be sold or given away at the event; and~~

~~(6) the names of other co-sponsors, supporters, vendors, or exhibitors who are expected to participate in the event, and whether those persons hold ABC permits.~~

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

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7;*
Eff. April 1, ~~2019.~~2019;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1307 is readopted with changes as published in 41:02 NCR 198 as follows:

14B NCAC 15C .1307 ABC STORE SPIRITUOUS LIQUOR TASTINGS

(a) Local boards shall determine whether to allow tastings ~~to be conducted in any of~~ at their ABC stores. The local board shall determine the ABC store, date, and times for ~~any tastings~~ authorized tastings. ~~by the local board shall be set by the local board. Tastings are~~ The local board [~~is~~]shall not be required to ~~be conducted~~ authorize tastings every week or in all ABC stores operated by the local board. The local board [~~is~~]shall not be required to set the same schedule ~~schedule set by the local board for tastings may vary~~ from week to week.

(b) ~~If~~ When a local board authorizes consumer ~~tasting events to be held~~ tastings in a specific ABC store, the local board shall process written requests to conduct a consumer tasting ~~event at that ABC store at a specific date and time established by the local board shall be processed~~ on a first-come, first-served basis. A local board may require a permittee to include a signed agreement to comply with local board conditions [~~conditions.~~]as a part of a written request. ~~request for permission to conduct a consumer tasting event pursuant to G.S. 18B-1114.7(c)(10).~~

(c) Notwithstanding Paragraph (b) of this Rule, ~~once permission has been granted to conduct a consumer tasting event at a specific date and time, this permission shall be subject to the permission being~~ a local board's permission may be withdrawn ~~for that ABC store not later~~ no less than 30 calendar days prior to ~~the scheduled time of~~ the ~~event,~~ event upon ~~the~~ receipt of a request from another spirituous liquor special event permittee ~~that~~ that, within the previous 12-month period, has conducted fewer consumer tasting events ~~in the ABC store within a previous 12-month period~~ than the spirituous liquor special event permittee ~~originally~~ already granted permission. The local board shall provide the original spirituous liquor special event permittee with a written explanation of why permission has been withdrawn.~~A superseding request for the same date and time must be received in writing and submitted to by the local board before the close of business on the last business day prior to 35 days prior to the previously approved request date. Prior to accepting a request to preempt a previously approved request date and time, the local board shall provide to the superseding requestor a schedule of other available dates and times for consumer tasting events in lieu of the requested date. If the alternative dates and times are not acceptable to the superseding requestor, the original permission to the first shall be withdrawn, and the date and time shall be assigned to the superseding requestor. A local board that withdraws permission to conduct a consumer tasting event shall provide the permittee originally granted permission with a written explanation of the reason for the withdrawal and the process for requesting a rescheduling of the consumer tasting event.~~

(d) If a spirituous liquor special event permittee conducts a consumer tasting in violation of G.S. [~~18B-1114.7,~~]18B-1114.7(c)(10), the ~~The~~ local board may deny permission for a spirituous liquor special event permittee ~~the right~~ to conduct future consumer tasting events for a period of up to one year from the date of the ~~violation upon a determination by the local board that the permittee conducted a consumer tasting event in violation of G.S. 18B-1114.7(c)(10).~~violation.

(e) In addition to the requirements ~~set forth~~ in G.S. 18B-1114.7(c)(7), a spirituous liquor special event permittee ~~permit holder~~ shall include ~~with the notice~~ a copy of the local board's written approval for the ~~permit holder~~ spirituous liquor special event permittee to conduct a consumer ~~tasting~~[~~tasting.~~]tasting when it provides written notice to the

Commission. ~~event at a specific time and location.Written approval by the local board may be by email. For purposes of G.S. 18B-1114.7(c)(7)c., the list shall include the product codes of the specific spirituous liquor products available for tasting.~~

(f) ~~Proof of purchase of spirituous liquor from any ABC store shall be by receipts issued by an ABC store.~~ Permittees shall maintain receipts of purchases of spirituous liquor used in tastings for a period of six months from the date the spirituous liquor is first used for tastings pursuant to G.S. 18B-1114.7. Spirituous liquor purchased from an ABC store for use in tastings ~~conducted in accordance with this Section~~ may be used for multiple tastings at multiple locations.

(g) At the ~~time of the~~ completion of a tasting, the permittee shall submit to the local board in writing the name of the permittee that conducted the consumer tasting event, the names of all employees or agents of the permittee who were present at the tasting, and the name of each product available for tasting at the consumer tasting event. A local board that authorizes consumer tasting events shall maintain for a period of three years a list of all consumer tasting events conducted in each of its stores sorted by ~~date, name of the permittee that conducted the consumer tasting event, name of all employees or agents of the permittee who were present at the tasting, and name of each product available for tasting at the consumer tasting event.~~date.

