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SESSION 2025

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SENATE BILL DRS35215-TQfa-28

Short Title: ABC Omnibus 2025.

(Public)

Sponsors: Senators Moffitt, Johnson, and Hanig (Primary Sponsors).

Referred to:

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:

**PROVIDE FUNDING FOR STATE WAREHOUSE TO BE REPAID BY FUNDS
RECEIVED BY THE ABC COMMISSION**

SECTION 1.(a) There is appropriated from the State Capital and Infrastructure Fund to the Department of Administration the sum of three hundred nine million five hundred sixty-eight thousand five hundred sixty-three dollars (\$309,568,563) for the 2025-2026 fiscal year to be used for advanced planning and construction of a new automated warehouse and associated offices for the North Carolina Alcoholic Beverage Control Commission (ABC). Upon the earlier of project completion or July 1, 2029, the ABC shall repay the total amount of funds appropriated from the State Capital and Infrastructure Fund for the project in an amount of no less than twenty million six hundred seventy thousand dollars (\$20,670,000) annually. Reimbursement funds submitted by ABC pursuant to this subsection shall be credited to the State Capital and Infrastructure Fund. Nothing in this subsection shall be deemed to preclude the payment of amounts in excess of the minimum prescribed annual amount.

SECTION 1.(b) This section becomes effective July 1, 2025.

ESTABLISH SERVICE BUSINESS PERMIT

SECTION 2.(a) G.S. 18B-300(a1) reads as rewritten:

"(a1) Consumption on Premises During Time of Permit Revocation or Suspension. – It shall be unlawful to consume or for a permittee or ~~his~~ a permittee's agent or employee to allow the consumption of malt beverages or unfortified wine on the premises of any business during the period of time that any on-premises permit or service business permit issued to the business authorizing the sale ~~and~~ or consumption of malt beverages or unfortified wine has been suspended or revoked by the Commission. The prohibition in this subsection does not apply to the premises upon which the business was located at the time the permit was suspended or revoked if the business ceases to operate in that location and the owner of the property is not the permittee, provided that the permittee is not engaged in any other business or other activity on the premises during the period of suspension or revocation."

SECTION 2.(b) G.S. 18B-603 is amended by adding a new subsection to read:

"(i) Service Business Permits. – The Commission may only issue service business permits provided for in G.S. 18B-1001(26) to qualified persons and establishments located within a jurisdiction in which on-premises malt beverage permits or on-premises unfortified wine permits may be issued, subject to the following restrictions:



* D R S 3 5 2 1 5 - T Q F A - 2 8 *

(1) If on-premises malt beverage permits, but not on-premises unfortified wine permits, may be issued in the jurisdiction, the service business permittee may furnish only malt beverages to customers.

(2) If on-premises unfortified wine permits, but not on-premises malt beverage permits, may be issued in the jurisdiction, the service business permittee may furnish only unfortified wine to customers.

(3) If on-premises malt beverage permits and on-premises unfortified wine permits may be issued in the jurisdiction, the service business permittee may furnish malt beverages and unfortified wine to customers."

SECTION 2.(c) G.S. 18B-902 reads as rewritten:

"§ 18B-902. Application for permit; fees.

...

(d) Fees. – An application for an ABC permit shall be accompanied by payment of the following application fee:

...

(57) Service business permit – \$50.00.

...

(h) Recycling Plan Required. – Each applicant for an on-premises malt beverage permit, on-premises unfortified wine permit, service business 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 or furnished 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 2.(d) 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; service business permits; culinary permits; and all permits listed in G.S. 18B-1100 shall remain valid indefinitely.

...

(b1) Registration. – Each person holding a malt beverage, fortified wine, ~~or unfortified wine permit~~ unfortified wine, or service business permit issued pursuant to G.S. 18B-902(d)(1) through G.S. 18B-902(d)(6) or G.S. 18B-902(d)(57) shall register by May 1 of each year on a form provided by the Commission, in order to provide information needed by the State in enforcing this Chapter and to support the costs of that enforcement. For permits issued pursuant to G.S. 18B-902(d)(1) through G.S. 18B-902(d)(6), the registration required by this

subsection shall be accompanied by an annual registration and inspection fee of four hundred dollars (\$400.00) for each permit held. For permits issued pursuant to G.S. 18B-902(d)(57), the registration required by this subsection shall be accompanied by an annual registration and inspection fee of fifty dollars (\$50.00) for each permit held. The fee shall be paid by May 1 of each year. A registration fee shall not be refundable. Failure to pay the annual registration and inspection fee shall result in revocation of the permit.

(b2) Recycling Plan Required. – Each person holding an on-premises malt beverage permit, on-premises unfortified wine permit, service business 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 or furnished 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 2.(e) G.S. 18B-1000 reads as rewritten:

"§ 18B-1000. Definitions concerning establishments.

