


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission		FILED
2. Rule citation & name (name not required for repeal): 14B NCAC 15A .2206 – Nonprofit Sales at Raffle or Auction		
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTON		2019 FEB -4 PM 3: 27
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, 2018 Link to Agency notice: https://abc.nc.gov/ Hearing on: January 16, 2019 Adoption by Agency on: January 16, 2019 <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	
9. REASON FOR ACTION		
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. 2018-100, Sec. 5(e) <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:		
9B. Explain: To adopt a permanent rule to define the conditions under which a nonprofit organization can conduct a raffle or auction of alcoholic beverages to raise funds, as set forth in G.S. 18B-1002(a)(5) and S.L. 2018-100, Sec. 5(e).		
10. Rule-making Coordinator: Walker Reagan Address: 400 East Tryon Road Raleigh, NC 27610 Phone: 919-779-8367 E-Mail: walker.reagan@abc.nc.gov Agency Contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> *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	
RRC AND OAH USE ONLY		
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 15A .2206 is adopted as published in 33:09 NCR 927 as follows:
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3 **14B NCAC 15A .2206 NONPROFIT SALES AT RAFFLE OR AUCTION**

4 (a) Sales of alcohol under a special one-time permit pursuant to G.S. 18B-1002(a)(5) by a nonprofit organization as
5 a prize in a raffle or at auction shall be sold for off-premises consumption and shall not be consumed on the permitted
6 premises.

7 (b) Possession of the alcohol sold as a prize at a raffle or at auction pursuant to this rule shall not be given by the
8 nonprofit organization to the raffle prize winner or buyer at auction until the conclusion of the event or until the time
9 the buyer leaves the event.

10 (c) Sales of alcohol pursuant to G.S. 18B-1002(a)(5) by a nonprofit organization shall be subject to the following
11 conditions:

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

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

14 (3) delivery of possession of a quantity of alcohol sold pursuant to this Rule to a single buyer in excess
15 of the limits set forth in G.S. 18B-303 shall not be permitted unless the raffle prize winner or buyer
16 at auction of the alcohol has a valid permit issued pursuant to G.S. 18B-1002(a)(4) or otherwise
17 complies with the provisions of G.S. 18B-303.

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19 *History Note: Authority G.S. 18B-100; 18B-207; 18B-303; 18B-1002;*
20 *Eff. April 1, 2019.*