

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 527
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Short Title: ABC Omnibus 2023.

(Public)

Sponsors:

Referred to:

April 4, 2023

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOL LAWS OF THIS STATE.
The General Assembly of North Carolina enacts:

EXCLUDE READY-TO-DRINK COCKTAILS FROM MIXED BEVERAGE CHARGE

SECTION 1.(a) G.S. 18B-101 reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

...

(8b) "Premixed cocktail" means a single-serving drink in the manufacturer's original closed container of 24 fluid ounces or less containing at least one-half of one percent (0.5%), and no more than thirteen percent (13%), alcohol by volume and consisting of spirituous liquor premixed with any or all of the following: nonalcoholic beverages, flavoring, or coloring. A premixed cocktail may contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives, and other similar products manufactured by fermenting fruit or fruit juices.

...

(10) "Mixed beverage" means either of the following:

- a. A drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.
- b. A premixed cocktail served from a closed package containing only one serving cocktail sold by a mixed beverages permittee, regardless of whether the premixed cocktail is sold in an open container or a closed container.

...."

SECTION 1.(b) G.S. 18B-804(b)(8), as amended by Section 18(c) of this act, reads as rewritten:

"(8) If the spirituous liquor is sold to a mixed beverage permittee or mobile bar services permittee for resale in mixed beverages, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities. This subdivision shall not apply to premixed cocktails sold to a mixed beverage permittee in a closed package for resale in or from the closed package, and a mixed beverages tax stamp shall not be required on these closed packages."



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1 **SECTION 1.(c)** G.S. 18B-1007(b) reads as rewritten:

2 "(b) Handling Bottles. – It shall be unlawful for a mixed beverages permittee or the
3 permittee's agent or employee to do any of the following:

- 4 (1) Store any other spirituous liquor with liquor possessed for resale in mixed
5 beverages or from a guest room cabinet.
6 (2) Refill any spirituous liquor container having a mixed beverages tax stamp with
7 any other alcoholic beverage, or add to the contents of such a container any
8 other alcoholic beverage.
9 (3) Transfer from one container to another a mixed beverages tax stamp.
10 (4) Possess any container of spirituous liquor not bearing a mixed beverages tax
11 stamp, except for premixed cocktails sold to a mixed beverages permittee in a
12 closed package for resale in or from the closed package or containers being
13 brought onto the premises by the host of a private function under a special
14 occasion permit."

15
16 **ALLOW ABC COMMISSION MEMBERS AND STAFF AND LOCAL BOARD**
17 **MEMBERS, GENERAL MANAGERS, AND STORE MANAGERS TO SAMPLE**
18 **PRODUCTS**

19 **SECTION 2.(a)** Article 2 of Chapter 18B of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 18B-209. Authority to sample spirituous liquor products.**

22 Notwithstanding G.S. 18B-201(d) and G.S. 133-32, and any other provision of law, members
23 and employees of the Commission may consume samples of spirituous liquor products under
24 consideration for approval for sale in this State, free of charge. No person may consume more
25 than one 0.25 ounce tasting sample of each product for this purpose. Such a sample shall not
26 constitute a gift for purposes of G.S. 133-32. Tastings may be conducted pursuant to this section
27 on property owned by the ABC Commission."

28 **SECTION 2.(b)** Article 7 of Chapter 18B of the General Statutes is amended by
29 adding a new section to read:

30 **"§ 18B-707. Authority to sample spirituous liquor products.**

31 Notwithstanding G.S. 18B-201(d) and G.S. 133-32, and any other provision of law, members
32 of a local board and general managers or store managers of ABC stores may consume samples
33 of spirituous liquor products under consideration for approval for sale by the local board, free of
34 charge. No person may consume more than one 0.25 ounce tasting sample of each product for
35 this purpose. Such a sample shall not constitute a gift for purposes of G.S. 133-32. Tastings may
36 be conducted pursuant to this section on property owned by the local board but may not be
37 conducted in publicly accessible areas of any ABC store."

38
39 **LOCAL ABC BOARD SEVEN-DAY OPTION AND FLEXIBILITY ON CERTAIN**
40 **HOLIDAYS**

41 **SECTION 3.(a)** G.S. 18B-802 reads as rewritten:

42 **"§ 18B-802. When stores operate.**

43 (a) Time. – No ABC store shall be open, and no ABC store employee shall sell alcoholic
44 beverages, between 9:00 P.M. and 9:00 A.M. On Sundays, where the appointing authority of a
45 local board has authorized Sunday sales, no ABC store shall be open, and no ABC store employee
46 shall sell alcoholic beverages, before the earlier of (i) 10:00 A.M. if the appointing authority has
47 adopted an ordinance pursuant to G.S. 153A-145.7(a) or G.S. 160A-205.3(a), or (ii) 12:00 noon.
48 The local board shall otherwise determine opening and closing hours of its stores.

49 (b) Days. – No ABC store shall be open, and no ABC store employee shall sell alcoholic
50 beverages, on any ~~Sunday, New Year's Day, Fourth of July, Labor Day, Sunday~~ unless authorized
51 by an ordinance adopted pursuant to G.S. 18B-112(b2), 153A-145.7(b), or 160A-205.3(b),

Thanksgiving Day, or Christmas Day. A local board may otherwise determine the days on which its stores shall be closed."

SECTION 3.(b) G.S. 18B-112 is amended by adding a new subsection to read:

"(b2) In accordance with G.S. 18B-802(b), and only if the tribal alcoholic beverage control commission petitions the tribe to do so, the Eastern Band of Cherokee Indians or the Catawba Indian Nation may adopt a tribal ordinance allowing each respective tribal alcoholic beverage control commission to operate ABC stores on Sundays. If a tribe adopts an ordinance pursuant to this subsection, it shall notify the Commission within seven days of the adoption of the ordinance."

SECTION 3.(c) G.S. 153A-145.7 reads as rewritten:

"§ 153A-145.7. Hours of certain alcohol sales.

(a) In accordance with G.S. 18B-1004(c), a county may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001.

(b) In accordance with G.S. 18B-802(b), and only if a local ABC board appointed by the board of county commissioners petitions the board of county commissioners to do so, a county may adopt an ordinance allowing the local ABC board to operate ABC stores on Sundays. If a county adopts an ordinance pursuant to this subsection, it shall notify the Commission within seven days of the adoption of the ordinance."

SECTION 3.(d) G.S. 160A-205.3 reads as rewritten:

"§ 160A-205.3. Hours of certain alcohol sales.

(a) In accordance with G.S. 18B-1004(c), a city may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001.

(b) In accordance with G.S. 18B-802(b), and only if a local ABC board appointed by the governing body of a city petitions the governing body of the city to do so, a city may adopt an ordinance allowing the local ABC board to operate ABC stores on Sundays. For a local ABC board with multiple municipal appointing authorities, the local ABC board may operate ABC stores on Sundays in any municipality that is an appointing authority for the local ABC board and that adopts an ordinance allowing the local board to do so. If a city adopts an ordinance pursuant to this subsection, it shall notify the Commission within seven days of the adoption of the ordinance."

SECTION 3.(e) G.S. 18B-1004(c) reads as rewritten:

"(c) Sunday Hours. – Except as authorized pursuant to G.S. 18B-112(b1), ~~153A-145.7, or 160A-205.3~~, 153A-145.7(a), or 160A-205.3(a), it shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 Noon on that day."

RAISE CAP ON POINT-OF-SALE ADVERTISING MATERIALS, PRODUCT DISPLAYS, AND COOLERS

SECTION 4.(a) G.S. 18B-105 is amended by adding two new subsections to read:

"(c) A beer or wine wholesaler may give, furnish, loan, rent, or sell retailer advertising specialty items and product displays to a retail permittee, so long as the items have not been customized for an individual retail permittee, and provided that the value of the items per brand does not exceed six hundred dollars (\$600.00) per year. For the purposes of this subsection, the following definitions apply:

- (1) Product displays. – Racks, bins, barrels, casks, shelving, and similar items from which malt beverages, wine, or spirituous liquor are displayed and sold.
- (2) Retailer advertising specialty items. – Items such as trays, coasters, mats, meal checks, paper napkins, glassware, cups, foam scrapers, back bar mats, thermometers, and other similar items that bear advertising matter.

(d) The holder of a supplier representative permit, brokerage representative permit, nonresident spirituous liquor vendor permit, or distillery permit issued under G.S. 18B-1105 may give, furnish, loan, rent, or sell retailer advertising specialty items and product displays to a local board, so long as the items have not been customized for an individual local board, and provided that the value of the items per brand does not exceed one thousand dollars (\$1,000) per year. For the purposes of this subsection, the following definitions apply:

- (1) Product displays. – Racks, bins, barrels, casks, shelving, and similar items from which malt beverages, wine, or spirituous liquor are displayed and sold.
- (2) Retailer advertising specialty items. – Items such as trays, coasters, mats, meal checks, paper napkins, glassware, cups, foam scrapers, back bar mats, thermometers, and other similar items that bear advertising matter, and shall not include branded plug-in coolers."

SECTION 4.(b) G.S. 18B-809 reads as rewritten:

"§ 18B-809. Use of branded plug-in coolers.

No rule or decision of the Commission may limit or restrict the giving, lending, or selling by industry members of branded plug-in coolers used to hold and display ~~products, products in an ABC store, provided that the total value of coolers are under the dollar limits set forth by the Commission for product displays, per brand is less than one thousand five hundred dollars (\$1,500).~~ A branded plug-in cooler shall have permanent and conspicuous branding that is permanently attached or securely affixed to the cooler."

ALLOW TO-GO AND DELIVERY SALES OF MIXED BEVERAGES AND WINE BY THE GLASS

SECTION 5.(a) G.S. 18B-1001, as amended by Section 15(b) of this act, reads as rewritten:

"§ 18B-1001. Kinds of ABC permits; places eligible.

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

...

- (3) **On-Premises Unfortified Wine Permit. –** An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of

the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Eating establishments.
- d. Private clubs.
- e. Convention centers.
- f. Cooking schools.
- g. Community theatres.
- h. Wineries.
- i. Wine producers.
- j. Retail businesses.
- k. Sports and entertainment venues.
- l. Bars.
- m. The holder of a distillery permit authorized under G.S. 18B-1105.
- n. Breweries.

Additionally, an on-premises unfortified wine permit authorizes a permittee that is a restaurant, eating establishment, hotel, private club, bar, brewery, winery, or wine producer to sell at retail single-serving unfortified wine drinks for consumption off the premises, including delivery by the permittee or a delivery service permittee. Single-serving unfortified wine drinks sold for consumption off the premises must be sold with food and shall be packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap. The container shall be no greater than 24 fluid ounces. Notwithstanding G.S. 20-138.7, the transportation of single-serving unfortified wine drinks shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle. Notwithstanding G.S. 18B-1010, the sale of more than two single-serving unfortified wine drinks at one time shall not be unlawful if the single-serving unfortified wine drinks are sold for delivery or consumption off the permittee's premises. No single-serving unfortified wine by drink ordered for off-premises consumption shall be provided to any person other than the purchaser of the single-serving unfortified wine drink, except that in the case of delivery, the delivery service permittee through its employees or agents may provide the single-serving unfortified wine drink to a person other than the purchaser if the permittee or the permittee's employees or agents verify that the person is over 21 years of age using age verification software requiring the recipient to provide a form of photographic identification authorized in G.S. 18B-302(d)(1).

...

- (5) On-Premises Fortified Wine Permit. – An on-premises fortified wine permit authorizes the retail sale of fortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of fortified wine in the manufacturer's original container for consumption off the premises. The permit also authorizes the permittee to transfer fortified wine, not more than four times per calendar year, to another on-premises fortified wine permittee

that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises fortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship fortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Private clubs.
- d. Community theatres.
- e. Wineries.
- f. Convention centers.
- g. Bars.
- h. The holder of a distillery permit authorized under G.S. 18B-1105.
- i. Sports and entertainment venues.
- j. Breweries.

Additionally, an on-premises fortified wine permit authorizes a permittee that is a restaurant, hotel, private club, bar, brewery, or winery to sell at retail single-serving fortified wine drinks for consumption off the premises, including delivery by the permittee or a delivery service permittee. Single-serving fortified wine drinks sold for consumption off the premises must be sold with food and shall be packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap. The container shall be no greater than 24 fluid ounces. Notwithstanding G.S. 20-138.7, the transportation of single-serving fortified wine drinks shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle. Notwithstanding G.S. 18B-1010, the sale of more than two single-serving fortified wine drinks at one time shall not be unlawful if the single-serving fortified wine drinks are sold for delivery or consumption off the permittee's premises. No single-serving fortified wine by drink ordered for off-premises consumption shall be provided to any person other than the purchaser of the single-serving fortified wine drink, except that in the case of delivery, the delivery service permittee through its employees or agents may provide the single-serving fortified wine drink to a person other than the purchaser if the permittee or the permittee's employees or agents verify that the person is over 21 years of age using age verification software requiring the recipient to provide a form of photographic identification authorized in G.S. 18B-302(d)(1).