The following requirements and definitions shall apply to this Chapter:

...

(7a) Service business. – An establishment that is primarily engaged in the business of providing services to the general public that require an occupational license issued by the State.

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

...."

SECTION 2.(f) G.S. 18B-1001 is amended by adding a new subdivision to read:

"(26) Service Business Permit. – A service business permit authorizes the permittee to furnish complimentary malt beverages and unfortified wine to customers, in conjunction with the provision of the service, for consumption on the permittee's premises at no extra charge to the customers. The permittee may furnish alcoholic beverages to customers only in accordance with G.S. 18B-603(i). The permittee may not serve more than two servings of alcoholic beverages to any individual customer in any calendar day. For purposes of this subdivision, a serving of malt beverage is 16 fluid ounces, and a serving of unfortified wine is 8 fluid ounces. Notwithstanding G.S. 18B-1006(h), the permittee may purchase malt beverages and unfortified wine from either a retailer or a wholesaler. The permit may be issued to service businesses."

SECTION 2.(g) G.S. 18B-1006.1(a) reads as rewritten:

"(a) Holders of on-premises malt beverage permits, on-premises unfortified wine permits, service business permits, on-premises fortified wine permits, and mixed beverages permits shall separate, store, and provide for the collection for recycling of all recyclable beverage containers of all beverages sold or furnished at retail on the premises. A permittee has satisfied the requirements of this section if it implements a recycling program that meets the minimum standards of the model recycling program developed by the Commission pursuant to G.S. 130A-309.14(m). Failure to comply with the requirements of this section shall not be grounds for revocation of a permit. A conviction for violation of this section shall not constitute an alcoholic beverage offense within the meaning of G.S. 18B-900(a)(4)."

SECTION 2.(h) This section becomes effective July 1, 2025.

OPEN CONTAINER LAW CORRECTION

SECTION 3.(a) G.S. 18B-1001 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.

1 Additionally, an on-premises unfortified wine permit authorizes a permittee
2 that is a restaurant, eating establishment, hotel, private club, bar, brewery,
3 winery, or wine producer to sell at retail single-serving unfortified wine drinks
4 for consumption off the premises, including delivery by the permittee or a
5 delivery service permittee. Single-serving unfortified wine drinks sold for
6 consumption off the premises must be sold with food and shall be packaged
7 in a container with a secure lid or cap and in a manner designed to prevent
8 consumption without removal of the lid or cap. The container shall be no
9 greater than 24 fluid ounces. ~~Notwithstanding—~~In accordance with
10 G.S. 20-138.7, the transportation of single-serving unfortified wine drinks in
11 a motor vehicle shall not be unlawful if the container continues to be sealed
12 and is in the passenger area of a motor vehicle. is an unopened manufacturer's
13 original container or is transported in a locked container, in the trunk, or in the
14 area behind the last upright seat in a motor vehicle not equipped with a trunk.
15 Notwithstanding G.S. 18B-1010, the sale of more than two single-serving
16 unfortified wine drinks at one time shall not be unlawful if the single-serving
17 unfortified wine drinks are sold for delivery or consumption off the permittee's
18 premises. No single-serving unfortified wine by the drink ordered for
19 off-premises consumption shall be provided to any person other than the
20 purchaser of the single-serving unfortified wine drink, except that in the case
21 of delivery, the delivery service permittee through its employees or agents
22 may provide the single-serving unfortified wine drink to a person other than
23 the purchaser if the permittee or the permittee's employees or agents verify
24 that the person is over 21 years of age using age verification software requiring
25 the recipient to provide a form of photographic identification authorized in
26 G.S. 18B-302(d)(1).

27 ...