(h) A local board that authorizes consumer tasting events shall maintain for a period of three years the following records by ~~types of permittees:~~permittee:

(1) written requests for permission to conduct tastings;

(2) permissions granted to conduct tastings;

(3) denials of request for permission to conduct tastings; and

(4) withdrawal of permissions to conduct tastings.

A local board shall make these records available to the Commission upon request.

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7; [~~18B-1114.7(c)(8);~~]*
Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

Burgos, Alexander N

Subject: FW: ABC Commission - Rules for November 2026 RRC Meeting
Attachments: 14B 15C NCAC .0708 - corrected.pdf; 14B NCAC 15C .0708 - RFC November RRC Agenda.docx; 14B 15C NCAC .0715 - corrected.pdf; 14B NCAC 15C .0715 - RFC November RRC Agenda.docx; 14B 15C NCAC .1301 - corrected.pdf; 14B NCAC 15C .1301 - RFC November RRC Agenda.docx; 14B 15C NCAC .1302 - corrected.pdf; 14B NCAC 15C .1302 - RFC November RRC Agenda.docx; 14B 15C NCAC .1303 - corrected.pdf; 14B NCAC 15C .1303 - RFC November RRC Agenda.docx; 14B 15C NCAC .1304 - corrected.pdf; 14B NCAC 15C .1304 - RFC November RRC Agenda.docx; 14B 15C NCAC .1306 - corrected.pdf; 14B NCAC 15C .1306 - RFC November RRC Agenda.docx; 14B 15C NCAC .1307 - corrected.pdf; 14B NCAC 15C .1307 - RFC November RRC Agenda.docx

From: SVC_ABC.rules <rules@abc.nc.gov>
Sent: Friday, November 13, 2026 1:21 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: ABC Commission - Rules for November 2026 RRC Meeting

Good afternoon, Chris.

I believe we have addressed all your concerns with the exception of defining "bona fide" and "full cash settlement" in 14B NCAC 15C .0708. If you have recommendations, I would be glad to consider them. However, in my 23 years with the ABC Commission, these phrases have not been cause for concern or subject to alternate interpretations.

Please let us know if you need anything further. Thank you for your patience and assistance.

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.

14B NCAC 15C .0708 is readopted with changes as published in 41:02 NCR 194-195 as follows:

14B NCAC 15C .0708 CONSIGNMENT SALES: CONDITIONAL SALES: RETURNS

(a) Consignment Sales Prohibited. ~~No~~ An industry member shall not sell, offer for sale, or contract to sell to ~~any~~ a retail permittee, ~~nor shall any retail permittee~~ and a retail permittee shall not purchase, offer to purchase, or contract to purchase from ~~any~~ an industry ~~member any~~ member, alcoholic beverages on ~~consignment or~~ consignment, under conditional sale, ~~or~~ with the privilege of return, or on ~~any~~ a basis other than a bona fide cash sale. For the purposes of this Rule, a consignment sale is ~~any~~ a transaction ~~in which~~ where title to the merchandise is not transferred at the time of shipment or delivery and ~~which~~ does not involve ~~some form of~~ full cash settlement. ~~No [An]industry member shall [not]contract or agree with a retailer to retain title to alcoholic beverages until those products are sold.[sold by the retailer.]~~

(b) Privilege of Return. ~~No~~ An industry member and a ~~retailer~~ retail permittee shall not enter into ~~any~~ an agreement ~~whereby~~ where the ~~retailer~~ retail permittee has an ~~expressed~~ express or implied right to return alcoholic beverages ~~that he~~ the ~~retailer~~ retail permittee cannot sell. ~~Any [An industry member's]acceptance of returned merchandise is considered a strong indication that the "privilege of return" existed at the time of sale,[sale.]and a repeated practice of accepting returned merchandise from a retailer would establish an implied privilege of return, even though no formal agreement has been made.~~

(c) Sales Conditioned on the Acquisition of Other Merchandise. ~~No~~ An industry member shall ~~make any~~ not enter an agreement with ~~any~~ a ~~retailer~~ retail permittee ~~with terms that~~ to allow the industry member to remove the ~~retailer's~~ retail permittee's inventory if conditioned upon present or future sales. The exchange of alcoholic beverages for equal quantities of the same type and brand in containers of another size and style is not considered an acquisition of "other" alcoholic beverages ~~and, therefore,~~ and is not prohibited ~~where~~ when the return is ~~otherwise permissible.[authorized.]~~authorized by this Section.

