

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-76
HOUSE BILL 829**

**AN ACT TO ALLOW CERTAIN ABC PERMITTEES TO SELL MALT BEVERAGES IN
CERTAIN CONTAINERS FOR CONSUMPTION OFF THE PERMITTED PREMISES.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1001 reads as rewritten:

"§ 18B-1001. Kinds of ABC permits; places eligible.

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

- (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises and premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises-premises, and (iii) the retail sale of malt beverages in a cleaned, sanitized, resealable container as defined in 4 NCAC 2T .0308(a) that is filled or refilled and sealed for consumption off the premises, complies with 4 NCAC 2T .0303, 4 NCAC 2T .0305, and 4 NCAC 2T .0308(d)-(e), and the container identifies the permittee and the date the container was filled or refilled. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:
 - a. Restaurants;
 - b. Hotels;
 - c. Eating establishments;
 - d. Food businesses;
 - e. Retail businesses;
 - f. Private clubs;
 - g. Convention centers;
 - h. Community theatres;
 - i. Breweries as authorized by G.S. 18B-1104(7).
- (2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage permit authorizes (i) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises and it authorizes premises, (ii) the retail sale of malt beverages in a cleaned, sanitized, resealable container as defined in 4 NCAC 2T .0308(a) that is filled or refilled and sealed for consumption off the premises, complies with 4 NCAC 2T .0303, 4 NCAC 2T .0305, and 4 NCAC 2T .0308(d)-(e), and the container identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:
 - a. Restaurants;
 - b. Hotels;
 - c. Eating establishments;
 - d. Food businesses;
 - e. Retail businesses.

...



- (16) Wine Shop Permit. – A wine shop permit authorizes (i) the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, and authorizes premises, (ii) the retail sale of malt beverages in a cleaned, sanitized, resealable container as defined in 4 NCAC 2T .0308(a) that is filled or refilled and sealed for consumption off the premises, complies with 4 NCAC 2T .0303, 4 NCAC 2T .0305, and 4 NCAC 2T .0308(d)-(e), and the container identifies the permittee and the date the container was filled or refilled, and (iii) wine tastings on the premises conducted and supervised by the permittee in accordance with subdivision (15) of this section. It also authorizes the holder of the permit to ship malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses whose primary purpose is selling malt beverages and wine for consumption off the premises and regularly and customarily educating consumers through tastings, classes, and seminars about the selection, serving, and storing of wine. The holder of the permit is authorized to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period. The holder of a wine-tasting permit not engaged in the preparation or sale of food on the premises is not subject to Part 6 of Article 8 of Chapter 130A of the General Statutes.

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SECTION 2. The ABC Commission shall adopt rules dealing with sanitation of growlers by January 1, 2014.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 6th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:19 p.m. this 12th day of June, 2013