- 28 (5) On-Premises Fortified Wine Permit. – An on-premises fortified wine permit
29 authorizes the retail sale of fortified wine for consumption on the premises,
30 either alone or mixed with other beverages, and the retail sale of fortified wine
31 in the manufacturer's original container for consumption off the premises. The
32 permit also authorizes the permittee to transfer fortified wine, not more than
33 four times per calendar year, to another on-premises fortified wine permittee
34 that is under common ownership or control as the transferor. Except as
35 authorized by this subdivision, transfers of wine by on-premises fortified wine
36 permittees, purchases of wine by a retail permittee from another retail
37 permittee for the purpose of resale, and sale of wine by a retail permittee to
38 another retail permittee for the purpose of resale are unlawful. In addition, a
39 particular brand of wine may be transferred only if both the transferor and
40 transferee are located within the territory designated between the winery and
41 the wholesaler on file with the Commission. Prior to or contemporaneous with
42 any such transfer, the transferor shall notify each wholesaler who distributes
43 the transferred product of the transfer. The notice shall be in writing or
44 verifiable electronic format and shall identify the transferor and transferee, the
45 date of the transfer, quantity, and items transferred. The holder of the permit
46 is authorized to ship fortified wine in closed containers to individual
47 purchasers inside and outside the State. Orders received by a winery by
48 telephone, Internet, mail, facsimile, or other off-premises means of
49 communication shall be shipped pursuant to a wine shipper permit and not
50 pursuant to this subdivision. The permit may be issued for any of the
51 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~~ In accordance with G.S. 20-138.7, the transportation of single-serving fortified wine drinks in a motor vehicle shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle, is an unopened manufacturer's original container or is transported in a locked container, in the trunk, or in the area behind the last upright seat in a motor vehicle not equipped with a trunk. 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 the 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~~ In accordance with G.S. 20-138.7, the transportation of a mixed beverage in a motor vehicle shall not be unlawful if the container continues to be sealed and is in the passenger area of a motor vehicle. ~~is an unopened manufacturer's original container or is transported in a locked container, in the trunk, or in the area behind the last upright seat in a motor vehicle not equipped with a trunk.~~ 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 3.(b) G.S. 20-138.7(a) reads as rewritten:

"(a) Offense. – No person shall drive a motor vehicle on a highway or the right-of-way of a ~~highway~~ highway while both of the following conditions are met:

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

SECTION 3.(c) This section becomes effective October 1, 2025, and applies to offenses committed on or after that date.

COUNTY MIXED BEVERAGE ELECTION AMENDMENT

SECTION 4.(a) G.S. 18B-600(b) reads as rewritten:

"(b) County Elections. – Any county may hold a malt beverage, unfortified wine, or ABC store election. A county may hold a mixed beverage election only if (i) the county already operates at least one county ABC store or a city located in the county operates at least one ABC store, or (ii) a county election on ABC stores is to be held at the same time as the mixed beverage election. Provided, if a county does not operate at least one ABC store, a mixed beverages permittee may purchase 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 4.(b) This section is retroactively effective October 1, 2024.

BROWN BAGGING TECHNICAL CORRECTION

SECTION 5. G.S. 18B-603(d) reads as rewritten:

"(d) Mixed Beverage Elections. – If a mixed beverage election is held under G.S. 18B-602(h) and the sale of mixed beverages is approved, the Commission may issue permits to qualified persons and establishments in the jurisdiction that held the election as follows:

...

(4) The Commission may issue brown-bagging permits for bars, private clubs, and congressionally chartered veterans organizations but may no longer issue and may not renew brown-bagging permits for restaurants, hotels, and community theatres. A restaurant, hotel, or community theatre may not be issued a mixed beverage permit under subdivision (1) until it surrenders its brown-bagging permit.

...."

AIRPORT TECHNICAL CORRECTION

SECTION 6. G.S. 18B-300.3 reads as rewritten:

"§ 18B-300.3. Possession and consumption of alcoholic beverages in the security-screened area of airports.

(a) During the hours of airport operation, any establishment permitted under subdivision (1), (3), (5), or (10) of ~~G.S. 18B-1000~~ G.S. 18B-1001 and operating in the Transportation Security Administration-screened portion of an airport may, with the written approval of the airport authority, sell the alcoholic beverages it is permitted to sell for consumption throughout the Transportation Security Administration-screened portion of the establishment's respective airport terminal.

(b) An alcoholic beverage served for consumption throughout an establishment's airport terminal shall be served in a container that meets all of the following requirements:

(1) The container is not comprised of glass.

(2) The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."

(3) The container shall not hold more than 16 fluid ounces.

(c) A customer may purchase and consume alcoholic beverages throughout the interior of the Transportation Security Administration-screened portion of the respective airport terminal, provided that the purchase is from an approved establishment permitted under subdivision (1), (3), (5), or (10) of ~~G.S. 18B-1000~~ G.S. 18B-1001.

(d) This section applies only to airports that service airplanes boarding at least 150,000 passengers annually."

CLARIFY PERMISSION TO TAKE MIXED BEVERAGES ONTO PERMITTED PREMISES IN A SOCIAL DISTRICT

SECTION 7. G.S. 18B-300.1(f) reads as rewritten:

"(f) Limitations on Open Containers. – Except where otherwise allowed by local ordinance, the possession and consumption of an open container of an alcoholic beverage in a social district is subject to all of the following requirements:

...

(6) Notwithstanding G.S. 18B-300 and G.S. 18B-301, a permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from a permittee in the social district. A permittee business that is not permitted to sell mixed beverages may allow a customer to possess and consume on the business's premises mixed beverages purchased from a mixed beverages permittee in the social district."

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EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.