(d) Exceptions. This Rule does not apply to the following transactions:

(1) returns of malt beverages or wine for ordinary and usual commercial ~~reasons~~ reasons, as defined in 27 CFR 11.32 through 11.39 including subsequent amendments and editions and available for free at https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-11/subpart-D, arising after the alcoholic beverages have been sold, ~~such as~~ including mutilated or damaged labels or containers, ~~error in delivery,~~ delivery error, product deterioration, ~~products have been deemed unsafe by~~ a declaration by State or federal ~~authorities,~~authorities that the product is unsafe, ~~the~~ product approval has been withdrawn ~~as referenced by~~ pursuant to 14B NCAC 15C .0201 and .0202, or a bona fide discontinuance of the ~~retailer's~~ retail permittee business;

(2) exchanges of malt beverage products for equal quantities of the same brand and ~~type, so long as~~ type if the manufacturer's code date on the products will expire within 30 calendar days of the date of ~~exchange, and the~~ exchange. The quantity exchanged ~~does~~ shall not exceed 50 cases of each brand per ~~30 day~~ 30-day period per retail permittee. For the purposes of this Rule, the term

"exchange" means to replace product for product and does not authorize the wholesaler to accept returned malt beverage products for cash or credit; ~~and~~

(3) returns of wine or malt beverage products from a seasonal ~~retailer~~ retail permittee who is open only a portion of the year if the products ~~are likely to~~ may spoil during the off-season. For purposes of this Rule, a "seasonal ~~retailer~~" retail permittee" is defined as one that closes its business completely for a period of at least eight weeks during the summer months of June through August or winter ~~months.~~months of November through February. Returns from a seasonal ~~retailer~~ retail permittee may be for cash or ~~credit.~~credit; and

(4) [~~exchanges of~~]malt beverages seasonal in nature may be exchanged [~~for freshness reasons~~] if all the following conditions are met:

(A) the industry member has policies and procedures in place that specify the date the ~~retailer~~ retail permittee must pull the product;

(B) the industry member's freshness exchange policies and procedures are verifiable and followed by the industry member;

(C) the malt beverage container has identifying markings that correspond with the date in Part [~~(B);~~](d)(4)(A); and;

(D) the malt beverage product pulled by the ~~retailer~~ retail permittee does not reenter the retail marketplace.

Note: The return or exchange of wine products is governed by this Rule and the regulations ~~under the Federal Alcohol Administration Act found in Title 27 of the United States Code of Federal Regulations, Part 11 (27 CFR Sec. 11.1 through 11.46), and~~ pursuant to Part 11 of 27 CFR, and nothing in ~~these Rules~~ this Section shall be construed to authorize the return or exchange of wine products if the transaction is prohibited by federal law.

History Note: *Authority G.S. 18B-100; 18B-203; 18B-207; ~~18B-1116;~~ 27 CFR Part 11;*
Eff. January 1, 1982;
Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0709 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017.~~2017;
Readopted Eff. December 1, 2026.

14B NCAC 15C .0715 is readopted with changes as published in 41:02 NCR 195-196 as follows:

14B NCAC 15C .0715 CONDITIONS WHEN COMMISSION APPROVAL REQUIRED FOR PROMOTIONS

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

(1) sponsorships of nonprofit organizations that are not special one-time permittees, and the sponsored activity is ~~neither~~ not held on the premises of a retailer ~~nor~~ and is not cosponsored by a retailer;

(2) printing and distribution of items that are classified as point-of-sale advertising ~~material,~~ material pursuant to 14B NCAC 15C. 0701(2), consumer specialty ~~items,~~ items pursuant to 14B NCAC 15C .0711(b)(5), and retailer specialty ~~items~~ [~~items,~~] ~~or novelty~~ ~~items, so long as the items are~~ items pursuant to 14B NCAC 15B .1006(a)(4) if displayed and distributed in compliance with 14B NCAC 15B .1006, 14B NCAC 15C ~~.0709(c)(6)(B).~~0709(c)(6), and 14B NCAC 15C .0711;

(3) promotions that occur on an annual or regular basis and ~~that~~ have received written approval by the Commission within the previous five years [~~prior~~] ~~in a previous years,so long as~~ if the sponsorship activities ~~engaged in by~~ of the industry member have not changed; and

(4) sponsorships of individual amateur sports teams, when:

(A) the services or things of value provided by the industry member are given to benefit the individual team and its members;

(B) the team is not comprised of retailers or employees of retailers; and

(C) the team is not jointly sponsored by a retailer.