...

(10) Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also authorizes a mixed beverages permittee to obtain an antique spirituous liquor permit under subdivision (20) of this section and to use for culinary purposes spirituous liquor lawfully purchased for use in mixed beverages. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Private clubs.
- d. Convention centers.
- e. Community theatres.
- f. Nonprofit organizations.
- g. Political organizations.
- h. Sports and entertainment venues.
- i. Bars.
- j. The holder of a distillery permit authorized under G.S. 18B-1105.
- k. Breweries.
- l. Wineries.

Additionally, a mixed beverages permit authorizes a permittee that is a restaurant, hotel, private club, bar, brewery, winery, or the holder of a distillery permit to sell at retail mixed beverages for consumption off the premises, including delivery by the permittee or a delivery service permittee. A mixed beverage sold for consumption off the premises must be sold with food and shall be (i) a premixed cocktail in the manufacturer's original closed container, or (ii) packaged in a container with a secure lid or cap, and in a manner designed to prevent consumption without removal of the lid or cap. The container shall be no greater than 24 fluid ounces. Notwithstanding G.S. 20-138.7, the transportation of a mixed beverage shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle. Notwithstanding G.S. 18B-1010, the sale of more than one mixed beverage drink at one time shall not be unlawful if the mixed beverage drinks are sold for delivery or consumption off the permittee's premises. No mixed beverage ordered for off-premises consumption shall be provided to any person other than the purchaser of the mixed beverage, except that in the case of delivery, the delivery service permittee through its employees or agents may provide the mixed beverage to a person other than the purchaser if the permittee or the permittee's employees or agents verify that the person is over 21 years of age using age verification software requiring the recipient to provide a form of photographic identification authorized in G.S. 18B-302(d)(1).

...."

SECTION 5.(b) G.S. 20-138.7 reads as rewritten:

"§ 20-138.7. Transporting an open container of alcoholic beverage.

(a) Offense. – No person shall drive a motor vehicle on a highway or the right-of-way of a highway:

- (1) While there is an alcoholic beverage in the passenger area in other than the unopened manufacturer's original ~~container~~, ~~and~~ container or a container that remains securely sealed pursuant to G.S. 18B-1001(3), 18B-1001(5), or 18B-1001(10).
- (2) While the driver is consuming alcohol or while alcohol remains in the driver's body.

...."

SECTION 5.(c) G.S. 18B-1001.4 reads as rewritten:

"§ 18B-1001.4. Authorization of delivery service permit.

(a) Authorization. – The holder of a delivery service permit, or the permit holder's employee or independent contractor, may deliver malt beverages, unfortified wine, or fortified wine on behalf of a retailer holding a permit issued pursuant to subdivisions (1) through (6) and (16) of ~~G.S. 18B-1001~~ G.S. 18B-1001, and mixed beverages on behalf of a retailer holding a permit issued pursuant to subdivision (3), (5), or (10) of G.S. 18B-1001 when delivered in accordance with the requirements of those subdivisions, to a location designated by the purchaser. A delivery service permittee may also facilitate delivery through technology services that connect consumers and licensed retailers through the use of the Internet, mobile applications, and other similar technology.

(b) Training and Payment. – Prior to making any deliveries, each individual delivering alcoholic beverages pursuant to a delivery service permit shall successfully complete a course approved by the Commission related to the delivery of alcoholic beverages. Upon receipt of a proposed training program from a holder of a delivery service permit, the Commission shall have 15 business days to approve, deny, or request modifications to the proposed training program. An individual delivering alcoholic beverages pursuant to a delivery service permit shall not handle or possess funds used to purchase an alcoholic beverage that is to be delivered, but may facilitate the sales transaction in a manner that does not involve taking possession of funds.

(c) Age of Recipient and Notice. – An individual may only deliver alcoholic beverages pursuant to a delivery service permit to an individual who is at least 21 years of age and who immediately takes actual possession of the alcoholic beverages purchased. Delivery of single-serving unfortified wine drinks shall be made in accordance with G.S. 18B-1001(3). Delivery of single-serving fortified wine drinks shall be made in accordance with G.S. 18B-1001(5). Delivery of mixed beverages shall be made in accordance with G.S. 18B-1001(10). A delivery of alcoholic beverages in a package that obscures the manufacturer's original packaging shall have affixed to the outside of the package a notice in 26-point type or larger stating: "CONTAINS ALCOHOLIC BEVERAGES; AGE VERIFICATION REQUIRED."

(d) Limitations. – A delivery service permittee shall deliver alcoholic beverages only within the time allowed for lawful sales and consumption in the jurisdiction where the delivery is located. No delivery shall be made to any jurisdiction within the State that has not authorized the sale of the purchased alcoholic beverages. A delivery service permittee shall not deliver alcoholic beverages to the premises of another licensed retailer or more than 50 miles from the retailer's licensed premises. Only alcoholic beverages purchased for personal consumption and from a licensed retailer's existing inventory located on the retailer's premises may be delivered pursuant to a delivery service ~~permit~~ permit, except for single-serving unfortified wine drinks in sealed containers meeting the requirements of G.S. 18B-1001(3), single-serving fortified wine drinks in sealed containers meeting the requirements of G.S. 18B-1001(5), and mixed beverages in sealed containers meeting the requirements of G.S. 18B-1001(10).

(e) Scope and Construction. – A delivery service permit is not required for a common carrier lawfully transporting or shipping alcoholic beverages. Nothing in this section shall be construed as exempting the delivery of alcoholic beverages pursuant to a delivery service permit from the requirements set forth in Article 4 of Chapter 18B of the General Statutes. Nothing in this section shall be construed to require a technology services company to obtain a delivery service permit if the company does not employ or contract with delivery drivers, but rather provides software or an application that connects consumers and licensed retailers for the delivery of alcoholic beverages from the licensed retailer. Nothing in this section shall be construed to require a retailer that holds a permit issued pursuant to subdivisions (1) through ~~(6)~~ (6), (10), and (16) of G.S. 18B-1001 to obtain a delivery service permit in order for employees

of the retail permittee to deliver malt beverages, unfortified wine, or fortified wine to a location designated by the purchaser, however, the other provisions of this section apply to the retailer.

(f) Penalties for Violations in Residence Halls. – Notwithstanding G.S. 18B-104, if a delivery service permittee commits a violation of this Chapter when delivering to a residence hall located on the premises of an institution of higher education the delivery service permittee shall be subject to a fine of up to one thousand dollars (\$1,000) for the first violation, up to one thousand five hundred dollars (\$1,500) for a second violation within three years of the first violation, and up to two thousand dollars (\$2,000) for a third or subsequent violation within three years of the first violation. In any case in which there are two or more violations within three years by a delivery service permittee when delivering to a residence hall on the premises of an institution of higher education in which the Commission is entitled to suspend or revoke a permit, the Commission may accept from the permittee an offer in compromise to pay a penalty of not more than ten thousand dollars (\$10,000). The Commission may either accept a compromise or revoke a permit, but not both. The Commission may accept a compromise and suspend the permit in the same case."

SECTION 5.(d) G.S. 18B-1105(a) reads as rewritten:

"§ 18B-1105. Authorization of distillery permit.

(a) The holder of a distillery permit may do any of the following:

...

(4a) In an area where the sale of mixed beverages is authorized by law, sell mixed beverages for consumption on the ~~premises~~-premises, or for consumption off the premises in accordance with the requirements for sale for consumption off the premises described in G.S. 18B-1001(10). If a distillery elects to sell mixed beverages containing spirituous liquor other than that produced at the distillery, the distillery shall obtain a mixed beverages permit pursuant to G.S. 18B-1001.

(4b) If the distillery is located on a property used for bona fide farm purposes, as defined in G.S. 160D-102(3), sell mixed beverages containing only spirituous liquor produced at the distillery for consumption on the ~~premises~~-premises, or for consumption off the premises in accordance with the requirements for sale for consumption off the premises described in G.S. 18B-1001(10), regardless of the results of any local mixed beverage election.

(4c) In an area where the sale of mixed beverages has not been approved by a local election, sell mixed beverages containing only spirituous liquor produced at the distillery for consumption on the ~~premises~~-premises, or for consumption off the premises in accordance with the requirements for sale for consumption off the premises described in G.S. 18B-1001(10), upon obtaining a mixed beverages permit under G.S. 18B-1001.

...."

ALLOW MIXED BEVERAGE PERMITTEES TO PURCHASE SPIRITUOUS LIQUOR FROM ANY DESIGNATED ABC STORE IN THE SAME COUNTY AND MODIFY ELIGIBILITY FOR SMALL TOWNS TO HOLD ALCOHOL ELECTIONS

SECTION 6.(a) G.S. 18B-404(c) reads as rewritten:

"(c) Designated Store. – ~~A local board may designate a store within its system to make sales to mixed beverage permittees.~~ A mixed beverage permittee may purchase spirituous liquor from an ABC store that is designated as a mixed beverage ABC store operated by any local board operating in the same county as the permittee."

SECTION 6.(b) G.S. 18B-600 reads as rewritten:

"§ 18B-600. Places eligible to hold alcoholic beverage elections.

...

(c) City Malt Beverage and Unfortified Wine Elections. – A city may hold a malt beverage or unfortified wine election only if the county in which the city is located has already held such an election, the vote in the last county election was against the sale of that kind of alcoholic beverage, and ~~one or more of the following apply:~~

(1) ~~The city has a population of 500-400 or more according to the most recent federal decennial census.~~

(2) ~~The city operates an ABC store.~~

(3) ~~The city has a population of 400 or more but less than 500 according to the most recent federal decennial census and had a population of 500 or more according to the prior federal decennial census.~~

...

(e) City Mixed Beverage Elections. – A city may hold a mixed beverage election if the city has at least 500 registered voters. Provided, that if a city that qualifies for an election under this subsection approves the sale of mixed beverages, a mixed beverages permittees-permittee in the city may purchase liquor from the ABC store designated by the local ABC board that has been approved by the Commission for this purpose. an ABC store that is designated as a mixed beverage ABC store operated by any local board operating in the same county as the permittee.

(e1) Small City Mixed Beverage Elections. – A city may also hold a mixed beverage election if the city has at least ~~300-200~~ registered voters and is located in a county with at least one other city that has approved the sale of mixed beverages. Provided, that if a city that qualifies for an election under this subsection approves the sale of mixed beverages, a mixed beverages permittees-permittee in the smaller city may purchase liquor from the ABC store designated by any local ABC board in any other city that has approved the sale of mixed beverages. an ABC store that is designated as a mixed beverage ABC store operated by any local board operating in the same county as the permittee.

~~This subsection shall not apply to Alamance, Avery, Burke, Caldwell, Carteret, Cleveland, Henderson, Onslow, Polk, Robeson, Rowan, Rutherford, and Wilkes Counties.~~

(e2) Ski Resorts ABC Elections. – Notwithstanding any other provisions of this section, any city that provides governmental services to as many as 1,000 snow skiers weekly during the normal ski season from December 1 through March 15, may hold an election authorized by subdivision (a)(1), (2), or (4) of this section. If the sale of mixed beverages is approved, notwithstanding G.S. 18B-404(c), the sales of liquor shall be made by any local board designated by the State ABC Commission.

~~(e3) Small Town Mixed Beverage Elections. – A town may hold a mixed beverage election if the town (i) has at least 200 registered voters, is located in a county bordering the Neuse River and Pamlico Sound that has not approved the sale of mixed beverages, and that county has only one city that has approved the sale of mixed beverages or (ii) has at least 200 registered voters, has a total area of less than 1 square mile, operates an ABC store, and is located in a county that has at least three cities that have approved the sale of mixed beverages. Provided, that if a town that qualifies for an election under this subsection approves the sale of mixed beverages, mixed beverages permittees in the town may purchase liquor from the ABC store designated by any local ABC board in any other city that has approved the sale of mixed beverages.~~

(e4) Multicounty/City ABC Elections. – If a city is located in two or more counties, the following provisions shall apply:

(1) The city may hold a malt beverage or unfortified wine election if any county in which a portion of the city is located has already held such an election, the vote in the last election of the particular type was against the sale of that type of alcoholic beverage, and the city has a population of 500 or more.

