

# SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0505 Off-Site Storage Location	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <b>N</b>	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: November 1, 2017 Link to Agency notice: <a href="http://www.abc.nc.gov">www.abc.nc.gov</a> Hearing on: December 13, 2017 Adoption by Agency on: January 17, 2018 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)  <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  <input checked="" type="checkbox"/> No	8. Fiscal impact (check all that apply):  <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<b>9. REASON FOR ACTION</b>	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2017-87, s.6 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: In 2017, the General Assembly authorized breweries, wineries, and distilleries to store alcoholic beverages they manufacture at a noncontiguous storage location approved by the federal Alcohol and Tobacco Tax and Trade Bureau upon notification of the ABC Commission. The approved noncontiguous storage location shall be considered part of the permitted premises of the brewery, winery or distillery manufacturing the alcoholic beverages. This rule implements the process and requirements for compliance with this statute.	
10. Rule-making Coordinator: Walker Reagan Address: 400 East Tryon Road Raleigh, NC 27610 Phone: 919-779-8367 E-Mail: <a href="mailto:walker.reagan@abc.nc.gov">walker.reagan@abc.nc.gov</a>  Agency Contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <div style="text-align: center; font-family: cursive; font-size: 1.2em; color: blue;">Walker Reagan</div> <hr style="width: 80%; margin: 0 auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Walker Reagan Title: Rule-making Coordinator
<b>RRC AND OAH USE ONLY</b>	
Action taken:  <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 14B NCAC 15C .0505 is adopted as published in 32:09 NCR 809 as follows:  
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3 **14B NCAC 15C .0505 OFF-SITE STORAGE LOCATION**

4 (a) The holder of a brewery, winery, or distillery permit shall notify the Commission in advance of storing any  
5 alcoholic beverages the permittee manufactures under its permit in a noncontiguous storage location as authorized  
6 pursuant to G.S. 18B-1120. This notification shall be deemed a part of the original permit application. Notification  
7 shall be made on a form approved by the Commission that requires the permittee's name, address, permit number,  
8 principal location address, noncontiguous storage location address, a detailed diagram of the premises showing the  
9 exact locations of entrances, exits, storage areas for alcoholic beverages, and separate storage areas for any other  
10 property or merchandise, and a copy of the Alcohol and Tobacco Tax and Trade Bureau approval of the noncontiguous  
11 storage location and the Commission's Inspection/Zoning Compliance form, completed pursuant to G.S. 18B-901(c),  
12 applicable to the noncontiguous storage location.

13 (b) The noncontiguous storage location shall only be used by the permittee for storage of alcoholic beverages  
14 manufactured by the permittee and non-alcoholic items owned by the permittee. No alcoholic beverages of the  
15 permittee shall be stored in the same storage area with other property or merchandise of the permittee or any other  
16 person. The noncontiguous storage location shall be subject to inspection pursuant to G.S. 18B-502 and Rule .0501  
17 of this Section.

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19 History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-901; 18B-1120;