



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY
VOLUME:
ISSUE:

1. Rule-Making Agency: Alcoholic Beverage Control Commission

2. Rule citation & name: 14B NCAC 15A .2201 - Definitions

3. Action: Adoption Amendment Repeal

4. Was this an Emergency Rule: Yes Effective date:
 No

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: November 16, 2017
- b. Proposed Temporary Rule published on the OAH website: November 22, 2017
- c. Public Hearing date: January 17, 2018
- d. Comment Period: November 27, 2017 - January 10, 2018
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): November 22, 2017
- f. Adoption by agency on: January 17, 2018
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2017-87, Section 3
Effective date: October 1, 2017
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

FILED
2018 JAN 31 PM 12: 59
OFFICE OF ADMIN HEARINGS

Explain: The General Assembly enacted a new law creating a special auction permit to allow licensed auctioneers to sell certain alcoholic beverages at auction. Section 19(a) of S.L. 2017-87 directed the ABC Commission to adopt temporary rules to implement the provisions of this act. The temporary rules being proposed for adoption are required to comply with Section 19(a) of S.L. 2017-87.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The General Assembly directed the ABC Commission to adopt temporary rules to implement the provisions of Section 3 of S.L. 2017-87. The ABC Commission rulemaking emailing list has been engaged in this temporary rulemaking process since September 27, 2017 by reviewing a rule draft prior to proposal by the ABC Commission on November 16, 2017. Since this rule has been proposed by the ABC Commission, comments and concerns were received from one source which were considered and incorporated in the version of the rules adopted which satisfied the concerns raised. No further comments have been received concerning this rule either in writing or at the public hearing.

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

Yes

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

No

9. Rule-making Coordinator: Walker Reagan

Phone: 919-779-8367

E-Mail: walker.reagan@abc.nc.gov

Agency contact, if any: Walker Reagan

Phone: 919-779-8367

E-Mail: walker.reagan@abc.nc.gov

10. Signature of Agency Head*:



* 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: A.D. "Zander" Guy, Jr.

Title: Chairman

E-Mail: Zander.Guy@abc.nc.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 14B NCAC 15A .2201 is adopted under temporary procedures as follows:
2

3 **SECTION .2200 – SPECIAL ONE-TIME PERMITS**
4

5 **14B NCAC 15A .2201 DEFINITIONS**

6 The following definitions apply to this Section:

- 7 (1) “Collector” means a person, other than an industry member, engaged in the collection of one or
8 more wines, decorative decanters of spirituous liquor, or antique spirituous liquors.
9 (2) “Decorative decanters of spirituous liquor” means the manufacturer’s original sealed decanters,
10 limited in quantities as a specialized limited run or as a limited edition, filled with spirituous liquor
11 by a person issued a permit pursuant to state or federal law.
12 (3) “Private sale” means a sale between two collectors, neither of who are required to hold permits
13 pursuant to Chapter 18B of the General Statutes, except for permits issued pursuant to G.S. 18B-
14 1002(a)(4).

15
16 History Note: Authority G.S. 18B-100; 18B-207; 18B-1002;
17 Temporary Adoption Eff. February 23, 2018.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Alcoholic Beverage Control Commission

2. Rule citation & name: 14B NCAC 15A .2202 – Collector Transport or Sale Permits

3. Action: Adoption Amendment Repeal

4. Was this an Emergency Rule: Yes No Effective date:

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: November 16, 2017
- b. Proposed Temporary Rule published on the OAH website: November 22, 2017
- c. Public Hearing date: January 17, 2018
- d. Comment Period: November 27, 2017 - January 10, 2018
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): November 22, 2017
- f. Adoption by agency on: January 17, 2018
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2017-87, Section 3
Effective date: October 1, 2017
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
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- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

FILED
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OFFICE OF ADMIN HEARINGS

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Yes

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

No

9. Rule-making Coordinator: Walker Reagan

Phone: 919-779-8367

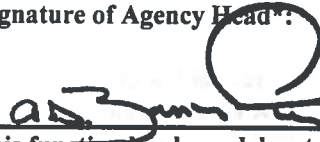
E-Mail: walker.reagan@abc.nc.gov

Agency contact, if any: Walker Reagan

Phone: 919-779-8367

E-Mail: walker.reagan@abc.nc.gov

10. Signature of Agency Head*:



* 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: A.D. "Zander" Guy, Jr.