(2) The city may hold a mixed beverage election if the city has at least 500 registered voters and a county in which a portion of the city is located operates

ABC stores, or a municipality in either county in which the city is located operates an ABC store.

- (3) If an election is held by a city under this subsection, all of the city voters may vote in the election. If the vote is for approval, alcoholic beverages may be sold on the basis of that approval and under the provisions of this Chapter. If the sale of mixed beverages is approved, ~~the a mixed beverage permittees shall~~ permittee may purchase their liquor from one or more ABC stores located within the city that have been designated by the local boards for those purchases, an ABC store that is designated as a mixed beverage ABC store operated by any local board operating in the same county as the permittee. The remaining gross receipts shall be distributed in accordance with existing law applicable to those ABC stores, except that after the applicable distributions have been made pursuant to G.S. 18B-805(b), (c), and (d), the local share of the mixed beverages surcharge and the guest room cabinet surcharge required by G.S. 18B-804(b)(8) and (9) shall be distributed one-half to the general fund of the city where the mixed beverage permittees are located and one-half to the local ABC boards from whose stores liquor is purchased.

(e5) Small Resort Town ABC Elections. – A town may hold a mixed beverage election if it:

- (1) Was incorporated after 1990 and prior to the effective date of this subsection;
- (2) Has at least 100 residents;
- (3) Is located in a county that borders another state and that has two other municipalities which have ABC stores; and
- (4) At the time of the election, has corporate boundaries that border or include land in three counties.

Provided, that if a town that qualifies for an election under this subsection approves the sale of mixed beverages, ~~a mixed beverages permittees-permittee~~ in the town may purchase liquor from the ABC store designated by any local ABC board in any other city that has approved the sale of mixed beverages, an ABC store that is designated as a mixed beverage ABC store operated by any local board operating in the same county as the permittee.

...."

SECTION 6.(c) G.S. 18B-1007(a) reads as rewritten:

"(a) Purchases. – A mixed beverages permittee may purchase spirituous liquor for resale as mixed beverages and a guest room cabinet permittee may purchase spirituous liquor for resale from a guest room cabinet ~~only at an ABC store designated by a local board, an ABC store that is designated as a mixed beverage ABC store operated by any local board operating in the same county as the permittee.~~"

SECTION 6.(d) This section is retroactively effective November 1, 2022, and applies to elections conducted on or after that date.

ALLOW MIXED BEVERAGE PERMITTEES TO COVER MIXED BEVERAGE TAX STAMPS WITH CLEAR ADHESIVE TO PREVENT THEM FROM FALLING OFF CONTAINERS OF SPIRITUOUS LIQUOR

SECTION 7. G.S. 18B-1007 is amended by adding a new subsection to read:

"(e) A mixed beverages permittee may not destroy, alter, or deface the mixed beverages tax stamp or any other stamp, label, seal, or device required by law to be affixed to a spirituous liquor container before the container has been emptied. However, the permittee may cover the tax stamp with a clear adhesive for the purpose of preventing the tax stamp from being detached from the container, provided that the tax stamp shall remain legible and capable of being permanently defaced when the container is empty."

INCREASE TRANSPARENCY IN SALES OF APPORTIONED SPIRITUOUS LIQUORS

SECTION 8.(a) Article 2 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-210. Apportioned spirituous liquors.

(a) For purposes of this section, the following definitions shall apply:

(1) Apportioned products. – Containers of spirituous liquor that are made available to local boards only by random drawings conducted by the Commission.

(2) Retail customer. – Any customer of an ABC store besides a mixed beverages permittee.

(b) Each local board that intends to sell apportioned products to retail customers shall submit to the ABC Commission a plan for how the local board will distribute apportioned products to retail customers. The Commission shall notify the local board whether the proposed distribution plan is approved or denied within 15 business days of receipt of the plan and, if denied, shall notify the local board of the reason for the denial and allow the local board to amend and resubmit the plan. A local board without an approved distribution plan may not sell apportioned products to retail customers.

(c) If the local board sells apportioned products to retail customers, it may sell apportioned products only to retail customers who are residents of the county where the local board is located or, in the case of a multicounty local board, who live in a county where the local board operates ABC stores. The local board shall require any retail customer who purchases an apportioned product to produce identification showing that the retail customer is a resident of the county where the ABC board is located or, in the case of a multicounty local board, that the retail customer resides within a county where the local board operates ABC stores.

(d) This section shall not be construed to affect the sale of apportioned products to mixed beverage permittees for resale in mixed beverages."

SECTION 8.(b) G.S. 18B-205 reads as rewritten:

"§ 18B-205. Accounts and reports required.

(a) Accounts and Reports. – The Commission may require local boards to submit quarterly mixed beverage reports, quarterly and annual audits, monthly sales records, and any other reports or audits relating to the operations of the local ABC systems. The monthly sales records shall include a list of all customers, including mixed beverage permittees, who purchase apportioned products, as that term is defined in G.S. 18B-210(a)(1).

(b) Accounting System. – The Commission may require local boards to use generally accepted accounting standards and a chart of accounts prescribed by the Commission in the operation of ABC stores, and to record all information necessary and useful to the Commission in auditing the operation of ABC systems and administering the ABC law.

(c) Audits. – The Commission may audit the operation of any local ABC store or board, and the books of those stores and boards shall remain open to the Commission for inspection."

SECTION 8.(c) G.S. 132-1.2 reads as rewritten:

"§ 132-1.2. Confidential information.

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

...

(10) Reveals the street address of a retail customer who purchases an apportioned product, as those terms are defined in G.S. 18B-210, from an ABC store. This subdivision shall not prevent the disclosure of the county of residence of a retail customer who purchases an apportioned product from an ABC store."

SECTION 8.(d) G.S. 18B-102 is amended by adding a new subsection to read:

"(c) Resale of Apportioned Products Prohibited. – Except as otherwise authorized by this Chapter, it shall be unlawful for any person to (i) purchase or possess apportioned products for the purpose of reselling apportioned products or (ii) advertise or otherwise offer apportioned products for sale. This section shall not be construed to affect the sale of apportioned products to mixed beverage permittees for resale in mixed beverages. Any person who violates this subsection shall be guilty of a Class 1 misdemeanor and is subject to a fine of not less than five hundred dollars (\$500.00) for each instance of unlawful sale. For purposes of this subsection, "apportioned products" has the same meaning as in G.S. 18B-210(a)(1)."

SECTION 8.(e) This section becomes effective December 1, 2023. Subsection (d) of this section applies to offenses committed on or after that date.

SPECIAL PURCHASE ALLOWANCE MODIFICATION

SECTION 9.(a) Article 2 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-211. Special purchase allowance limitation.

The Commission shall notify industry members and local boards at least 60 days in advance of the effective date of an approved retail price reduction for a spirituous liquor product. The price of the spirituous liquor for local boards shall be reduced only for the 30 days that the approved retail price reduction is in effect.

SECTION 9.(b) The Commission shall adopt rules to address orders placed by a local board for a product with an approved retail price reduction when the product is out of stock while the approved retail price reduction is in effect.

ALLOW ABC STORES TO SELL VALUE-ADDED PRODUCTS, GIFT CARDS, AND BARRELS

SECTION 10.(a) G.S. 18B-800 reads as rewritten:

"§ 18B-800. Sale of alcoholic beverages in ABC stores.

(a) Spirituous Liquor. – Except as provided in Articles 10 and 11 of this Chapter, spirituous liquor may be sold only in ABC stores operated by local boards. For purposes of this subsection, the term "sold only in ABC stores operated by local boards" includes online orders placed in accordance with subsection (c3) of this section.

(b) Fortified Wine. – In addition to spirituous liquor, ABC stores may sell fortified wine. ABC stores may also sell wine products, irrespective of alcohol content by volume, which were classified as fortified wine by the ABC Commission prior to July 7, 2004.

(b1) Consumer Specialty Items. – ABC stores may sell branded consumer specialty items such as bottle or can openers, cork screws, muddlers, ashtrays, shopping bags, individual can coolers, drinking glasses, clothing, or key chains that are packaged with a spirituous liquor product. A branded consumer specialty item shall not include a tobacco, vapor, or hemp product or tobacco, vapor, or hemp paraphernalia. The Commission may approve the retail price for a spirituous liquor product packaged by the producer with one or more branded specialty items at a different price than an individual bottle of the same spirituous liquor product. The local board shall not remove a spirituous liquor product packaged by the producer with one or more branded specialty items from the package.

(b2) Gift Cards. – ABC stores may sell physical or electronic gift cards. The ABC store shall not collect sales tax for the sale of the gift card. A gift card may be purchased or redeemed only by a customer 21 years of age or older. A local board or ABC store may not offer a discount on a gift card or value on the gift card in excess of the amount paid by the customer. A gift card may be redeemed at any ABC store operated by the local board from which the gift card was purchased. A gift card sold by an ABC store shall not expire until the funds on the card are exhausted.

(b3) Barrels. – An ABC store may sell empty barrels or parts of barrels received from a distiller in which spirituous liquors were aged, provided that the local board also purchased the spirituous liquor aged in the barrel.

...

(c3) Online Orders. – An ABC store may accept an online order, including payment, for gift cards and alcoholic beverages sold in its store. An order for alcoholic beverages placed online pursuant to this subsection shall be picked up in person at the store by the individual who placed the order. An order for a gift card may be delivered digitally to the purchaser. An order placed online pursuant to this subsection shall include the name and unique identifier number of the individual placing the order, who shall be at least 21 years of age as shown on the form of identification authorized pursuant to G.S. 18B-302(d)(1) and otherwise legally authorized to purchase alcoholic beverages. An employee of the ABC store shall confirm that the an online order for alcoholic beverages is picked up in person at the store by the individual who placed the order by verifying the individual's identification that conforms to the identifying information contained in the online order.

...."

SECTION 10.(b) This section becomes effective December 1, 2023.

ALLOW LOCAL BOARDS TO SELL PRODUCTS BELOW THE DISTILLER'S PRICE

SECTION 11. Article 7 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-708. Sale of certain spirituous liquors below distiller's price.

(a) Notwithstanding G.S. 18B-804(b), the Commission may authorize a local board to sell certain spirituous liquors below the price paid by the local board for the spirituous liquors, including the bailment charge and surcharge, upon request from the local board. Before allowing the local board to sell spirituous liquor below the price paid by the local board, the Commission shall verify that allowing the price reduction will not cause the local board to operate at an annual net loss or, if the local board was already operating at a loss, will not cause the local board to incur additional annual net revenue losses.

(b) If a distillery requests to be notified if its products are authorized for pricing below the distiller's price pursuant to this section, the Commission shall notify the distiller of the product and the local board for which the reduced pricing is authorized within 24 hours of the authorization. The Commission shall notify the local board upon authorization if the distillery has requested to be notified. The distillery shall have the right of first refusal to purchase any of the distillery's products that a local board requests to sell pursuant to this section for the price authorized by the Commission for two business days prior to the reduction of the retail price in the ABC store. If the distillery has not purchased the products within two business days after being notified of the reduced pricing by the Commission, the local board may reduce the retail price. If the distillery has not requested to be notified if its products are authorized for pricing below the distiller's price pursuant to this section, the local board may reduce the retail price immediately upon authorization by the Commission."

AMEND ELIGIBILITY FOR ALCOHOLIC BEVERAGE SALES ON TRAINS

SECTION 12. G.S. 18B-108 reads as rewritten:

"§ 18B-108. Sales on trains.

Alcoholic beverages may be sold on railroad trains in this State upon compliance with Article 2C of Chapter 105 of the General Statutes. Malt beverages, unfortified wine, and fortified wine may be sold and delivered by any wholesaler or retailer licensed in this State to an officer or agent of a rail line that carries at least 60,000 passengers annually-annually or is at least 100 miles long and connects to the federal rail network."

