

14B NCAC 15C .0602 SALES AND PURCHASE RESTRICTIONS: RECORDS

(a) All malt beverages, unfortified wine, and fortified wine intended for sale, delivery, or shipment to retail permittees in the wholesaler's designated sales territory shall be delivered by the supplier or its designee to the wholesaler. The malt beverages, unfortified wine, and fortified wine delivered to the wholesaler shall be unloaded from the delivery vehicle, placed on the floor of the wholesaler's permitted premises so that its entire weight is supported by the floor, inventoried, inspected, and verified for taxes by the wholesaler. The provisions of this Paragraph do not apply to products sold, delivered, or shipped pursuant to G.S. 18B-1101(7) or G.S. 18B-1104(a)(8).

(b) No wholesaler of malt beverages shall sell malt beverages to any person who does not hold a retail or wholesale malt beverage permit, and no wholesaler of wine shall sell any fortified wine or unfortified wine to any person who does not hold the appropriate retail or wholesale fortified or unfortified wine permit. However, a wholesaler may furnish or sell wine or malt beverages to the wholesaler's employees for the sole use of the employees.

(c) No retail malt beverage or wine permittee shall purchase malt beverages or wine from anyone other than a licensed wholesaler.

(d) All persons holding retail malt beverage or wine permits shall keep the sales tickets and delivery receipts furnished by the wholesaler, pursuant to Rule .0502 of this Subchapter, and all other records of purchases of malt beverages and wine. All receipts and records required to be retained pursuant to this Paragraph shall be kept separate and apart from all other records. Delivery receipts shall set forth terms of sale for each separate transaction between the retailer and the wholesaler and shall include for each separate sale:

- (1) the date of sale;
- (2) the trade name of the retail establishment;
- (3) the location of the retail establishment;
- (4) the quantity of each brand of malt beverages or wine sold;
- (5) the unit price;
- (6) the total price;
- (7) the amount paid; and
- (8) the invoice or receipt number.

(e) The retailer shall retain for inspection copies of all sales tickets and delivery receipts on the premises for three years.

(f) A retail permittee may maintain malt beverage and wine invoices at one location, other than the licensed premises, upon written application to and approval by the Commission. When considering the application, the Commission shall consider the following:

- (1) whether all permits are held by the same applicant;
- (2) whether electronic copies of the invoices will be accessible to law enforcement at the retail location; and
- (3) whether the permittee agrees to make the original invoices available on the licensed premises to law enforcement within 48 hours of the request by law enforcement.

History Note: Authority G.S. 18B-100; 18B-207; 18B-1107; 18B-1109; 18B-1113; 18B-1114;
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0602 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. Pending Legislative Review.