Title: Chairman

E-Mail: Zander.Guy@abc.nc.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 14B NCAC 15A .2202 is adopted under temporary procedures as follows:
2

3 **14B NCAC 15A .2202 COLLECTOR TRANSPORT OR SALE PERMITS**

4 To qualify for a permit issued pursuant to G.S. 18B-1002(a)(4), in addition to the applicable information required
5 pursuant to G.S. 18B-900, a collector shall submit an application to the Commission that requires the following
6 information:

- 7 (1) the basis for qualification as a collector;
- 8 (2) whether the application is for the transportation or sale of wine or spirituous liquors;
- 9 (3) a list of the specific wine or spirituous liquors being transported, possessed, or sold, including the
10 name, brand, quantity, and volume of each bottle or decanter;
- 11 (4) pictures of the containers of spirituous liquors to be transported, possessed, or sold in sufficient
12 clarity for the content of the labels to be legible;
- 13 (5) if the application is for a sale, the details of the method of sale including whether the sale will be as
14 a special order pursuant to 14B NCAC 15A .1403, by auction, or by private sale, including the name
15 of the buyer if by special order or private sale, or the name of the auctioneer if by auction; and
- 16 (6) certification under oath to the conditions for permits pursuant to G.S. 18B-900.

17
18 History Note: Authority G.S. 18B-100; 18B-207; 18B-900; 18B-1002;

19 Temporary Adoption Eff. February 23, 2018.
20

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The General Assembly directed the ABC Commission to adopt temporary rules to implement the provisions of Section 3 of S.L. 2017-87. The ABC Commission rulemaking emailing list has been engaged in this temporary rulemaking process since September 27, 2017 by reviewing a rule draft prior to proposal by the ABC Commission on November 16, 2017. Since this rule has been proposed by the ABC Commission, comments and concerns were received from one source which were considered and incorporated in the version of the rules adopted which satisfied the concerns raised. No further comments have been received concerning this rule either in writing or at the public hearing.

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

Yes

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

No

9. Rule-making Coordinator: Walker Reagan

Phone: 919-779-8367

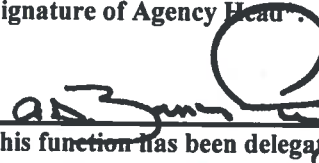
E-Mail: walker.reagan@abc.nc.gov

Agency contact, if any: Walker Reagan

Phone: 919-779-8367

E-Mail: walker.reagan@abc.nc.gov

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* 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: A.D. "Zander" Guy, Jr.

Title: Chairman

E-Mail: Zander.Guy@abc.nc.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 14B NCAC 15A .2203 is adopted under temporary procedures as follows:

2
3 **14B NCAC 15A .2203 PERMISSIBLE SALES UNDER COLLECTOR TRANSPORT OR SALE PERMIT**

4 **(a) Sales of wine or spirituous liquor by the holder of a permit issued pursuant to Rule .2202 of this Section shall be**
5 **subject to the following conditions:**

6 (1) sales shall only be made to persons at least 21 years of age;

7 (2) sales shall only be made as a special order pursuant to 14B NCAC 15A .1403, by auction, or by
8 private sale;

9 (3) sales shall be conducted subject to the dates, time, place, and manner specified in the permit;

10 (4) no sales shall be made to a person who is intoxicated as defined in 14B NCAC 15B .0101(2); and

11 (5) the quantity of wine or spirituous liquor sold to a single buyer shall not be in excess of the limits set
12 forth in G.S. 18B-303, unless the buyer of the wine or spirituous liquor has a valid permit issued
13 pursuant to G.S. 18B-1002(a)(4).

14 **(b) The wine or spirituous liquor sold pursuant to a permit issued pursuant to this Rule shall remain in the possession**
15 **of the collector until transferred to the buyer.**

16 **(c) A permit issued pursuant to G.S. 18B-1002(a)(4) is not required for sales of wine or spirituous liquors by auction**
17 **pursuant to G.S. 18B-1002.1.**

18
19 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1002;*
20 *Temporary Adoption Eff. February 23, 2018.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name: 14B NCAC 15A .2204 – Special Auction Permits	
3. Action:	<input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule:	<input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable:	
a. Proposed Temporary Rule submitted to OAH: November 16, 2017	
b. Proposed Temporary Rule published on the OAH website: November 22, 2017	
c. Public Hearing date: January 17, 2018	
d. Comment Period: November 27, 2017 - January 10, 2018	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): November 22, 2017	
f. Adoption by agency on: January 17, 2018	
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:	
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.	
<input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2017-87, Section 3 Effective date: October 1, 2017 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:	
<p>Explain: The General Assembly enacted a new law creating a special auction permit to allow licensed auctioneers to sell certain alcoholic beverages at auction. Section 19(a) of S.L. 2017-87 directed the ABC Commission to adopt temporary rules to implement the provisions of this act. The temporary rules being proposed for adoption are required to comply with Section 19(a) of S.L. 2017-87.</p>	

2018 JAN 31 PM 12: 59
 OFFICE OF ADMIN HEARINGS
 FILED

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

Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Walker Reagan

Phone: 919-779-8367

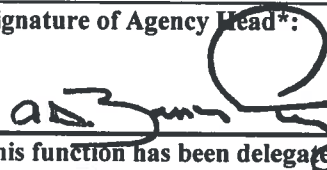
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Typed Name: A.D. "Zander" Guy, Jr.