(b) The Commission shall approve a promotion if:

(1) the procedure for approval is complied with as required by Paragraph (c) of this Rule;

(2) the information provided as required by Paragraph (c) of this Rule is accurate; and

(3) the [~~event~~] ~~promotion~~ is a bona fide ~~promotional event.~~[~~promotion.~~]event and not subterfuge for cooperative advertising between industry members and retail permittees.

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

(1) ~~submit~~ a completed Industry Promotion Approval ~~form;~~[~~form~~ Form] found for free at ~~https://www.abc.nc.gov/legal/laws-rules-and-resources including the following information:~~ https://www.abc.nc.gov/legal/laws-rules-and-resources including the following information:

(A) the industry member's name, address, contact person, email address, and telephone number;

(B) the name of event or promotion, the dates and times of the event, the business name if applicable of the location of the event, the location address and county, the web address if applicable of the event or venue, and whether the location holds retail permits;

(C) the name of the sponsored organization, the contact person for the organization and [~~their~~]his or her telephone number or email address;

(D) [~~whether~~]whether:

(i) the sponsored organization is a nonprofit;

(ii) the nonprofit will be obtaining a Special One-Time permit,

(iii) alcoholic beverages will be sold or given away, and

(iv) tickets will be sold;

(E) which organization will maintain possession and control of the alcoholic beverages; and

(F) what the industry member will provide, donate, or sell to the event organization.

(2) ~~submit~~ copies of broadcast and print advertisements; and

(3) ~~submit~~ samples of advertising pieces and costs of items.

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

(e) Approvals Restricted to Industry Members. ~~No [Industry member] approval for any [a]promotional activity by an industry member shall not be granted~~ The Commission shall not grant approval under this Rule to a special one-time permittee, ~~retailer,~~ retail permittee, advertising agency, ~~broadcaster~~ broadcaster, or publisher.

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

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

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

History Note: *Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1116;~~*
Eff. July 1, 1992;
Amended Eff. April 1, 2011;
Transferred and Recodified from 04 NCAC 02T .0717 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017.~~2017;

Readopted Eff. December 1, 2026.

14B NCAC 15C .1301 is readopted with changes as published in 41:02 NCR 196 as follows:

SECTION .1300 – SPIRITUOUS LIQUOR TASTING SPECIAL EVENT PERMITS

14B NCAC 15C .1301 DEFINITIONS

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

(1) "Advertising specialties" means small, branded items such as coasters, shot glasses, bottle or can openers, cork screws, ash trays, shopping bags, individual can coolers, hats, caps, visors, t-shirts ~~(without collars or buttons),~~ without collars or buttons, and key chains.

(2) "~~Charitable,~~ Charitable nonprofit organization" means ~~a nonprofit organization that is a charitable organization~~ the same as defined in G.S. ~~1-539.11(1).~~18B-1002.

(3) "Consumer ~~tasting event~~"tasting" means ~~any time~~ a single spirituous liquor special event where a spirituous liquor special event permittee provides samples of spirituous liquor to a consumer ~~in an ABC store pursuant to~~ in compliance with the restrictions of G.S. ~~18B-1114.7(c).~~18B-1114.7(b) and (c).

(4) "Local ~~fund raiser~~"fundraiser" means a special event sponsored or cosponsored by a local government, a local ~~charitable,~~ charitable nonprofit organization, or a local political organization for the purpose of raising funds for a governmental, charitable, or political purpose.

(5) "Permit holder's authorized agent" means an individual authorized in writing by the spirituous liquor special event permittee to conduct a consumer tasting ~~or consumer tasting event~~ pursuant to the permittee's spirituous liquor special event permit. The ~~individual~~ authorized agent shall be responsible for ~~the management on~~ the site of the consumer tasting ~~or consumer tasting event,~~ and the supervision of the permittee's or agent's employees or independent contractors ~~offering or pouring~~ providing ~~tasting~~ samples at the consumer ~~tasting or consumer tasting event.~~tasting. Nothing in this Rule alters the permitee's responsibility under G.S. 18B-1114.7(b)(1).

(6) "Point-of-sale advertising materials" means advertising that is located where the spirituous liquor product is displayed or sampled. Advertising materials ~~may~~ include signs, posters, banners, and decorations that bear product advertising matter. Point-of-sale advertising materials as used in this Section shall not include items listed in 14B NCAC 15C .0711(c).

