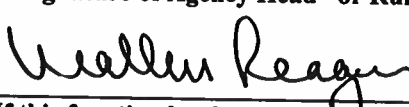


# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: Alcoholic Beverage Control Commission</b>		<b>FILED</b>
<b>2. Rule citation &amp; name (name not required for repeal): 14B NCAC 15B .0101 - Definitions</b>		
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <b>N</b>		2019 FEB 4 PM 3:27
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> Notice Required Notice of Text published on: <b>October 15, 2018</b> Link to Agency notice: <a href="https://abc.nc.gov/">https://abc.nc.gov/</a> Hearing on: <b>December 12, 2018</b> Adoption by Agency on: <b>January 16, 2019</b> <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:		
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	<b>8. Fiscal impact (check all that apply):</b> <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>		
<b>9A. What prompted this action? Check all that apply:</b> <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: <b>S.L. 2018-100, Sec. 4(a)</b> <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:		
<b>9B. Explain: To amend a permanent rule to define what is included as facilities similar to stadiums and ballparks that constitute a sports and entertainment venue as set forth in G.S. 18B-1000, as added by S.L. 2018-100, Sec. 4(a).</b>		
<b>10. Rule-making Coordinator: Walker Reagan</b> 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:	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b> <div style="text-align: center; margin-top: 10px;">  </div> <hr/> *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>		
<b>Action taken:</b> <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 15B .0101 is amended as published in 33:08 NCR 826 as follows:

2  
3 **14B NCAC 15B .0101 DEFINITIONS**

4 In addition to the definitions found in Sections 18B-101 and 18B-1000 of the North Carolina General Statutes, the  
5 following definitions apply to this Subchapter:

- 6 (1) "Employee" means any person who performs a service for any person holding an ABC permit,  
7 regardless of whether that person is compensated for the performance of those services.
- 8 (2) "Intoxicated" means the condition of a person whose mental or physical functioning appears to be  
9 presently substantially impaired as a result of the use of alcohol or other substance, such as when  
10 the person appears to a reasonable observer to be so far under such influence that:
- 11 (A) the person's emotions are conspicuously uncontrolled; or  
12 (B) the person's intelligence, sense-perceptions, judgment, continuity of thought or of ideas,  
13 speech and coordination of volition with muscular action, or some of these faculties or  
14 processes are materially impaired.
- 15 (3) "Modified Plan Permits," as used in 14B NCAC 15B .0105 and 14B NCAC 15B .0106, mean on-  
16 premise malt beverage permits authorized by elections held pursuant to G.S. 18B-602(a)(4).
- 17 (4) "Original container" means a bottle, can or other alcoholic beverage product container filled by a  
18 manufacturer or bottler that has been approved for sale within this State.
- 19 (5) "Premises" means the same as defined in G.S. 18B-101(12a). A diagram attached to the  
20 investigative report and kept in the permittee's file is prima facie evidence of the premises covered  
21 by that permit and for which the permittee and his employees are responsible. Permits shall  
22 authorize the sale and possession or consumption of alcoholic beverages only on the premises  
23 described in the investigative report and diagram furnished by the investigating agent.
- 24 (6) "Private dining area" means any area of a restaurant or hotel that is or can be substantially closed  
25 off from public view.
- 26 (7) "Sports and entertainment venue", as used in G.S. 18B-1000(7a) and in this Subchapter, shall  
27 include a building, structure, or place in which sporting competitions or contests are held, or shows,  
28 performances, or other entertainment is provided.

29  
30 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1000; 18B-1008; 122C-3(18);*  
31 *Eff. January 1, 1982;*  
32 *Amended Eff. January 1, 2011; July 1, 1992; May 1, 1984;*  
33 *Transferred and Recodified from 04 NCAC 02S .0101 Eff. August 1, 2015;*  
34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*  
35 *2016;*  
36 *Amended Eff. April 1, 2019.*