



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME: 35

ISSUE: 06

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Alcoholic Beverage Control Commission](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://abc.nc.gov/>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION: [14B NCAC 15A .2104](#)
- AMENDMENT: [14B NCAC 15A .1801](#)
- REPEAL: [14B NCAC 15A .1706, .2103](#)
- READOPTION with substantive changes:
- READOPTION without substantive changes:
- REPEAL through READOPTION:

4. Proposed effective date: [02/01/2021](#)

5. Is a public hearing planned? [Yes](#)
If yes:

Date	Time	Location
11/04/2020	10:00 a.m.	ABC Commission Hearing Room, 400 East Tryon Road, Raleigh, NC 27610

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

To implement changes in the rules necessitated by S.L. 2019-182, Secs. 4 and 5 related to the law authorizing distilleries to sell spirituous liquor distilled by the distiller for consumption off the premises, and the law to allow distilleries to issue purchase-transportation permits for spirituous liquor sold by the distillery. 14B NCAC 15A .1706 is repealed as duplicative of another rule. 14B NCAC 15A .1801 is being amended to include purchase-transportation permits issued by distilleries. 14B NCAC 15A .2103 is repealed as the record keeping requirement in the statute has been repealed. 14B NCAC 15A .2104 is being adopted to define the process for owner of a distillery to designate an employee of the distillery to issue purchase-transportation permits on behalf of the distillery.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Walker Reagan
Address: 400 East Tryon Road
Raleigh, NC 27610
Phone (optional): 919-779-8367
Fax (optional): 919-661-6765
EMail (optional) walker.reagan@abc.nc.gov

10. Comment Period Ends: 11/16/2020

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

No fiscal note required

12. Rule-making Coordinator:

Name: Walker Reagan
919-779-8367
walker.reagan@abc.nc.gov

Agency contact, if any:

Name: Walker Reagan
Phone: 919-779-8367
Email: walker.reagan@abc.nc.gov

13. The Agency formally proposed the text of this rule(s) on

Date: 08/12/2020

1 14B NCAC 15A .1706 is proposed for repeal as follows:

2

3 **14B NCAC 15A .1706 PURCHASE-TRANSPORTATION PERMITS**

4 ~~A copy of all Purchase-Transportation Permits shall be maintained by local boards for a period of one year following~~
5 ~~issuance. A copy of all Mixed Beverages Purchase-Transportation Permit/Invoice forms shall be retained by the local~~
6 ~~board for a period of at least three years.~~

7

8 *History Note: Authority G.S. 18B-100; 18B-207; 18B-403; 18B-403.1; 18B-404; 18B-807;*

9 *Eff. January 1, 1982;*

10 *Amended Eff. November 1, 2010; July 1, 1992; May 1, 1984;*

11 *Transferred and Recodified from 04 NCAC 02R .1708 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
13 *2015.*

14 *Repealed Eff._____*

15

1 14B NCAC 15A .1801 is proposed for amendment as follows:

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3 **SECTION .1800 - PURCHASE-TRANSPORTATION PERMITS FOR INDIVIDUALS AND MIXED**
4 **BEVERAGES PERMITTEES**
5

6 **14B NCAC 15A .1801 PURCHASE-TRANSPORTATION PERMITS: ~~WINE; LIQUOR;~~ PERMITS FOR**
7 **WINE AND LIQUOR**

8 (a) ~~Form.~~—The Purchase-Transportation Permit shall be issued ~~on a printed three-part form in triplicate~~ and shall
9 specify the following information on the face of the permit:

- 10 (1) the name and location of the ~~store~~ABC store, retail store, or distillery from which the purchase is to
11 be made;
- 12 (2) whether the purchase is for unfortified wine, fortified ~~wine~~wine, or spirituous liquor;
- 13 (3) ~~the destination of the alcoholic beverages~~beverages, including name and the address of location;~~the~~
14 location and name of business, if applicable;
- 15 (4) ~~the~~ Special Occasions Permit number of a location, if alcoholic beverages are purchased for a special
16 ~~occasion;~~occasion at a non-residence;
- 17 (5) ~~the~~ time and date of commencement and conclusion of ~~the~~ special occasion, if any;
- 18 (6) ~~the~~ quantity and type of alcoholic beverages purchased;
- 19 (7) ~~the signature and printed name of local ABC official~~official, distillery owner, or designated
20 employee of the owner issuing the permit; and
- 21 (8) ~~the name, address~~address, and driver's license number of ~~the~~ purchaser.

22 (b) ~~The form~~ Purchase-Transportation permit shall contain ~~a statement that~~ the following statements:

- 23 (1) ~~the~~ The permit is valid for only one purchase ~~transaction~~ on the date ~~shown and~~ shown.
- 24 (2) ~~The permit~~ will expire at 9:30 p.m. on the date of purchase ~~and a further statement that the~~ purchase.
- 25 (3) ~~The permit~~ shall accompany the beverages during transport and ~~storage and~~ storage.
- 26 (4) ~~The permit shall~~ be exhibited to any law enforcement officer upon request.

27 ~~(b)(c)~~ A local board ~~or distillery~~ issuing a Purchase-Transportation Permit shall retain one copy of the permit in its
28 files for a period of one ~~year and~~ year. For Purchase-Transportation Permits issued by a local board for the purchase
29 ~~of fortified and unfortified wine, the local board shall give the purchaser two copies;~~ copies of the permit, one of which
30 the purchaser shall give the store from which the alcoholic beverages are purchased.

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32 *History Note: Authority G.S. 18B-100; 18B-207; 18B-403;*

33 *Eff. January 1, 1982;*

34 *Amended Eff. November 1, 2010; July 1, 1992; May 1, 1984;*

35 *Transferred and Recodified from 04 NCAC 02R .1801 Eff. August 1, 2015;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
37 *2015;*

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Amended Eff._____.

1 14B NCAC 15A .2103 is proposed for repeal as follows:

2

3 **14B NCAC 15A .2103 DISTILLERY RECORD-KEEPING**

4 ~~The distillery permittee's electronic records, as required by G.S. 18B-1105(a)(4), shall be available for inspection by~~
5 ~~alcohol law enforcement officers and employees of the Commission at any time an employee of the permittee is~~
6 ~~present on the permitted premises.~~

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8 *History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-1105;*

9 *Eff. January 1, 2018;*

10 *Repealed Eff. _____.*

11

1 14B NCAC 15A .2104 is proposed for adoption as follows:

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3 **14B NCAC 15A .2104 DISTILLERY ISSUED PURCHASE-TRANSPORTATION PERMITS**

4 The owner of a distillery shall designate in writing any employee of the distillery authorized to issue purchase-
5 transportation permits on behalf of the distillery pursuant to G.S. 18B-403(b)(5). The authority shall remain in effect
6 until it is revoked or the employee is no longer employed by the distillery. The authorization shall be acknowledged
7 in writing by the employee. A copy of the authorization and the signed acknowledgement shall be retained by the
8 permittee while the authorization is effective and for one year after the authority is terminated. A copy of the signed
9 authorization shall be made available by the permittee to the Commission and law enforcement officers upon request.

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11 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-403;

12 *Eff.* _____.

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