(7) "Special event" means either:

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

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

History Note: *Authority G.S. 18B-100; 18B-207; ~~18B-1114.7;~~*
Eff. April 1, 2019;
Amended Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1302 is readopted with changes as published in 41:02 NCR 196-197 as follows:

14B NCAC 15C .1302 OTHER SIMILAR EVENTS APPROVAL

(a) For ~~other~~ events not specifically listed in G.S. 18B-1114.7, the holder of a spirituous liquor special event permit ~~issued pursuant to G.S. 18B-1114.7~~ shall obtain approval of ~~that other similar~~ the event from the Commission prior to the permit holder participating in the event. The Commission's approval of ~~other~~ events ~~under~~ pursuant to this Rule shall be provided to the permittee in writing.

(b) The holder of the permit shall submit a written application for approval to the Commission at permits@abc.nc.gov no less than seven business days prior to the starting date of the event. The Special Event Approval Request Form, ~~application,~~ available for free on the Commission's website, at https://www.abc.nc.gov/permit-forms, ~~includes:~~shall include:

(1) the permit holder's name, business name, spirituous liquor special event permit number, email address, and telephone and fax numbers;

(2) the name, dates, time, location, address, and county of the event; and

~~(3) whether an admission fee will be charged of the attendees by the event sponsor;~~

~~(4)~~(3) the event sponsor's ~~name, address, contact information, event or sponsor's social media link or webpage, and whether the event sponsor is a non-profit organization;~~name and [~~website.~~]website, if any.

~~(5) whether the event sponsor holds a special one-time ABC permit pursuant to G.S. 18B-1002(a)(2) or (5) and whether alcohol will otherwise be sold or given away at the event; and~~

~~(6) the names of other co-sponsors, supporters, vendors, or exhibitors who are expected to participate in the event, and whether those persons hold ABC permits.~~

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

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7;*
Eff. April 1, ~~2019.~~2019;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1303 is readopted with changes as published in 41:02 NCR 197 as follows:

14B NCAC 15C .1303 TASTINGS HELD FOR CONSUMERS

(a) ~~If a tasting is conducted pursuant to this Section at an event where~~ When the event sponsor holds an ABC permit for ~~thatevent,~~an event pursuant to this Section, the area for conducting the tasting shall be limited to the area of the event covered by the ABC permit. ~~If the tasting is conducted pursuant to this Section at an event where~~ When the event sponsor does not hold an ABC permit, the area for conducting the tasting shall be limited to the area allocated or assigned by the event sponsor for the exclusive use of the spirituous liquor special event permittee ~~conducting the tasting.~~during the event.

(b) ~~Each~~ A spirituous liquor special event permittee conducting a tasting may give ~~each~~ a consumer tasting samples up to the limits set forth in G.S. ~~18B-1114.7(b)(3) or (c)(4), as applicable.~~[~~18B-1114.7.~~]

(c) A spirituous liquor special event permittee shall ensure that ~~any~~ an employee or agent of the permittee ~~who will be~~ conducting or supervising ~~any~~ a tasting ~~conducted~~ pursuant to a spirituous liquor special event permit has completed training ~~that includes:~~including:

(1) identification of potential underage consumers;

(2) recognition of fictitious identification;

(3) identification of consumers who are ~~visibly~~ intoxicated;

(4) service of correct sample sizes; and

(5) ~~methods~~ specific steps to be taken to ensure compliance with G.S. ~~18B-1114.7~~ ~~in accordance with Rule .1304 of this Section.~~[~~18B-1114.7.~~]and Rule .1304 of this Section.

(d) The spirituous liquor special event permittee, the permittee's agent, or the permittee's employee shall not be in the area for conducting the tasting after consuming alcoholic beverages except under the following conditions:

(1) the spirituous liquor special event permittee, agent, or employee is off duty for the remainder of that day or night during which the individual consumes ~~any~~ an alcoholic beverage;

(2) the spirituous liquor special event permittee, agent, or employee is out of uniform when uniforms are required to be worn while performing ~~any on-duty~~ services; and

(3) the spirituous liquor special event permittee, agent, or employee shall not perform ~~any~~ services related to the business of the ~~permit~~ permittee while or after consuming alcoholic beverages.

