



NOTICE OF TEXT

[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:

1. Rule-Making Agency: Alcoholic Beverage Control Commission

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

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

- ADOPTION: 14B NCAC 15C .0505
- READOPTION with substantive changes:
- READOPTION without substantive changes:
- AMENDMENT:
- REPEAL:

4. Proposed effective date: March 1, 2018

5. Is a public hearing planned? Yes No

If yes: Public Hearing date: December 13, 2017

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 permanent rule establishing the process, procedures and requirements for notification of approval by the federal government for off-site storage of alcoholic beverages produced by breweries, wineries and distilleries, as authorized by G.S. 18B-1120, as enacted in Section 6 of S.L. 2017-87.

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 3, 2018

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 11, 2017

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 15C .0505 is proposed for adoption as follows:
2

3 **14B NCAC 15C .0505 OFF-SITE STORAGE LOCATION**

4 (a) The holder of a brewery, winery, or distillery permit shall notify the Commission in advance of storing any
5 alcoholic beverages the permittee manufactures under its permit in a noncontiguous storage location as authorized
6 pursuant to G.S. 18B-1120. This notification shall be deemed a part of the original permit application. Notification
7 shall be made on a form approved by the Commission that requires the permittee's name, address, permit number,
8 principal location address, noncontiguous storage location address, a detailed diagram of the premises showing the
9 exact locations of entrances, exits, storage areas for alcoholic beverages, and separate storage areas for any other
10 property or merchandise, and a copy of the Alcohol and Tobacco Tax and Trade Bureau approval of the noncontiguous
11 storage location and the Commission's Inspection/Zoning Compliance form, completed pursuant to G.S. 18B-901(c),
12 applicable to the noncontiguous storage location.

13 (b) The noncontiguous storage location shall only be used by the permittee for storage of alcoholic beverages
14 manufactured by the permittee and non-alcoholic items owned by the permittee. No alcoholic beverages of the
15 permittee shall be stored in the same storage area with other property or merchandise of the permittee or any other
16 person. The noncontiguous storage location shall be subject to inspection pursuant to G.S. 18B-502 and 14B NCAC
17 15C .0501.

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19 History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-901; 18B-1120;