



NOTICE OF TEXT [Revised] [Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

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 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

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| 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 <u>rule citation(s)</u> beside proposed action: <input checked="" type="checkbox"/> ADOPTION: 14B NCAC 15A .2206 <input type="checkbox"/> READOPTION <u>with</u> substantive changes: <input type="checkbox"/> READOPTION <u>without</u> substantive changes: <input type="checkbox"/> AMENDMENT: <input type="checkbox"/> REPEAL: |
| 4. Proposed effective date: March 1, 2019 |
| 5. Is a public hearing planned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes: Public Hearing date: January 16, 2019 Public Hearing time: 10:00 a.m. Public Hearing Location: 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 adopt a rule defining how the sales by a nonprofit organization of alcoholic beverages in the manufacturer's original closed container as a prize in a raffle or by sale at auction at a ticketed event to allow the nonprofit organization to raise funds are to be conducted and when the alcoholic beverages can be given to the person acquiring them from the nonprofit. A rule is also needed to limit who a nonprofit can sell the alcoholic beverages to. This rule is authorized by S.L. 2018-65, Sec. 5(e).

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 facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

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): 919-661-6165

E-Mail (optional): walker.reagan@abc.nc.gov

10. Comment Period Ends: January 16, 2019 at 10:00 a.m.

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Walker Reagan

Address: 400 East Tryon Road, Raleigh, NC 27610

Phone: 919-779-8367

E-Mail: walker.reagan@abc.nc.gov

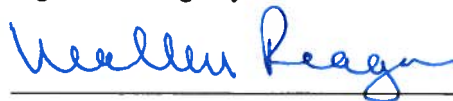
Agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: October 10, 2018

14. Signature of Agency Head* or Rule-making Coordinator:



*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

1 14B NCAC 15A .2206 is proposed for adoption as follows:
2

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.

18
19 *History Note: Authority G.S. 18B-100; 18B-207; 18B-303; 18B-1002;*