~~(e) Spirituous liquor provided for tastings pursuant to a spirituous liquor special event permit shall not be mixed with any other alcoholic or non-alcoholic beverage.No non-alcoholic beverages, other than unflavored water, shall be made available or accessible to the consumer by the permittee in the area for conducting the tasting.permittee.~~

History Note: *Authority G.S. 18B-100; 18B-207; 18B-1114.7;*
Eff. April 1, 2019;
Amended Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1304 is readopted with changes as published in 41:02 NCR 197 as follows:

14B NCAC 15C .1304 SPECIAL EVENT COMPLIANCE PROCEDURE

(a) Either the spirituous liquor special event permittee ~~to whom the spirituous liquor special event permit was issued,~~ or ~~the permit holder's~~ their authorized ~~agent,~~ agent ~~must~~ shall be present in the tasting area ~~where~~ while the tasting is ~~conducted at the time the tasting occurs.~~conducted. A copy of the spirituous liquor special event permit shall be on display in the tasting ~~area where the tasting is conducted.~~area. A copy of the agent's ~~authority~~ written authorization ~~of the permit holder's authorized agent~~ to act on behalf of the permittee shall be present at the tasting event. A copy of the spirituous liquor special event permit and a copy of the agent's ~~authority~~ written authorization ~~of the permit holder's authorized agent to act on behalf of the permittee~~ shall be made available to law enforcement authorized to conduct inspections pursuant to G.S. 18B-502 ~~agents~~ upon request.

(b) For ~~other~~ special events approved by the Commission pursuant to ~~Rule .1302 of this Section,~~14B NCAC 15C .1302, a copy of the Commission's approval shall be kept at the tasting for the duration of the tasting and shall be made available to law enforcement ~~agents~~ upon request.

(c) A spirituous liquor special event permit holder shall maintain a written procedure including specific steps to be taken ~~establishing the method to be used by the permit holder and the permit holder's employees or agents~~ to ensure compliance with the requirements of G.S. ~~18B-1114.7(b)(3), (4), and (5), and (c)(4).~~[~~18B-1114.7.~~] A copy of the written procedure shall be available at the tasting to the permit holder's employees and ~~designated~~ authorized agents and shall be made available ~~at the tasting~~ to law enforcement ~~agents~~ upon request.

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

(1) maintained for one year following the tasting;

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

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

History Note: *Authority G.S. 18B-100; ~~18B-201;~~ 18B-207; ~~18B-1114.7;~~*
Eff. April 1, 2019;
Amended Eff. November 1, ~~2020.~~2020;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1306 is readopted with changes as published in 41:02 NCR 197-198 as follows:

14B NCAC 15C .1306 SPECIAL EVENT PARTICIPATION LIMITATIONS

(a) For special events in shopping malls, the spirituous liquor special event permittee shall not participate in special events at ~~any~~ a single shopping mall more than 10 total days ~~cumulatively in any [a]three month period.~~during any three consecutive calendar months.

(b) A spirituous liquor special event permittee shall not participate more than 10 total days during any three consecutive calendar months ~~cumulatively during a three month period~~ in ~~a~~ special ~~event~~ events sponsored or arranged by the same person or business.

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

History Note: *Authority G.S. 18B-100; 18B-207; ~~18B-1114.7; 18B-1116;~~*
Eff. April 1, ~~2019.~~2019;
Readopted Eff. December 1, 2026.

14B NCAC 15C .1307 is readopted with changes as published in 41:02 NCR 198 as follows:

14B NCAC 15C .1307 ABC STORE SPIRITUOUS LIQUOR TASTINGS

(a) Local boards shall determine whether to allow tastings ~~to be conducted in any of~~ at their ABC stores. The local board shall determine the ABC store, date, and times for ~~any tastings~~ authorized tastings. ~~by the local board shall be set by the local board. Tastings are~~ The local board [~~is~~]shall not be required to ~~be conducted~~ authorize tastings every week or in all ABC stores operated by the local board. The local board [~~is~~]shall not be required to set the same schedule ~~schedule set by the local board for tastings may vary~~ from week to week.

(b) ~~If~~ When a local board authorizes consumer ~~tasting events to be held~~ tastings in a specific ABC store, the local board shall process written requests to conduct a consumer tasting ~~event at that ABC store at a specific date and time established by the local board shall be processed~~ on a first-come, first-served basis. A local board may require a permittee to include a signed agreement to comply with local board ~~conditions [conditions.]as a part of a written request.~~ ~~request for permission to conduct a consumer tasting event pursuant to G.S. 18B-1114.7(c)(10).~~