ALLOW SALE OF TWO MIXED BEVERAGES AT SPIRITUOUS LIQUOR SPECIAL EVENTS

SECTION 13. G.S. 18B-1114.7(b1) reads as rewritten:

"(b1) General Limitations on Sales of Mixed Beverages. – The sale of mixed beverages in conjunction with a consumer tasting under a spirituous liquor special event permit is subject to the following limitations:

- (1) The sale of mixed beverages in conjunction with a consumer tasting is not authorized at shopping malls, street festivals, holiday festivals, or balloon races.
- (2) The mixed beverages shall contain only spirituous liquor distilled or produced at the distillery.
- (3) The permit holder or the permit holder's authorized agent shall conduct the sale of mixed beverages, and the permit holder shall be solely responsible for any violations of this Chapter occurring in connection with the event.
- (4) The permit holder or the permit holder's authorized agent may only sell mixed beverages containing products from one distillery per booth, kiosk, or display.
- (5) The mixed beverage shall be prepared only by either (i) the permit holder or the permit holder's authorized agent conducting the consumer tasting or (ii) an employee of the permit holder or the permit holder's authorized agent conducting the consumer tasting who is at least 21 years of age.
- (6) The permit holder or the permit holder's authorized agent shall not knowingly sell more than ~~one mixed beverage~~ two mixed beverages to a customer per calendar day, per distillery.
- (7) The permit holder or the permit holder's authorized agent shall not sell or serve mixed beverages to any consumer who is visibly intoxicated.
- (8) The permit holder or the permit holder's authorized agent shall not sell or serve mixed beverages to any consumer under 21 years of age. The person preparing the mixed beverage shall be responsible for verifying the age of the consumer being served by checking the identification of the consumer.
- (9) The sale of mixed beverages shall not be allowed unless the venue is located in a jurisdiction that has approved the sale of mixed beverages.
- (10) Mixed beverages may not be sold between the hours of 2:00 A.M. and 7:00 A.M., except that on Sundays mixed beverages may not be sold until 12:00 noon unless otherwise authorized by local ordinance pursuant to G.S. 153A-145.7 or G.S. 160A-205.3."

TRANSITION PERIOD FOR ABC PERMITTEE OWNERSHIP; SAFE HARBOR AND LATE RENEWAL FEES; AND TEMPORARY PERMIT CHANGES

SECTION 14.(a) G.S. 18B-903 reads as rewritten:

"§ 18B-903. Duration of permit; renewal and transfer.

(a) Duration. – Once issued, ABC permits shall be valid for the following periods, unless earlier surrendered, suspended or revoked:

- (1) On-premises and off-premises malt beverage, unfortified wine, and fortified wine permits; culinary permits; and all permits listed in G.S. 18B-1100 shall remain valid ~~indefinitely~~ indefinitely.
- (2) Limited special occasion permits shall be valid for 48 hours before and after the occasion for which the permit was ~~issued~~ issued.
- (3) Special one-time permits issued under G.S. 18B-1002 shall be valid for the period stated on the ~~permit~~ permit.
- (4) Temporary permits issued under G.S. 18B-905 shall be valid for 90 ~~days~~ and days. After 90 days, a temporary permit shall no longer be deemed a

temporary permit and shall be deemed to have been issued under either subdivision (a)(1) or (a)(5) of this section, as applicable, and shall remain valid pursuant to the applicable subdivision.

(5) All other ABC permits shall be valid for one year, from May 1 to April 30.

...

(b3) Safe Harbor; Late Fees. – Notwithstanding subsection (a) of this section, the Commission shall not revoke a permit for failure to pay a renewal application fee or an annual registration and inspection fee until June 1 of each year. No later than five business days after April 30 of each year, the Commission shall notify permittees who have not paid any required renewal application fees or annual registration and inspection fees as of April 30. The Commission shall charge a late fee of twenty-five percent (25%) of the renewal application fee or registration and inspection fee for a permit for which the renewal application fee or registration and inspection fee is submitted after April 30.

(c) Change in Ownership. –

(1) Except as provided in subdivision (2) of this subsection, all permits for an establishment shall automatically expire and shall be surrendered to the Commission if:

- a. Ownership of the establishment changes; or
- b. There is a change in the membership of the firm, association or partnership owning the establishment, involving the acquisition of a twenty-five percent (25%) or greater share in the firm, association or partnership by someone who did not previously own a twenty-five percent (25%) or greater share; or
- c. Twenty-five percent (25%) or more of the stock of the corporate permittee owning the establishment is acquired by someone who did not previously own twenty-five percent (25%) or more of the stock.

(2) Notwithstanding subsection (e) of this section, any person who through contract, lease, management agreement, or change of ownership or transfer of business as provided in subdivision (1) of this subsection becomes lawfully entitled to use and control of the premises of an establishment that holds permits immediately prior to such change of ownership may continue to operate the establishment, as successor to the prior permittee, to the same extent as the predecessor permittee until the person receives a temporary or new permit, including purchasing malt beverages, unfortified wine, or fortified wine to be resold for on-premises or off-premises consumption, or spirituous liquor for use in mixed beverages sold by the establishment, as applicable under the permit, subject to the following limitations:

- a. The person shall provide written or electronic notice to the Commission of the name of the non-permitted person, the name and address of the permitted establishment, and the date of the change in ownership. The person may not operate the establishment as provided in this subdivision until the person has provided notice to the Commission. The Commission shall not require any additional documentation besides the written or electronic notice to satisfy this requirement. The prior permittee shall not be liable for any acts or omissions of the non-permitted person operating the establishment. Any alcoholic beverage offenses committed by the person or any actions taken by the Commission to revoke or suspend the permit based on the acts or omissions of the person operating the establishment shall not preclude the prior permittee from receiving an ABC permit for a different establishment.

- b. The person shall submit a new permit application to the Commission within 60 days after the change of ownership. If the person does not apply for a new permit within 60 days, all permits for the establishment shall automatically expire and shall be surrendered to the Commission. If the person has applied to the applicable local government for the Inspection/Zoning Compliance and Local Government Opinion forms required for the application but has not received approvals or denials from the local government within the 60-day period, the applicant may submit a sworn affidavit with the application stating that the person has applied to the local government for the Inspection/Zoning Compliance and Local Government Opinion approvals in lieu of those approvals. The person shall send the local government approvals or denials to the Commission within three business days of receiving the approvals or denials. If the local government finds the person to be in noncompliance, the person may not operate during the transition period allowed by this subdivision until the establishment is brought into compliance.
- c. The 60-day period to file a new permit application shall only be allowed once per 24 months for each establishment that holds an ABC permit, unless the establishment requests and the Commission grants a waiver of the 24 month requirement. The Commission shall grant a waiver of the 24 month requirement if it determines that the public health, safety, and welfare would not be harmed by granting the waiver.
- d. This subdivision shall apply only to establishments that hold ABC permits that are in good standing and that have not been found responsible by the Commission or a court of competent jurisdiction of a gambling, assault, disorderly conduct, prostitution, or controlled substances violation within 12 months prior to the date the non-permitted person becomes entitled to use and control of the establishment.
- e. The person shall be authorized to operate the establishment as successor to the prior permittee to the same extent as the predecessor permittee until the Commission either issues or denies the permit application submitted pursuant to sub-subdivision b. of this subdivision.

...."

SECTION 14.(b) G.S. 18B-905 reads as rewritten:

"§ 18B-905. Temporary permits.

When an application has been received in proper form, with the required application fee, the Commission may issue a temporary permit for any of the activities for which permits are authorized under G.S. 18B-1001 and 18B-1100. A temporary permit may be revoked summarily by the Commission without complying with the provisions of Chapter 150B. Revocation of a temporary permit or withdrawal by the Commission of a pending application by a permittee possessing a temporary permit shall be effective upon service of the notice of revocation or withdrawal upon the permittee at either the permittee's residence or the address given for the business in the permit application or upon the expiration of ~~three working~~ five business days after the notice of the revocation or withdrawal has been mailed to the permittee at either ~~his~~ the permittee's residence or the address given for the business in the permit application. No further notice shall be required."

BAR TECHNICAL CORRECTIONS

SECTION 15.(a) G.S. 18B-1000(1) reads as rewritten:

"(1) Bar. – An establishment that is primarily engaged in the business of selling alcoholic beverages for consumption on the premises. ~~A bar shall not include a brewery, winery, or distillery.~~"

SECTION 15.(b) G.S. 18B-1001, as amended by Section 5(a) of this act, reads as rewritten:

"§ 18B-1001. Kinds of ABC permits; places eligible.

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of malt beverages in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer malt beverages, not more than four times per calendar year, to another on-premises malt beverage permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of malt beverages by on-premises malt beverage permittees, purchases of malt beverages by a retail permittee from another retail permittee for the purpose of resale, and sales of malt beverages by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of malt beverages may be transferred only if both the transferor and transferee are located within the territory designated between the brewery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Eating establishments.
- d. Food businesses.
- e. Retail businesses.
- f. Private clubs.
- g. Convention centers.
- h. Community theatres.
- i. Breweries as authorized by subdivisions (7) and (8) of G.S. 18B-1104(a).
- j. Sports and entertainment venues.
- k. ~~Private bars.~~ Bars.
- l. The holder of a distillery permit authorized under G.S. 18B-1105.

...

(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of

unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Eating establishments.
- d. Private clubs.
- e. Convention centers.
- f. Cooking schools.
- g. Community theatres.
- h. Wineries.
- i. Wine producers.
- j. Retail businesses.
- k. Sports and entertainment venues.
- l. ~~Private bars.~~ Bars.
- m. The holder of a distillery permit authorized under G.S. 18B-1105.
- n. Breweries.

Additionally, an on-premises unfortified wine permit authorizes a permittee that is a restaurant, hotel, private club, bar, brewery, winery, or wine producer to sell at retail single-serving unfortified wine drinks for consumption off the premises, including delivery by the permittee or a delivery service permittee. Single-serving unfortified wine drinks sold for consumption off the premises must be sold with food and shall be packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap. The container shall be no greater than 24 fluid ounces. Notwithstanding G.S. 20-138.7, the transportation of single-serving unfortified wine drinks shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle. Notwithstanding

G.S. 18B-1010, the sale of more than two single-serving unfortified wine drinks at one time shall not be unlawful if the single-serving unfortified wine drinks are sold for delivery or consumption off the permittee's premises. No single-serving unfortified wine by drink ordered for off-premises consumption shall be provided to any person other than the purchaser of the single-serving unfortified wine drink, except that in the case of delivery, the delivery service permittee through its employees or agents may provide the single-serving unfortified wine drink to a person other than the purchaser if the permittee or the permittee's employees or agents verify that the person is over 21 years of age using age verification software requiring the recipient to provide a form of photographic identification authorized in G.S. 18B-302(d)(1).

...

(5) On-Premises Fortified Wine Permit. – An on-premises fortified wine permit authorizes the retail sale of fortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of fortified wine in the manufacturer's original container for consumption off the premises. The permit also authorizes the permittee to transfer fortified wine, not more than four times per calendar year, to another on-premises fortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises fortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship fortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Private clubs.
- d. Community theatres.
- e. Wineries.
- f. Convention centers.
- g. ~~Private bars.~~ Bars.
- h. The holder of a distillery permit authorized under G.S. 18B-1105.
- i. Sports and entertainment venues.
- j. Breweries.

Additionally, an on-premises fortified wine permit authorizes a permittee that is a restaurant, hotel, private club, bar, brewery, or winery to sell at retail single-serving unfortified wine drinks for consumption off the premises, including delivery by the permittee or a delivery service permittee.

Single-serving fortified wine drinks sold for consumption off the premises must be sold with food and shall be packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap. The container shall be no greater than 24 fluid ounces. Notwithstanding G.S. 20-138.7, the transportation of single-serving fortified wine drinks shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle. Notwithstanding G.S. 18B-1010, the sale of more than two single-serving fortified wine drinks at one time shall not be unlawful if the single-serving fortified wine drinks are sold for delivery or consumption off the permittee's premises. No single-serving fortified wine by drink ordered for off-premises consumption shall be provided to any person other than the purchaser of the single-serving fortified wine drink, except that in the case of delivery, the delivery service permittee through its employees or agents may provide the single-serving unfortified wine drink to a person other than the purchaser if the permittee or the permittee's employees or agents verify that the person is over 21 years of age using age verification software requiring the recipient to provide a form of photographic identification authorized in G.S. 18B-302(d)(1).

...

(7) Brown-Bagging Permit. – A brown-bagging permit authorizes each individual patron of an establishment, with the permission of the permittee, to bring up to eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, onto the premises and to consume those alcoholic beverages on the premises. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Private clubs.
- d. Community theatres.
- e. Congressionally chartered veterans organizations.
- f. ~~Private bars.~~ Bars.

(8) Special Occasion Permit. – A special occasion permit authorizes the host of a reception, party or other special occasion, with the permission of the permittee, to bring fortified wine and spirituous liquor onto the premises of the business and to serve the same to his guests. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Eating establishments.
- d. Private clubs.
- e. Convention centers.
- f. ~~Private bars.~~ Bars.
- g. Sports and entertainment venues.