Title: Chairman

E-Mail: Zander.Guy@abc.nc.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 14B NCAC 15A .2204 is adopted with changes under temporary procedures as follows:

2
3 **14B NCAC 15A .2204 SPECIAL AUCTION PERMITS**

4 (a) To qualify for a permit issued pursuant to G.S. 18B-1002.1, in addition to the applicable information required
5 pursuant to G.S. 18B-900, an auction firm or auctioneer licensed pursuant to Chapter 85B of the General Statutes shall
6 submit an application to the Commission that requires the following information:

- 7 (1) a copy of the applicable active license issued by the North Carolina Auctioneers Commission;
- 8 (2) the details of the date, time, duration, place, and manner of the auction;
- 9 (3) a list of the specific wine or spirituous liquors which may be subject to auction, including the name,
10 brand, quantity, and volume of each bottle or decanter; and
- 11 (4) pictures of the containers of spirituous liquors to be sold in sufficient clarity for the content of the
12 labels to be legible.

13 (b) No permit is required pursuant to G.S. 18B-1002.1 for sale at auction of alcoholic beverages pursuant to a permit
14 issued pursuant to G.S. 18B-1002(a)(1), (2) or (3), or a permit issued pursuant to G.S. 18B-1002(a)(4) when the
15 auction is conducted on the collector's premises and the alcoholic beverages remain in the possession of the collector
16 until transferred to the buyer.

17
18 *History Note: Authority G.S. 18B-100; 18B-207; 18B-900; 18B-1002.1;*
19 *Temporary Adoption Eff. February 23, 2018.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Alcoholic Beverage Control Commission

2. Rule citation & name: 14B NCAC 15A .2205 – Conditions of Sale Under Special Auction Permits

3. Action: Adoption Amendment Repeal

4. Was this an Emergency Rule: Yes No Effective date:

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: November 16, 2017
- b. Proposed Temporary Rule published on the OAH website: November 22, 2017
- c. Public Hearing date: January 17, 2018
- d. Comment Period: November 27, 2017 - January 10, 2018
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): November 22, 2017
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- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2017-87, Section 3
Effective date: October 1, 2017
- A recent change in federal or state budgetary policy.
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Effective date:
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- State Medical Facilities Plan.
- Other:

2018 JAN 31 PM 12:59
OFFICE OF ADMIN HEARINGS
FILED

Explain: The General Assembly enacted a new law creating a special auction permit to allow licensed auctioneers to sell certain alcoholic beverages at auction. Section 19(a) of S.L. 2017-87 directed the ABC Commission to adopt temporary rules to implement the provisions of this act. The temporary rules being proposed for adoption are required to comply with Section 19(a) of S.L. 2017-87.

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

Yes

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

No

9. Rule-making Coordinator: Walker Reagan

Phone: 919-779-8367

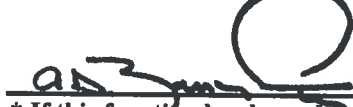
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Typed Name: A.D. "Zander" Guy, Jr.

Title: Chairman

E-Mail: Zander.Guy@abc.nc.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 14B NCAC 15A .2205 is adopted under temporary procedures as follows:
2

3 **14B NCAC 15A .2205 CONDITIONS OF SALE UNDER SPECIAL AUCTION PERMITS**

4 Sales at auction of wine or spirituous liquor by the holder of a permit issued pursuant to Rule .2204 of this Section
5 shall be subject to the following conditions:

- 6 (1) the auctioneer shall be in physical possession of the wine or spirituous liquor subject to sale at
7 auction;
8 (2) sales shall only be made to persons at least 21 years of age;
9 (3) sales shall be conducted subject to the date, time, place, and manner specified in the permit;
10 (4) no sales shall be made to a person who is intoxicated as defined in 14B NCAC 15B .0101(2);
11 (5) delivery of possession of a quantity of wine or spirituous liquor sold pursuant to this Rule to a single
12 buyer in excess of the limits set forth in G.S. 18B-303 shall not be permitted unless the buyer at
13 auction of the wine or spirituous liquor has a valid permit issued pursuant to G.S. 18B-1002(a)(4)
14 or otherwise complies with the provisions of G.S. 18B-303;
15 (6) records of sales maintained in accordance with G.S. 85B-7(d) of an auction conducted pursuant to
16 Rule .2204 of this Section shall be open to inspection by the Commission and law enforcement
17 agents in accordance with G.S. 18B-502; and
18 (7) purchases by the holder of a permit issued pursuant to Rule .2204 of this Section who bids on and
19 purchases at auction wine or spirituous liquor shall be subject to the conditions, limitations, and
20 requirements of Items (2), (4), and (5) of this Rule.

21
22 History Note: Authority G.S. 18B-100; 18B-207; 18B-303; 18B-502; 18B-1002;
23 Temporary Adoption Eff. February 23, 2018.
24