(c) Notwithstanding Paragraph (b) of this Rule, ~~once permission has been granted to conduct a consumer tasting event at a specific date and time, this permission shall be subject to the permission being~~ a local board's permission may be withdrawn ~~for that ABC store not later~~ no less than 30 calendar days prior to ~~the scheduled time of~~ the ~~event,~~ event upon ~~the~~ receipt of a request from another spirituous liquor special event permittee ~~that~~ that, within the previous 12-month period, has conducted fewer consumer tasting events ~~in the ABC store within a previous 12-month period~~ than the spirituous liquor special event permittee ~~originally~~ already granted permission. The local board shall provide the original spirituous liquor special event permittee with a written explanation of why permission has been withdrawn.~~A superseding request for the same date and time must be received in writing and submitted to by the local board before the close of business on the last business day prior to 35 days prior to the previously approved request date. Prior to accepting a request to preempt a previously approved request date and time, the local board shall provide to the superseding requestor a schedule of other available dates and times for consumer tasting events in lieu of the requested date. If the alternative dates and times are not acceptable to the superseding requestor, the original permission to the first shall be withdrawn, and the date and time shall be assigned to the superseding requestor. A local board that withdraws permission to conduct a consumer tasting event shall provide the permittee originally granted permission with a written explanation of the reason for the withdrawal and the process for requesting a rescheduling of the consumer tasting event.~~

(d) If a spirituous liquor special event permittee conducts a consumer tasting in violation of G.S. [~~18B-1114.7, ~~]18B-1114.7(c)(10), the ~~The~~ local board may deny permission for a spirituous liquor special event permittee ~~the right~~ to conduct future consumer tasting events for a period of up to one year from the date of the ~~violation upon a determination by the local board that the permittee conducted a consumer tasting event in violation of G.S. 18B-1114.7(c)(10).~~violation.

(e) In addition to the requirements ~~set forth~~ in G.S. 18B-1114.7(c)(7), a spirituous liquor special event permittee ~~permit holder~~ shall include ~~with the notice~~ a copy of the local board's written approval for the ~~permit holder~~ spirituous liquor special event permittee to conduct a consumer ~~tasting~~[~~tasting.~~]tasting when it provides written notice to the

Commission. ~~event at a specific time and location.Written approval by the local board may be by email. For purposes of G.S. 18B-1114.7(c)(7)c., the list shall include the product codes of the specific spirituous liquor products available for tasting.~~

(f) ~~Proof of purchase of spirituous liquor from any ABC store shall be by receipts issued by an ABC store.~~ Permittees shall maintain receipts of purchases of spirituous liquor used in tastings for a period of six months from the date the spirituous liquor is first used for tastings pursuant to G.S. 18B-1114.7. Spirituous liquor purchased from an ABC store for use in tastings ~~conducted in accordance with this Section~~ may be used for multiple tastings at multiple locations.

(g) At the ~~time of the~~ completion of a tasting, the permittee shall submit to the local board in writing the name of the permittee that conducted the consumer tasting event, the names of all employees or agents of the permittee who were present at the tasting, and the name of each product available for tasting at the consumer tasting event. A local board that authorizes consumer tasting events shall maintain for a period of three years a list of all consumer tasting events conducted in each of its stores sorted by ~~date, name of the permittee that conducted the consumer tasting event, name of all employees or agents of the permittee who were present at the tasting, and name of each product available for tasting at the consumer tasting event.~~date.

(h) A local board that authorizes consumer tasting events shall maintain for a period of three years the following records by ~~types of permittees:~~permittee:

(1) written requests for permission to conduct tastings;

(2) permissions granted to conduct tastings;

(3) denials of request for permission to conduct tastings; and

(4) withdrawal of permissions to conduct tastings.

A local board shall make these records available to the Commission upon request.

History Note: *Authority G.S. 18B-100; 18B-207;* ~~*18B-1114.7;*~~ ~~*[18B-1114.7(c)(8);]*~~
Eff. November 1, ~~*2020.*~~*2020;*
Readopted Eff. December 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 .0708 – Consignment Sales: Conditional Sales: Returns

3. Action:
☐ **ADOPTION** ☐ **AMENDMENT** ☐ **REPEAL** ☒ **READOPTION** ☐ **REPEAL through READOPTION**

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☐ **Yes. Cite authority:**
☒ **No**

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: July 15, 2026
Link to Agency notice: https://abc.nc.gov
Hearing on: September 9, 2026
☒ **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: October 14, 2026
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact. Check all that apply.

☐ **This Rule was part of a combined analysis.**
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

9B. Explain:
G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. 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:

Renee C. Metz

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: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ 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 .0715 – Conditions when Commission approval required for Promotions

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☐ **Yes. Cite authority:**
☒ **No**

6. Notice for Proposed Rule:

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Notice of Text published on: July 15, 2026
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Adoption by Agency on: October 14, 2026
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact. Check all that apply.