...

(10) Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also authorizes a mixed beverages permittee to obtain an antique spirituous liquor permit under subdivision (20) of this section and to use for culinary purposes spirituous liquor lawfully purchased for use in mixed beverages. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.

- c. Private clubs.
- d. Convention centers.
- e. Community theatres.
- f. Nonprofit organizations.
- g. Political organizations.
- h. Sports and entertainment venues.
- i. ~~Private bars.~~ Bars.
- j. The holder of a distillery permit authorized under G.S. 18B-1105.
- k. Breweries.
- l. Wineries.

Additionally, a mixed beverages permit authorizes a permittee that is a restaurant, hotel, private club, bar, brewery, winery, or the holder of a distillery permit to sell at retail mixed beverages for consumption off the premises, including delivery by the permittee or a delivery service permittee. A mixed beverage sold for consumption off the premises must be sold with food and shall be packaged in a container with a secure lid or cap, including premixed cocktails in the manufacturer's original closed container, and in a manner designed to prevent consumption without removal of the lid or cap. The container shall be no greater than 24 fluid ounces. Notwithstanding G.S. 20-138.7, the transportation of a mixed beverage shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle. Notwithstanding G.S. 18B-1010, the sale of more than one mixed beverage drink at one time shall not be unlawful if the mixed beverage drinks are sold for delivery or consumption off the permittee's premises. No mixed beverage ordered for off-premises consumption shall be provided to any person other than the purchaser of the mixed beverage, except that in the case of delivery, the delivery service permittee may provide the mixed beverage to a person other than the purchaser if the permittee verifies that the person is over 21 years of age using age verification software requiring the recipient to provide a form of photographic identification authorized in G.S. 18B-302(d)(1).

...."

SECTION 15.(c) G.S. 130A-247(1) reads as rewritten:

"(1) "Bar" is as defined in G.S. 18B-1000(1); means an establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of G.S. 18B-1001 and that does not prepare or serve food as defined in this Part other than beverage garnishes, ice, or food that does not require time or temperature control for safety as set out in G.S. 130A-248(a) and rules adopted to implement that section, and that is in an unopened original commercial package, except for food used as a beverage garnish."

SECTION 15.(d) G.S. 130A-250(4a) reads as rewritten:

"(4a) ~~Bars.~~ Bars as defined in G.S. 130A-247(1)."

SECTION 15.(e) This section becomes effective October 1, 2023.

ESTABLISH MALT BEVERAGE SHOP PERMIT

SECTION 16.(a) G.S. 18B-300.1(b) reads as rewritten:

"(b) Definitions. – The following definitions apply in this section:

- (1) Customer. – A person who purchases an alcoholic beverage from a permittee that is in a social district.
- (2) Non-permittee business. – A business that is located in a social district and does not hold any ABC permit.

- (3) Permittee. – An establishment holding any of the following permits issued by the Commission:
- a. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
 - b. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
 - c. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
 - d. A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
 - e. A wine shop permit issued pursuant to G.S. 18B-1001(16).
 - f. A distillery permit issued pursuant to G.S. 18B-1100(5).
 - g. A malt beverage shop permit issued pursuant to G.S. 18B-1001(16a)."

SECTION 16.(b) G.S. 18B-902(d) is amended by adding a new subdivision to read: "(52) Malt beverage shop permit – \$100.00."

SECTION 16.(c) G.S. 18B-903(b) reads as rewritten:

"(b) Renewal. – Application for renewal of an ABC permit shall be on a form provided by the Commission. An application for renewal shall be accompanied by an application fee. The application fee shall be the same amount as the initial fee set in G.S. 18B-902, except that the renewal application fee for each wine shop permit or malt beverage shop permit shall be five hundred dollars (\$500.00), and the renewal application fee for each mixed beverages permit and each guest room cabinet permit shall be one thousand dollars (\$1,000). A renewal fee shall not be refundable."

SECTION 16.(d) G.S. 18B-1001 is amended by adding a new subdivision to read:

"(16a) Malt Beverage Shop Permit. – A malt beverage shop permit authorizes (i) the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) malt beverage tastings on the premises conducted and supervised by the permittee in accordance with subdivision (18) of this section. It also authorizes the holder of the permit to ship malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses whose primary purpose is selling malt beverages for consumption off the premises and regularly and customarily educating consumers through tastings, classes, and seminars about the selection, serving, and storing of malt beverages. The holder of the permit is authorized to sell malt beverages for consumption on the premises, provided that the sale of malt beverages, combined, for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period. The holder of a malt beverage tasting permit not engaged in the preparation or sale of food on the premises is not subject to Part 6 of Article 8 of Chapter 130A of the General Statutes."

ESTABLISH TWO NEW PERMITS AND REGULATE OUTSIDE ALCOHOL AT ADULT LIVE ENTERTAINMENT BUSINESSES

SECTION 17.(a) G.S. 18B-1001 is amended by adding two new subdivisions to read:

"(24) Cotenant Permit. – A permit under this subdivision may be issued to a restaurant that occupies the same building as another ABC permittee, provided that the building has no other tenants and the building does not have a common area that is open to the public but not part of the premises of one of the two permittees. The permit authorizes the permittee to allow customers to bring open containers of malt beverages, unfortified wine, fortified wine, or mixed beverages from the premises of the other ABC permittee who occupies the same building onto the premises of the permit holder.

(25) Bring Your Own Beverage Permit. – A permit issued under this subdivision may be issued to an adult live entertainment business as defined in G.S. 14-202.10. This permit authorizes the permittee to allow patrons to bring closed containers of malt beverages and unfortified wine onto the premises and consume the malt beverages and unfortified wine on the premises."

SECTION 17.(b) G.S. 18B-902(d) is amended by adding two new subdivisions to read:

"(53) Cotenant permit – \$50.00.

(54) Bring your own beverage permit – \$100.00."

SECTION 17.(c) Article 3 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-301.1. Possession and consumption at adult live entertainment businesses.

It shall be unlawful to consume, or to allow the consumption of, alcoholic beverages at any adult live entertainment business as defined in G.S. 14-202.10 except pursuant to one or more permits allowing the sale or consumption of alcohol issued pursuant to this Chapter."

SECTION 17.(d) This section becomes effective October 1, 2023.

ESTABLISH MOBILE BAR SERVICES PERMIT

SECTION 18.(a) G.S. 18B-902(d) is amended by adding a new subdivision to read:

"(55) Mobile bar services permit – \$500.00."

SECTION 18.(b) G.S. 18B-1001 is amended by adding a new subdivision to read:

"(12a) Mobile Bar Services Permit. – A mobile bar services permit may be issued to a business that provides bartending services for events. The permit authorizes the permittee to bring malt beverages, unfortified wine, fortified wine, and spirituous liquor onto the premises of a business that is not an ABC permittee and to serve the alcoholic beverages to guests at the event. The permittee may purchase malt beverages and unfortified wine from either a retailer or a wholesaler. The permittee may purchase fortified wine from either an ABC store or a wholesaler. The permittee shall purchase spirituous liquor from an ABC store that is designated as a mixed beverage ABC store operated by any local board operating in the same county where the permittee's principal office is located. The permittee may not serve alcoholic beverages pursuant to a mobile bar services permit on the premises of any location owned or possessed by the permittee. The permittee shall notify the Commission, in writing, of the location of any event where the permittee will serve alcoholic beverages not less than one week before the event and shall have the permission of the owner or possessor of the property on which the event is to be held. Any person serving alcoholic beverages at the event shall be at least 21 years of age. Alcoholic beverages may be transported by the mobile bar services permit holder to the premises of the event no earlier than 8:00 A.M. At the conclusion of the event, all alcoholic beverages must be removed from the premises no later than 12:00 noon of the following day. A limited special occasion permit shall not be required for an event at which alcoholic beverages are exclusively

provided by the holder of a mobile bar services permit. The holder of a mobile bar services permit may bring alcoholic beverages onto the premises and serve the alcoholic beverages at an event regardless of whether there is a charge or fee for guests to attend the event. This permit does not allow the retail sale of individual alcoholic beverages to guests at an event."

SECTION 18.(c) G.S. 18B-804(b)(8), as amended by Section 1(b) of this act, reads as rewritten:

"(8) If the spirituous liquor is sold to a mixed beverage permittee or mobile bar services permittee for resale in mixed beverages, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities. This subdivision shall not apply to premixed cocktails sold to a mixed beverage permittee in a closed package for resale in or from the closed package, and a mixed beverages tax stamp shall not be required on these closed packages."

SECTION 18.(d) G.S. 18B-902(h) reads as rewritten:

"(h) Recycling Plan Required. – Each applicant for an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit shall prepare and submit with the application a plan for the collection and recycling of all recyclable beverage containers of all beverages to be sold at retail on the premises. Each applicant for a mobile bar services permit shall prepare and submit with the application a plan for the collection and recycling of all recyclable beverage containers of all beverages to be served at an event pursuant to the permit. A permittee who is not able to find a recycler for its beverage containers may apply to the Alcoholic Beverage Control Commission for a one-year stay of the requirement to implement a recycling program in compliance with G.S. 18B-1006.1. The application shall be made in a form specified by the Commission, shall detail the efforts made by the permittee to provide for the collection and recycling of beverage containers, and shall specify the impediments to implementation of a recycling plan. The Commission shall submit all such applications to the Division of Environmental Assistance and Outreach of the Department of Environmental Quality for review and certification. The Division of Environmental Assistance and Outreach shall investigate each application and prepare a summary of its investigation and shall submit the summary to the Commission along with a notation indicating certification or denial of the application. A permittee whose application for a stay is certified by the Division of Environmental Assistance and Outreach shall not be required to comply with the recycling requirement of the alcoholic beverage laws and regulations during the one-year stay period so certified."

SECTION 18.(e) G.S. 18B-903(b2) reads as rewritten:

"(b2) Recycling Plan Required. – Each person holding an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit shall submit, along with the annual registration or renewal application, either a current plan for the collection and recycling of all recyclable beverage containers of all beverages sold at retail on the premises, or an application for a waiver pursuant to G.S. 18B-902(h). Each person holding a mobile bar services permit shall submit, along with the annual renewal application, either a current plan for the collection and recycling of all recyclable beverage containers of all beverages to be served at an event pursuant to the permit, or an application for a waiver pursuant to G.S. 18B-902(h)."

SECTION 18.(f) This section becomes effective October 1, 2023.

COMMUNITY THEATRE CLARIFICATION

SECTION 19. G.S. 18B-1000(1a) reads as rewritten:

"(1a) Community theatre. – An establishment owned and operated by a bona fide nonprofit organization that is engaged solely in the business of sponsoring or presenting amateur or professional ~~theatrical~~ performing arts events to the

public. A permit issued for a community theatre is valid only during regularly scheduled ~~theatrical-performing arts~~ events sponsored by such nonprofit organization."

ADD TWO MEMBERS TO THE ABC COMMISSION

SECTION 20.(a) G.S. 18B-200 reads as rewritten:

"§ 18B-200. North Carolina Alcoholic Beverage Control Commission.

(a) Creation of Commission; compensation. – The North Carolina Alcoholic Beverage Control Commission is created to consist of a chairman and ~~two~~four associate members. The Commission shall be administratively located within the Department of Public Safety but shall exercise its powers independently of the Secretary of Public Safety. The chairman shall devote his or her full time to his or her official duties and receive a salary fixed by the General Assembly in the Current Operations Appropriations Act. The associate members shall be compensated for per diem, subsistence and travel as provided in Chapter 138 of the General Statutes.

(b) Appointment of Members. – ~~Members~~The chairman of the Commission and two associate members shall be appointed by the Governor to serve at ~~his pleasure~~the pleasure of the Governor. One associate member shall be appointed by the President Pro Tempore of the Senate to serve at the pleasure of the President Pro Tempore and one associate member shall be appointed by the Speaker of the House of Representatives to serve at the pleasure of the Speaker.

(c) Vacancy. – ~~The Governor~~appointing authority shall fill any vacancy on the Commission by appointing a successor to serve at ~~the Governor's pleasure~~the pleasure of the appointing authority. If the chairman's seat becomes vacant, the Governor may designate either the new member or an existing member of the Commission as the chairman.

(d) Employees. – The Commission may authorize the chairman to employ, discharge, and otherwise supervise subordinate personnel of the Commission. The Commission shall appoint at least one employee to make investigations, hold hearings requested under G.S. 18B-1205, and represent the Commission in contested case hearings or perform any other duties authorized by Chapter 150B."