☐ **This Rule was part of a combined analysis.**
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

9B. Explain:
G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. 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:

Renee C. Metz

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: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ 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 .1301 – Definitions

3. Action:
☐ **ADOPTION** ☐ **AMENDMENT** ☐ **REPEAL** ☒ **READOPTION** ☐ **REPEAL through READOPTION**

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☐ **Yes. Cite authority:**
☒ **No**

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: July 15, 2026
Link to Agency notice: https://abc.nc.gov
Hearing on: September 9, 2026
☒ **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: October 14, 2026
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact. Check all that apply.

☐ **This Rule was part of a combined analysis.**
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

9B. Explain:
G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. 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:

Renee C. Metz

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: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ 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 .1302 – Other Similar Events Approval

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: July 15, 2026
Link to Agency notice: https://abc.nc.gov
Hearing on: September 9, 2026
☒ **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: October 14, 2026
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact. Check all that apply.

☐ **This Rule was part of a combined analysis.**
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

9B. Explain:
G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. Metz

Phone: 919.948.7919
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Typed Name: Renee C. Metz
Title: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ 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 .1303 – Tastings Held for Consumers

3. Action:
☐ **ADOPTION** ☐ **AMENDMENT** ☐ **REPEAL** ☒ **READOPTION** ☐ **REPEAL through READOPTION**

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☐ **Yes. Cite authority:**
☒ **No**

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: July 15, 2026
Link to Agency notice: https://abc.nc.gov
Hearing on: September 9, 2026
☒ **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: October 14, 2026
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact. Check all that apply.

☐ **This Rule was part of a combined analysis.**
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

9B. Explain:
G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. Metz

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E-Mail: rules@abc.nc.gov

Additional agency contact, if any: Marilyn Smalls

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11. Signature of Agency Head* or Rule-making Coordinator:

Renee C. Metz

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Typed Name: Renee C. Metz
Title: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ 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 .1304- Special Event Compliance Procedure

3. Action:
☐ **ADOPTION** ☐ **AMENDMENT** ☐ **REPEAL** ☒ **READOPTION** ☐ **REPEAL through READOPTION**

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☐ **Yes. Cite authority:**
☒ **No**

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: July 15, 2026
Link to Agency notice: https://abc.nc.gov
Hearing on: September 9, 2026
☒ **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: October 14, 2026
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact. Check all that apply.

☐ **This Rule was part of a combined analysis.**
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

9B. Explain:
G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. Metz

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Renee C. Metz

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Typed Name: Renee C. Metz
Title: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ 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 .1306 – Special Event Participation Limitations

3. Action:
☐ **ADOPTION** ☐ **AMENDMENT** ☐ **REPEAL** ☒ **READOPTION** ☐ **REPEAL through READOPTION**

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☐ **Yes. Cite authority:**
☒ **No**

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: July 15, 2026
Link to Agency notice: https://abc.nc.gov
Hearing on: September 9, 2026
☒ **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: October 14, 2026
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact. Check all that apply.

☐ **This Rule was part of a combined analysis.**
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

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☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

9B. Explain:
G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. Metz

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Renee C. Metz

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Typed Name: Renee C. Metz
Title: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ 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 .1307 – ABC Store Spirituous Liquor Tastings

3. Action:
☐ **ADOPTION** ☐ **AMENDMENT** ☐ **REPEAL** ☒ **READOPTION** ☐ **REPEAL through READOPTION**

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☐ **Yes. Cite authority:**
☒ **No**

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: July 15, 2026
Link to Agency notice: https://abc.nc.gov
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Adoption by Agency on: October 14, 2026
☐ **Notice not required under G.S.:**
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Consultation not required. Cite authority:

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☐ **Approved by OSBM**
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☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly**
Cite Session Law:
☐ **Petition for rulemaking**
☒ **Other:**

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G.S.§150B-21.3A

10. Rulemaking Coordinator: Renee C. Metz

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Typed Name: Renee C. Metz
Title: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

Burgos, Alexander N

From: Miller, Christopher S
Sent: Saturday, November 7, 2026 5:26 PM
To: Metz, Renee; Smalls, Marilyn
Cc: Burgos, Alexander N; Miller, Christopher S
Subject: ABC Commission - Rules for November 2026 RRC Meeting
Attachments: Request for Changes - ABC - 11 2026.docx

Good afternoon!

I'm the staff attorney who reviewed the rules submitted by the ABC Commission for the November 2026 RRC meeting. The RRC will formally review these rules at its meeting on Tuesday, November 24, 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 and forms to me via email, no later than **5 p.m. on November 17, 2026**.

Let me know if you have any questions.

Thanks!

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.

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