SECTION 20.(b) This section becomes effective December 1, 2023.

REQUIRE ALCOHOL LAW ENFORCEMENT TO NOTIFY PERMIT HOLDER OF VIOLATIONS

SECTION 21.(a) G.S. 18B-502 is amended by adding a new subsection to read:

"(c) If any alcohol law enforcement agent or local ABC officer issues a citation to an employee of a permitted establishment, who is not the named holder of an ABC permit for the establishment, for conduct occurring on the premises of the establishment that is a violation of this Chapter or Chapter 14 of the General Statutes, the alcohol law enforcement agent or local ABC officer shall send notice by electronic means or certified mail to the holder of the permit within five business days of the issuance of the citation. If the Commission receives a report from a law enforcement agency other than the Division of Alcohol Law Enforcement of the Department of Public Safety or a local ABC officer documenting violations of this Chapter or Chapter 14 of the General Statutes for conduct occurring on the premises of a permitted establishment, the Commission shall send notice of the alleged violation to the holder of the permit within five business days of receipt of the law enforcement agency report. The written notice shall identify the currently alleged violations and the involved employee. Nothing in this subsection shall prevent or limit the Commission from taking any additional action warranted by the circumstances of the violation."

SECTION 21.(b) This section becomes effective December 1, 2023, and applies to violations occurring on or after that date.

ESTABLISH DISTILLERY ESTATE DISTRICTS

1 **SECTION 22.(a)** G.S. 18B-1006 is amended by adding a new subsection to read:

2 "(r) Distillery Estate Districts. –

3 (1) For purposes of this subsection, "distillery estate district" means a tract of real
4 property or multiple contiguous or adjacent tracts of real property, separated
5 only by a river, lake, or public or private road, on which a distillery holding a
6 permit under G.S. 18B-1105, a winery holding an unfortified winery permit
7 under G.S. 18B-1101, and at least three other establishments holding mixed
8 beverages permits are located. All of the real property, distillery, winery, and
9 establishments holding mixed beverage permits shall be under common
10 ownership and control. The premises of the distillery shall include all
11 buildings and facilities in which the distillery conducts activities authorized
12 by G.S. 18B-1105. For purposes of this subsection, "common ownership and
13 control" includes ownership or control by a parent or affiliate entity of the
14 distillery. A distillery or its parent or affiliate entity shall notify the
15 Commission of the boundaries of the real property comprising the distillery
16 estate district and provide to the Commission a list of the ABC permittees
17 under common ownership and control that are located in the distillery estate
18 district prior to engaging in activities authorized under this subsection.

19 (2) Notwithstanding any other provision of law, a mixed beverages permittee
20 located in a distillery estate district and under common ownership and control
21 with the distillery in the distillery estate district may sell spirituous liquor
22 produced at the distillery located in the distillery estate district in mixed
23 beverages as if it were being sold at the distillery. Spirituous liquor sold
24 pursuant to this subdivision shall be listed as a code item for sale in the State
25 but shall not be required to be sent to the State warehouse or be stamped with
26 a mixed beverages tax stamp.

27 (3) Notwithstanding any other provision of law, a distillery in a distillery estate
28 district may, without approval from the Commission, conduct consumer
29 tastings of spirituous liquor produced at the distillery subject to the
30 requirements of G.S. 18B-1114.7(b) anywhere in the distillery estate district,
31 including outdoors and on the premises of another ABC permittee located in
32 the distillery estate district.

33 (4) Notwithstanding any other provision of law, on- and off-premises unfortified
34 wine permittees located in a distillery estate district and under common
35 ownership and control with the distillery in the distillery estate district may
36 sell bottles of spirituous liquor produced at the distillery at retail for
37 consumption off the premises as if those bottles were being sold in the
38 distillery following a tour. Sales under this subdivision may occur between
39 the hours of 9:00 A.M. and 9:00 P.M. on Monday through Saturday of each
40 week, from 12:00 noon to 9:00 P.M. on Sundays, and from 9:00 A.M. to 9:00
41 P.M. on each of the following holidays that do not fall on a Sunday: New
42 Year's Day, Fourth of July, Labor Day, and Thanksgiving Day. Spirituous
43 liquor sold under this subdivision shall (i) be listed as a code item for sale in
44 the State, (ii) be sold at the price set by the Commission for the code item
45 pursuant to G.S. 18B-804(b), and (iii) have affixed to its bottle any labeling
46 requirements set by law. The distillery shall be responsible for remitting to the
47 Department of Revenue the spirituous liquor excise tax pursuant to
48 G.S. 105-113.80 on bottles sold pursuant to this subdivision. The on- or
49 off-premises unfortified wine permittees shall be responsible for remitting to
50 the Department of Revenue the sales and use tax on bottles sold in those
51 establishments.

(5) No distillery, mixed beverages permittee, on-premises unfortified wine permittee, or off-premises unfortified wine permittee shall be required to obtain any additional permits to conduct the activities authorized by this subsection.

(6) Nothing in this subsection shall be construed to limit or otherwise affect the activities authorized by any permit held by an ABC permittee located in a distillery estate district."

SECTION 22.(b) G.S. 18B-804(b1) reads as rewritten:

"§ 18B-804. Alcoholic beverage pricing.

...

(b1) Price of Spirituous Liquor Sold at Distillery. ~~Distillery or Distillery Estate District.~~ – When the holder of a distillery permit sells spirituous liquor distilled at the distillery pursuant to G.S. 18B-1105(a)(4), or an on- or off-premises unfortified wine permittee sells spirituous liquor in a distillery estate district, the retail price of the spirituous liquor shall be the uniform State price set by subsection (a) of this section. However, the holder of the ~~distillery~~ permit shall not be required to remit the components of the price set forth by subdivisions (2), (3), (5), (6), (6a), (6b), and (7) of subsection (b) of this section."

SECTION 22.(c) G.S. 105-113.80(c) reads as rewritten:

"(c) Liquor. – An excise tax of thirty percent (30%) is levied on spirituous liquor and antique spirituous liquor sold in ABC ~~stores and in stores,~~ permitted distilleries, distilleries, and in establishments holding an on- or off-premises unfortified wine permit in a distillery estate district pursuant to G.S. 18B-1006(r). Pursuant to G.S. 18B-804(b), the price of liquor on which this tax is computed is the spirituous liquor or antique spirituous liquor seller's price plus (i) the State ABC warehouse freight and bailment charges and (ii) a markup for local ABC boards, unless otherwise specified by law."

SECTION 22.(d) This section becomes effective October 1, 2023.

WHOLESALE DISTRIBUTION CENTERS

SECTION 23.(a) G.S. 18B-1106 reads as rewritten:

"§ 18B-1106. Authorization of wine importer permit.

(a) Authorization. – The holder of a wine importer permit ~~may~~ may do all of the following:

(1) Import fortified and unfortified wines from outside the United States in closed ~~containers;~~ containers.

(2) Store those ~~wines;~~ wines.

(3) Sell those wines to wine wholesalers for purposes of resale.

(4) Receive fortified and unfortified wine into the State for storage, sale, shipment, or transshipment to private or public entities or establishments of other states or nations, subject to the laws thereof.

(b) Distribution Agreements. – Wine distribution agreements are governed by Article 12 of this Chapter.

(c) The holder of a wine importer permit may import and sell to wholesalers only wine for which it is a primary American source of supply. To be considered a primary American source of supply, a wine importer must establish that it has lawfully purchased the wine from the winery, or from an agent of the winery, and by written contract or otherwise has been authorized by the winery to distribute the wine to wholesalers in the United States."

SECTION 23.(b) G.S. 18B-1108 reads as rewritten:

"§ 18B-1108. Authorization of malt beverages importer permit.

The holder of a malt beverages importer permit ~~may~~ may do all of the following:

(1) Import malt beverages from outside the United States in closed ~~containers;~~ containers.

(2) Store those malt ~~beverages;~~beverages.

(3) Sell those malt beverages to malt beverage wholesalers for purposes of resale.

(4) Receive malt beverages into the State for storage, sale, shipment, or transshipment to private or public entities or establishments of other states or nations, subject to the laws thereof."

SECTION 23.(c) G.S. 18B-1119 reads as rewritten:

"§ 18B-1119. Supplier's financial interest in wholesaler.

(a) A supplier or an officer, director, employee or affiliate of a supplier may not acquire, possess, or otherwise maintain an ownership interest in its wholesaler except as expressly authorized by this Chapter.

(b) Repealed by Session Laws 2018-100, s. 7(b), effective June 26, 2018.

(c) A supplier or an officer, director, employee or affiliate of a supplier may have a security interest in the inventory or property of its wholesaler to secure payment for such inventory or other loans for other purposes.

(d) For purposes of this section, "supplier" means a manufacturer, bottler, importer, or owner of one or more brands of malt beverages, unfortified wine, or fortified wine distributed by its wholesaler. The term "supplier" does not include a wholesaler that meets either of the following criteria:

(1) The wholesaler also possesses a wine importer permit or a malt beverages importer permit and does not directly or through an affiliated entity also possess a nonresident wine vendor permit or a nonresident malt beverages vendor permit issued pursuant to this Chapter.

(2) The wholesaler is an importer in another state, provided such malt beverages, unfortified wine, or fortified wine are transferred to it through an unaffiliated and independent third party."

SECTION 23.(d) G.S. 18B-1105.1 reads as rewritten:

"§ 18B-1105.1. Authorization of liquor importer/bottler permit.

The holder of a liquor importer/bottler permit may:

...

(5) Receive spirituous liquor in closed containers into the State for storage, sale, shipment, and transshipment to the State warehouse or, subject to the laws of other jurisdictions, to private or public agencies or establishments of other states or nations."

MINIMUM PRICES FOR SPIRITUOUS LIQUOR

SECTION 24.(a) G.S. 18B-804 is amended by adding a new subsection to read:

"(e) Minimum Price of Spirituous Liquor. –

(1) The distiller's price for a container of a particular size shall not be lower than as provided in the following table:

<u>Container Size</u>	<u>Minimum Price</u>
<u>1.75 Liters</u>	<u>\$12.95</u>
<u>1.0 Liters</u>	<u>8.95</u>
<u>750 Milliliters</u>	<u>5.95</u>
<u>375 Milliliters</u>	<u>3.95</u>
<u>200 Milliliters</u>	<u>2.95</u>
<u>100 Milliliters</u>	<u>1.95</u>
<u>Cans (single-serving)</u>	<u>1.95</u>
<u>50 Milliliters</u>	<u>0.95.</u>

(2) The Commission may adopt rules to set higher minimum distiller's prices by container size for individual categories of spirituous liquor."

SECTION 24.(b) This section becomes effective February 1, 2024.

PRICING FLEXIBILITY LOCAL OPTION

SECTION 25.(a) Article 3 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-300.3. Pricing flexibility local option.

Subject to the adoption of an ordinance pursuant to G.S. 153A-145.7A or G.S. 160A-205.6, the holder of an on-premises malt beverage permit, an on-premises unfortified wine permit, an on-premises fortified wine permit, a mixed beverages permit, a wine shop permit, a malt beverage shop permit, or a distillery permit, located in the local government that adopted the ordinance may do any of the following, for any period of time:

- (1) Sell an alcoholic beverage at a price that is different from the usual or established price charged for the alcoholic beverage.
- (2) Sell more than one alcoholic beverage to a patron for a single price.
- (3) Establish a single price based upon the required purchase of more than one alcoholic beverage.
- (4) Offer a meal and alcoholic beverage at a single total price, whether or not the total price reflects a reduced price of the alcoholic beverage.
- (5) Advertise the price and type of alcoholic beverages via newspapers, radio, television, or other mass media.

This section shall not apply to the sale of spirituous liquor sold at a distillery in closed containers to visitors who tour the distillery for consumption off the premises."

SECTION 25.(b) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-145.7A. Allow certain alcohol sales and advertising.

A county may adopt an ordinance authorizing holders of on-premises ABC permits in the county to engage in any of the activities allowed under G.S. 18B-300.3. The ordinance may not limit or amend the provisions of G.S. 18B-300.3."

SECTION 25.(c) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.6. Allow certain alcohol sales and advertising.

A city may adopt an ordinance authorizing holders of on-premises ABC permits in the city to engage in any of the activities allowed under G.S. 18B-300.3. The ordinance may not limit or amend the provisions of G.S. 18B-300.3."

SECTION 25.(d) The Alcoholic Beverage Control Commission shall amend its rules consistent with the provisions of this act. The Commission may use the procedure set forth in G.S. 150B-21.1 to amend any rules as required under this section.

SECTION 25.(e) Subsections (a) through (c) of this section become effective October 1, 2023. The remainder of this section is effective when it becomes law.

ESTABLISH CATAWBA INDIAN NATION TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION

SECTION 26.(a) G.S. 18B-109(b) reads as rewritten:

"(b) Armed Forces Installation and Indian Country Lands. – No person shall have malt beverages or unfortified wine shipped directly from a point outside this State ~~to~~ to: (i) an installation of the Armed Forces of the United States within this State if those alcoholic beverages are for resale on the ~~installation or to~~ installation; (ii) the Eastern Band of Cherokee Indians for resale on Indian Country lands within this State under the jurisdiction of the Eastern Band of Cherokee ~~Indians~~ Indians; or (iii) the Catawba Indian Nation for resale on Indian Country lands within this State under the jurisdiction of the Catawba Indian Nation."

SECTION 26.(b) G.S. 18B-112, as amended by Section 3(b) of this act, reads as rewritten:

1 **"§ 18B-112. Tribal alcoholic beverage control.**

2 (a) Application of This Chapter. – The Eastern Band of Cherokee Indians, a federally
3 recognized Indian tribe and sovereign nation, and the Catawba Indian Nation, a federally
4 recognized Indian tribe and sovereign nation, shall be exempt from the provisions of this Chapter,
5 except for those made applicable by this section. The Eastern Band of Cherokee Indians ~~tribe and~~
6 the Catawba Indian Nation shall adopt by ordinance the provisions of this Chapter which are
7 made applicable to ~~the each~~ tribe by this section, and such ordinance shall be approved by the
8 Secretary of the United States Department of the Interior and published in the Federal Register
9 accordingly. ~~The Eastern Band of Cherokee Indians~~ Each tribe shall hold lawful tribal elections
10 as set out in G.S. 18B-600(a), and if the result of such election authorizes the activity upon which
11 a vote was held, the activity shall be deemed authorized by this section. For the purposes of this
12 section, the tribal alcoholic beverage control commission shall possess the same powers and
13 authority conveyed upon the North Carolina Alcoholic Beverage Control Commission by any
14 section of this Chapter made applicable to the tribe by this section.

15 (b) Compliance Required. – The Eastern Band of Cherokee Indians and the Catawba
16 Indian Nation shall comply with the following provisions of this Chapter to the extent they apply
17 to or can be made applicable to ~~the each~~ tribe:

18 ...

19 (8) Article 11. – Commercial Activity, as clarified by the following:

- 20 a. The tribal alcoholic beverage control commission may issue
21 commercial activity permits to any qualifying applicant that
22 establishes a commercial business wholly on Indian Country lands and
23 shall have sole enforcement authority over any permittee receiving a
24 permit from the tribal alcoholic beverage control commission only to
25 the extent the regulated conduct occurs on Indian Country lands.
- 26 b. The Eastern Band of Cherokee Indians and the Catawba Indian Nation
27 shall recognize any permit issued by the North Carolina Alcoholic
28 Beverage Control Commission allowing commercial activity in the
29 same manner as if such permit was issued by the tribal alcoholic
30 beverage control commission. The North Carolina Alcoholic Beverage
31 Control Commission shall recognize any commercial activity permit
32 issued by the tribal alcoholic beverage commission in the same manner
33 as if the permit were issued by the North Carolina Alcoholic Beverage
34 Control Commission.
- 35 c. The North Carolina Alcoholic Beverage Control Commission shall
36 retain exclusive enforcement authority over all permits it issues to
37 commercial activity permittees for violations of its rules or this
38 Chapter.

39 Any provision of Articles 12 and 13 of this Chapter which has not been made applicable to
40 the Eastern Band of Cherokee Indians and the Catawba Indian Nation by this section shall act as
41 a bar to engaging in any activity authorized by that Article or section.

42 (b1) In accordance with G.S. 18B-1004(c), the Eastern Band of Cherokee Indians ~~tribe and~~
43 the Catawba Indian Nation may adopt an ordinance allowing for the sale of malt beverages,
44 unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday
45 pursuant to the licensed premises' permit issued under the authority of G.S. 18B-112(d).

46 ...

47 (c) Alcoholic Beverages Which May Be Sold. – No alcoholic beverage may be sold on
48 Indian Country lands under the jurisdiction of the Eastern Band of Cherokee Indians or the
49 Catawba Indian Nation pursuant to this section which has not been approved for sale in this State
50 by the North Carolina Alcoholic Beverage Control Commission.

(d) Establishment of a Tribal Commission. – In accordance with the provisions of 18 U.S.C. § 1161, the Eastern Band of Cherokee Indians ~~is~~ and the Catawba Indian Nation are each authorized to establish a tribal alcoholic beverage control commission to regulate the purchase, possession, consumption, sale, and delivery of alcoholic beverages on any land designated as Indian Country pursuant to 18 U.S.C. § 1151 under the jurisdiction of the Eastern Band of Cherokee Indians. ~~The~~ Each tribal commission shall have exclusive authority to issue ABC permits to retail and commercial establishments located wholly on Indian Country lands under the jurisdiction of the ~~Eastern Band of Cherokee Indians~~ tribe and to regulate the purchase, possession, consumption, sale, and delivery of alcoholic beverages at permitted outlets and premises. Permits issued by the tribal commission pursuant to this section shall be deemed issued by the State for the purposes of sales and delivery of beer and wine by wholesalers to the retail outlets located on Indian Country lands. The fees generated by the tribal alcoholic beverage control commission for the issuance of retail permits may be retained by ~~the Eastern Band of Cherokee Indians~~ each tribe to offset costs of operating the tribal alcoholic beverage control commission.

...

(g) Discrimination. – The tribal alcoholic beverage control commission shall not discriminate against non-Indians in the application of the tribal ABC law. Non-Indians shall be entitled to apply for and receive ABC permits in the same manner as an Indian on Indian Country lands under the jurisdiction of ~~the Eastern Band of Cherokee Indians~~ each tribe.

(h) Resolution of Contested Cases. – If the tribal alcoholic beverage control commission levies a fine or suspends or revokes a permit pursuant to the provisions of G.S. 18B-104 for a violation of the provisions applicable to the Eastern Band of Cherokee Indians and the Catawba Indian Nation in this section, the permittee shall have the right of appeal of an agency final decision of the tribal commission to the tribal courts. Any further appeal shall be to the appellate courts of the tribe. All fines paid to the tribal commission in satisfaction of any penalty assessed by the tribal commission may be retained by the ~~Eastern Band of Cherokee Indians~~ tribe to offset costs of operating the tribal alcoholic beverage control commission.

(i) Failure to Comply With Laws of This State. – If the Eastern Band of Cherokee Indians or Catawba Indian Nation fails to adopt the provisions of this Chapter, made applicable to the tribe by this section, by ordinance; fails to amend tribal ordinances to comply with amendments to the provisions of this Chapter, made applicable to the tribe by this section, within six months of passage of such amendments; or fails to comply with the provisions of this Chapter, made applicable to the tribe by this section, as required by 18 U.S.C. § 1161, the North Carolina Alcoholic Beverage Control Commission is authorized to terminate and prohibit future delivery of any alcoholic beverages from any person to the tribal alcoholic beverage control commission until the ~~Eastern Band of Cherokee Indians~~ tribe complies with the provisions of this Chapter made applicable to the tribe by this section and 18 U.S.C. § 1161.

(j) Conflict of Laws. – If any provision of this section or its application conflicts with federal law, the conflict of laws shall be resolved in favor of the federal law unless compliance with the federal law abrogates a right reserved to the State under the Constitution of the United States."

SECTION 26.(c) G.S. 18B-203(a)(17) reads as rewritten:

"(17) Provide for the distribution of spirituous liquor ~~to~~ to: (i) installations of the Armed Forces of the United States within this State for resale on the installation and to installation; (ii) the Eastern Band of Cherokee Indians for resale on Indian Country lands within this State under the jurisdiction of the Eastern Band of Cherokee Indians; and (iii) to the Catawba Indian Nation for resale on Indian Country lands within the State under the jurisdiction of the Catawba Indian Nation."

CAP THE TAX ON CERTAIN PURCHASES, INCLUDING SPIRITUOUS LIQUOR THAT HAS BEEN AGED FOR AT LEAST 12 MONTHS IN ORBIT

SECTION 27.(a) G.S. 105-164.27A is amended by adding a new subsection to read:

"(a4) Qualifying Spirituous Liquor. – A person who purchases qualifying spirituous liquor may apply to the Secretary for a direct pay permit for the purchase of qualifying spirituous liquor. A direct pay permit issued under this subsection authorizes its holder to purchase qualifying spirituous liquor without paying tax to the seller and authorizes the seller to not collect any tax on the qualifying spirituous liquor from the permit holder. A person who purchases qualifying spirituous liquor under a direct pay permit must file a return and pay the tax due to the Secretary in accordance with G.S. 105-164.16. A direct pay permit issued for qualifying spirituous liquor does not apply to any purchase other than the purchase of qualifying spirituous liquor. The maximum use tax on qualifying spirituous liquor is one thousand dollars (\$1,000). For purposes of this subsection, "qualifying spirituous liquor" is a single container of spirituous liquor, as defined in G.S. 18B-101, the purchase price of which is equal to or greater than fifty thousand dollars (\$50,000)."

SECTION 27.(b) G.S. 105-113.81 reads as rewritten:

"§ 105-113.81. Exemptions.

...

(f) Luxury Liquor. – A distillery is not required to remit excise taxes on spirituous liquor for which the purchase price for a single container is equal to or greater than fifty thousand dollars (\$50,000). However, the purchaser must remit use tax in accordance with G.S. 105-164.27A(a4)."

SECTION 27.(c) This section is effective January 1, 2024, and applies to purchases occurring on or after that date.

DIRECT ABC COMMISSION TO EXPAND PREMISES TO COVER CERTAIN CONTIGUOUS PROPERTIES

SECTION 28. G.S. 18B-1006 is amended by adding a new subsection to read:

"(s) The Commission shall treat as a single premises two or more contiguous parcels with different addresses if the parcels meet all of the following conditions:

- (1) Each parcel is connected to one or more other parcels such that the parcels share a single perimeter.
- (2) The parcels are under common ownership or control, as evidenced by deed, lease, or management agreement.
- (3) Access between the buildings on the parcels is available to customers without requiring customers to enter the public street or sidewalk."

AUTHORIZE HOME MAKER ORGANIZATIONS TO GIVE SAMPLES AT EVENTS

SECTION 29.(a) G.S. 18B-306 reads as rewritten:

"§ 18B-306. Making wines and malt beverages for private use.

(a) Authority. – An individual may make, possess, and transport wines and malt beverages for the individual's own use, the use of the individual's family and guests, ~~or the use at organized affairs, exhibitions, or competitions.~~ competitions, or use at home maker special events pursuant to G.S. 18B-1114.8. For purposes of this section, the term "organized affairs, exhibitions, or competitions" includes homemaker's home maker's contests, tastings, and ~~judgings.~~

(b) Selling Prohibited. – Wines and malt beverages made pursuant to this section may not be sold or offered for sale.

(c) Kits. – Wine kits and malt beverage kits may be sold in this State.

(d) Permit. – No ABC permit is required to make wines or malt beverages pursuant to this section."

1 **SECTION 29.(b)** G.S. 18B-902(d) is amended by adding a new subdivision to read:

2 "(56) Home maker special event permit – \$50.00."

3 **SECTION 29.(c)** Article 11 of Chapter 18B of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 18B-1114.8. Home maker special event permit.**

6 (a) Definitions. – For purposes of this section, the following definitions apply:

7 (1) Homemade product. – A malt beverage or wine produced pursuant to
8 G.S. 18B-306.

9 (2) Home maker club. – An organization devoted to malt beverages and wine
10 produced pursuant to G.S. 18B-306 that:

11 a. Has a defined membership with a stated common purpose.

12 b. Has a written policy for granting membership that includes a written
13 application submitted by each member, both of which may be
14 produced or maintained electronically.

15 c. Maintains a list of all active members and their addresses that is
16 present at all organized affairs of the club and is open to inspection by
17 alcohol law-enforcement agents upon request.

18 d. Holds a general liability insurance policy in the amount of at least one
19 million dollars (\$1,000,000). This requirement may be satisfied by
20 either an annual policy or a policy for a specific special event.

21 (b) A home maker club may obtain a home maker special event permit allowing the
22 permittee to give free tastings of homemade malt beverages and wines on the premises of retail
23 ABC permittees and at shopping malls, or at trade shows, conventions, street festivals, holiday
24 festivals, agricultural festivals, balloon races, farmers markets, local fundraisers, and other
25 similar events approved by the Commission. The permit shall be issued in the name of the home
26 maker club.

27 (c) Limitations on Consumer Tastings. – Any consumer tasting conducted pursuant to
28 this section is subject to the following limitations:

29 (1) Members of the permitted home maker club shall conduct the consumer
30 tasting and the permit holder shall be solely responsible for any violations of
31 this Chapter occurring in connection with the consumer tasting.

32 (2) At an event occurring on the premises of a retail ABC permittee, no
33 homemade products may be removed from or consumed outside of the retail
34 permittee's premises. The home maker club shall obtain written authorization
35 to conduct the consumer tasting at least 24 hours prior to conducting the
36 consumer tasting.

37 (3) At an event occurring at a trade show, convention, street festival, holiday
38 festival, agricultural festival, balloon race, farmers market, local fundraiser,
39 or other similar event approved by the Commission, no homemade products
40 may be removed from or consumed outside of a clearly marked and defined
41 area where consumption of homemade products is authorized.

42 (4) The permit holder shall provide to the Commission in advance of any
43 consumer tasting a list of homemade products offered at the consumer tastings
44 at least 24 hours before the start of the consumer tasting event. For a consumer
45 tasting occurring on the premises of a retail ABC permittee, the permit holder
46 shall also provide this list to the permittee.

47 (5) Homemade products shall be labeled with a label stating the maker's name
48 and telephone number, the alcohol content by volume, and the statement
49 "Homemade product for consumer tasting."

- (6) Members of the permitted home maker club shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer who is visibly intoxicated.
- (7) Members of the permitted home maker club shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer under 21 years of age. The person pouring the homemade products shall be responsible for verifying the age of the consumer being served by checking the identification of the consumer.
- (8) Homemade products may be stored on permitted premises for no more than 48 hours prior to the consumer tasting. Homemade products shall be sealed while being stored on permitted premises and segregated from other commercial alcoholic beverages located on the premises. No homemade product shall remain on the premises for more than 24 hours after the conclusion of the consumer tasting.
- (9) Each consumer shall be limited to six tasting samples containing 1 ounce of any homemade product made available for sampling at the consumer tasting, and the total amount of the tasting samples offered to and consumed by each consumer shall not exceed 6 ounces in any calendar day.
- (10) The permit holder or members of the permitted home maker club shall not charge a consumer for any tasting sample or for entry to the consumer tasting.
- (11) The permit holder shall maintain for a period of at least one year a record of each consumer tasting conducted. The record shall include the date of the consumer tasting, the time of the consumer tasting, an identification of the venue at which the consumer tasting was held, an identification of the homemade products that were provided for tasting at the consumer tasting, and the name of any person who poured homemade products at the consumer tasting. The permit holder shall allow the ABC Commission to inspect those records at any time.
- (12) Each consumer participating in a consumer tasting shall be required to provide his or her name, telephone number, email address, and the date of the consumer tasting."

SECTION 29.(d) This section becomes effective December 1, 2023.

ALLOW PRIVATE CLUB FRANCHISES TO RECEIVE ABC PERMITS IMMEDIATELY IF FRANCHISOR HAS BEEN IN OPERATION FOR AT LEAST 12 MONTHS

SECTION 30.(a) G.S. 18B-1000(5) reads as rewritten:

- "(5) Private club. – An establishment that qualifies under Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C. § 501(c), and that has been in operation for a minimum of 12 months prior to application for an ABC permit. Provided, however, an establishment that (i) qualifies under Section 501(c) of the Internal Revenue Code, and (ii) is a franchisee of a franchisor that is permitted as a private club and has been in operation for a minimum of 12 months, shall not be required to have been in operation for a minimum of 12 months prior to application for an ABC permit."

SECTION 30.(b) This section is effective when it becomes law and applies to applications for permits received by the Commission on or after that date.

ALLOW LIMITED DISTILLERY SALES IN RECREATION DISTRICTS

SECTION 31.(a) G.S. 18B-1006 reads as rewritten:

"§ 18B-1006. Miscellaneous provisions on permits.

1 ...
2 (j) Recreation Districts. – Notwithstanding the provisions of Article 6 of this Chapter,
3 the Commission may issue permits for the sale of malt beverages, unfortified wine, fortified wine,
4 and mixed beverages to qualified businesses in a recreation district.

5 A "recreation district" is an area that meets any of the following requirements:

6 ...
7 (1a) An area that is located in a county that has not approved the issuance of mixed
8 beverages permits; has at least two cities that have approved the sale of malt
9 beverages, wine, and the operation of an ABC store; and contains a facility of
10 at least 90 acres where five or more motorsports-related events are held each
11 year. The Commission shall issue a permit under the authority set forth in this
12 subdivision only to a facility where five or more motorsports-related events
13 are held, or a qualified business contracting with or located at a facility where
14 five or more motorsports-related events are held, and the sale and
15 consumption of alcoholic beverages shall only occur during a
16 motorsports-related event held at the facility.

17 ...
18 (j1) Limited Distillery Sales in Recreation Districts. – Notwithstanding G.S. 18B-1105, a
19 distillery permittee whose premises is within 10 miles of a facility meeting the requirements of
20 subdivision (1a) of subsection (j) of this section may, with the permission of the facility, sell at
21 the facility for consumption off the premises bottles of spirituous liquor commemorating a
22 motorsports-related event that is being held at the facility as if they were being sold at the
23 distillery following a tour. These sales shall only occur during the motorsports-related event held
24 at the facility that the bottles are commemorating and only during the hours in which spirituous
25 liquor sales at distilleries may occur following a tour pursuant to G.S. 18B-1105(a)(4). Spirituous
26 liquor sold pursuant to this subsection shall (i) be listed as a code item for sale in the State, (ii)
27 be a limited-batch product of which fewer than 2,000 bottles were produced, (iii) be sold at the
28 price set by the Commission for the code item pursuant to G.S. 18B-804(b), and (iv) have affixed
29 to its bottle any labeling requirements set by law.

30"

31 **SECTION 31.(b)** This section becomes effective October 1, 2023.

32 **COMMON AREA ENTERTAINMENT PERMIT CLARIFYING CHANGE**

33 **SECTION 31.1.** G.S. 18B-1001.5(d) reads as rewritten:

34 "(d) Designation of Areas Allowed for Consumption. – The owner or property owners'
35 association of a multi-tenant establishment that holds a common area entertainment permit shall
36 designate one or more areas as designated consumption areas. A designated consumption area
37 may include the premises of any business that is open to customers, if the business chooses to
38 allow outside alcoholic beverages on its premises during the days and hours set by the owner or
39 property owners' association of the multi-tenant establishment pursuant to subsection (e) of this
40 section. A permittee may be included in the designated consumption area even if it chooses to
41 exclude open containers of alcoholic beverages purchased from other permittees. A designated
42 consumption area may include privately maintained streets, parking spaces on privately
43 maintained streets, sidewalks, and courtyards. Privately maintained streets and parking areas may
44 be open to vehicular traffic during the dates and times when the designated consumption area is
45 active. The boundaries of a designated consumption area must be marked in a way that clearly
46 indicates to customers where the boundaries of the designated consumption area are located, such
47 as with conspicuous signage, in the discretion of the owner or property owners' association.
48 Vertical delineated boundaries shall not be required to indicate the boundaries of a designated
49 consumption area. The owner or property owners' association of the multi-tenant establishment
50 shall submit to the Commission for review and approval (i) a plat or site map of the multi-tenant
51

establishment property with the designated consumption areas clearly marked or (ii) a detailed map of the relevant building or buildings on the multi-tenant establishment property with the designated consumption area clearly marked. The Commission shall reject any plat or map submitted under this subsection that does not meet the requirements of this section. The owner or property owners' association of the multi-tenant establishment shall submit a plat or map as required under this subsection for each renewal of the permit issued under this section and at least 10 days prior to making any adjustments to a designated consumption area. Only one common area entertainment permit shall be required at a multi-tenant establishment regardless of how many common areas are designated by the multi-tenant establishment as designated consumption areas, and all indoor and outdoor common areas designated by the multi-tenant establishment as designated consumption areas shall be covered by that permit. If there are adjacent indoor and outdoor common areas designated by the multi-tenant establishment as designated consumption areas, they shall be deemed one single designated consumption area such that a customer of an ABC permittee located in the multi-tenant establishment may transition from the indoor common area to the adjacent outdoor common area or from the outdoor common area to the adjacent indoor common area without disposing of the customer's alcoholic beverage."

ALLOW 90 DAYS FOR ALCOHOL SELLER/SERVER TRAINING PROVIDERS TO UPDATE COURSES

SECTION 31.2.(a) Definitions. – For purposes of this section, "Alcohol Seller/Server Training Rule" means 14B NCAC 15B .0113(e) (Alcohol Seller/Server Training).

SECTION 31.2.(b) Alcohol Seller/Server Training Rule. – Until the effective date of the revised permanent rule that the Alcoholic Beverage Control Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Alcohol Seller/Server Training Rule as provided in subsection (c) of this section.

SECTION 31.2.(c) Implementation. – An approved course provider shall update their responsible alcohol seller/server training course content within 90 days of notice from the Commission to the course provider of changes needed in the alcohol education training curriculum to reflect changes in current ABC laws or rules.

SECTION 31.2.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Alcohol Seller/Server Training Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 31.2.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

ALLOW SALE OF BEER AND WINE AT COMMUNITY COLLEGE SPORTING EVENTS

SECTION 31.3. G.S. 18B-1006(a) reads as rewritten:

"(a) School and College Campuses. – No permit for the sale of alcoholic beverages shall be issued to a business on the campus or property of a public school, college, or university. This subsection shall not apply to the following:

...

- (10) A stadium, athletic facility, or arena on the campus or property of a public college or university, if the Board of Trustees of the public college or university has voted to allow the issuance of permits for use at that stadium,

athletic facility, or arena. If a Board of Trustees votes to allow the issuance of permits in accordance with this subdivision, the Board of Trustees shall provide written notice to the Commission that it has voted to allow the issuance of permits. ~~For purposes of this subdivision, the term "public college or university" does not include a community college.~~ Any permit described in G.S. 18B-1001, 18B-1002(a)(2), or 18B-1002(a)(5) may be issued pursuant to this subdivision to applicants meeting the requirements for the requested permit. Notwithstanding the issuance of a mixed beverages permit pursuant to G.S. 18B-1001(10), this subdivision does not authorize the sale of mixed beverages when the stadium, athletic facility, or arena is being used for a sports event sponsored by the public college or university. This subdivision does not apply to any sales authorized under subdivisions (1) through (8) of this subsection. For purposes of this subdivision, the premises of a stadium, athletic facility, or arena shall include any area that meets all of the following requirements:

- a. Is within 500 feet of the furthest exterior building wall, perimeter fence, or permanent fixed perimeter.
- b. Is designated by the stadium, athletic facility, or arena in a map or written description that clearly defines the boundary of the area, and that map or written description is included in the permit application.
- c. Can be designated in a manner that enables the stadium, athletic facility, or arena to ensure compliance with the provisions of this Chapter.

(11) ~~Notwithstanding subdivision (10) of this subsection, the sale of malt beverages, unfortified wine, fortified wine, or mixed beverages for consumption on the premises at a professional sporting event held at a stadium owned by a community college that is located in a township that has previously voted to allow the operation of ABC stores, if the Board of Trustees of the community college has voted to allow the issuance of permits for use at the stadium. If a Board of Trustees votes to allow the issuance of permits in accordance with this subdivision, the Board of Trustees shall provide written notice to the Commission that it has voted to allow the issuance of permits. Any permit described in G.S. 18B-1001, 18B-1002(a)(2), or 18B-1002(a)(5) may be issued pursuant to this subdivision to applicants meeting the requirements for the requested permit. For purposes of this subdivision, the premises of a stadium shall include any area that meets all of the following requirements:~~

- a. ~~Is within 500 feet of the furthest exterior building wall, perimeter fence, or permanent fixed perimeter.~~
- b. ~~Is designated by the stadium in a map or written description that clearly defines the boundary of the area, and that map or written description is included in the permit application.~~
- c. ~~Can be designated in a manner that enables the stadium to ensure compliance with the provisions of this Chapter."~~

SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 32.(a) If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application and, to this end, the provisions of this act are declared to be severable.

1 **SECTION 32.(b)** Except as otherwise provided, this act is effective when it becomes
2 law.