



**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): <a href="http://www.abc.nc.gov">www.abc.nc.gov</a>
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 15C .1301 - .1306  <input type="checkbox"/> READOPTION <u>with</u> substantive changes:  <input type="checkbox"/> READOPTION <u>without</u> substantive changes:  <input checked="" type="checkbox"/> AMENDMENT: 14B NCAC 15C .0101, .0102 and .0901  <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: December 12, 2018 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 permanent rules to implement G.S. 18B-1114.7 to allow for the issuance of spirituous liquor special event permits to supplier representatives, brokerage representatives and distilleries to allow these permittees to conduct free spirituous liquor tastings at certain events, to amend the commercial alcoholic beverage permit rules with regards to spirituous liquor special event permits, and to put into the commercial permit application rule policies and practices with regards to other commercial permit applicants.

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: December 14, 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 - See fiscal note at www.abc.nc.gov
- 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: September 12, 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 15C .0101 is proposed for amendment as follows:

2  
3 **14B NCAC 15C .0101 DEFINITIONS**

4 The following terms shall have the following meanings when used in this Chapter:

- 5 (1) "Brand," in relation to wines, means the name under which a wine is produced and includes trade  
6 names or trademarks. A brand shall not be construed to mean a class or type of wine, but all classes  
7 and types of wines sold under the same brand label ~~are~~shall be considered a single brand.  
8 Differences in packaging such as a different style, ~~type~~type, or size of container ~~are not~~shall not be  
9 considered different brands.
- 10 (2) "Branded merchandise" means items, including glassware, cups, signs, t-shirts, hats and other  
11 apparel, that bears the brand of the alcoholic beverage being served, or the brand of the brewery,  
12 winery, or distiller whose alcoholic beverages is being served, at a tasting conducted pursuant to  
13 G.S. 18B-1114.1, 18B-1114.5 or 18B-1114.7.
- 14 (3) "Brokerage" means a business that brokers in the State the sale of spirituous liquor on behalf of a  
15 spirituous liquor supplier.
- 16 (4) "Brokerage representative" means an individual who promotes spirituous liquor on behalf of a  
17 brokerage.
- 18 (5) "Distiller representative" means an individual who promotes spirituous liquor on behalf of a  
19 distiller, or otherwise represents a distiller.
- 20 (6) "Industry member" means any wholesaler, salesman, brewery, winery, bottler, importer, liquor  
21 importer/bottler, distiller, distiller representative, brokerage, brokerage representative, supplier  
22 representative, rectifier, nonresident vendor, vendor representative, or affiliate thereof, that sells or  
23 solicits orders for alcoholic beverages, whether or not licensed in this state.State.
- 24 (7) "Rectifier" means a permittee that processes spirituous liquor by cutting, blending, mixing, or  
25 infusing with any ingredient that reacts with the constituents of the distilled spirits and changes the  
26 character and nature, or standards of identity, of the distilled spirits, but does not include a person  
27 who extracts spirituous liquor by original or continuous distillation, or who mixes spirituous liquor  
28 with other ingredients for immediate consumption.
- 29 ~~(3)~~(8) "Retail permittee" or "retailer" means any permittee holding a retail alcoholic beverage permit  
30 issued pursuant to the authority of G.S. 18B-1001, but does not include a non-profit or political  
31 organization that has been issued a Special One-Time permit pursuant to the provisions of G.S. 18B-  
32 1002(a)(2) or (5).
- 33 (4) ~~"Representative" means any vendor representative, as that term is used in G.S. 18B-1112, or any~~  
34 ~~other person selling or soliciting orders for alcoholic beverages on behalf of a manufacturer, bottler,~~  
35 ~~vendor, or importer.~~
- 36 ~~(5)~~(9) "Spirituous liquor supplier" means a distiller, liquor importer/bottler, or rectifier.

1           (10) "Supplier representative" means, as the term is used in G.S. 18B-1114.7, an individual who  
2           promotes on behalf of a spirituous liquor supplier, or otherwise represents a spirituous liquor  
3           supplier.

4           (11) "Vendor" means any brewery, winery, bottler, malt beverages or wine importer, or nonresident malt  
5           beverage vendor or nonresident wine vendor, vendor as those terms are used in G.S. 18B-1113 and  
6           18B-1114.

7           (12) "Vendor representative" means any person who holds a permit issued pursuant to G.S. 18B-1112.

8           (6)(13) "Wine" means both fortified wine and unfortified wine, as those terms are defined in G.S. 18B-  
9           101(7) and (15)-wine.

10  
11   *History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-1112; 18B-1113; 18B-1114; ~~18B-1114.7; 18B-~~*  
12           *~~1116;~~*  
13           *Eff. January 1, 1982;*  
14           *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*  
15           *Transferred and Recodified from 04 NCAC 02T.0101 Eff. August 1, 2015;*  
16           *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
17           *2017.*

1 14B NCAC 15C .0102 is proposed for amendment as follows:

2  
3 **14B NCAC 15C .0102 APPLICATION PROCEDURES**

4 (a) Who Files. Before any winery, brewery, distiller, wholesaler, importer, bottler, ~~representative,~~ vendor, distiller  
5 representative, brokerage representative, salesman, supplier representative, or vendor representative sells, solicits  
6 orders for, or manufactures, ~~bottles~~ bottles, or imports any alcoholic beverage in this State, that person shall first file  
7 written application for the appropriate permit and pay ~~the~~ any required fees, as described in ~~G.S. 18B-902, G.S. 18B-~~  
8 902, and as set forth in this Rule. Applications for permits for businesses shall be filed by those individuals listed in  
9 G.S. 18B-900(c).

10 (b) Application. Application forms for all ABC permits may be obtained from the North Carolina Alcoholic Beverage  
11 Control Commission's office or website as set forth in 14B NCAC 15A .0102.

12 Each person shall provide in the application, under oath, the following ~~information:~~ information, as applicable:

- 13 (1) ~~name, address, and residence of applicant;~~ the name, address, email address, last four digits of social  
14 security number, and telephone number(s) of the applicant;
- 15 (2) the mailing address and of location address of the business for which a permit is desired, and the  
16 county and state in which where the business is located;
- 17 (3) ~~corporate or partnership name;~~ the name of the business and whether the business is a sole  
18 proprietorship, corporation, limited liability company, or partnership;
- 19 (4) the trade name of business;
- 20 (5) name and address of owner of premises;
- 21 (6) ~~the applicant's date and place of birth;~~
- 22 (7)(6) if the business is a corporation, corporation or limited liability company, the name and address of  
23 the agent or employee person authorized to serve as process agent; accept service of process of  
24 Commission notices or orders under G.S. 1A, Rule 4(j).
- 25 (8)(7) if a nonresident, the applicant is a non-resident intending to operate a business in the State of North  
26 Carolina, State, the name and address of persona resident of the State appointed as the applicant's  
27 attorney-in-fact by virtue of a duly executed and registered power of attorney; in accordance with  
28 Chapter 32C of the General Statutes for purposes of G.S. 18B-900(a)(2)b.; and
- 29 (9)(8) if the application is for a vendor representative, representative, brokerage representative, distiller  
30 representative, or supplier representative permit, authorization from the commercial  
31 permitter, permittee, brokerage, distiller, or spirituous liquor supplier to represent it; it; and
- 32 (9) that the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

33 ~~In addition the applicant shall certify, under oath, that he has not been convicted of a felony within three years, an~~  
34 ~~alcohol or drug law violation within two years, nor had any permit authorizing the sale, importation, or manufacture~~  
35 ~~of alcoholic beverages revoked by this State, any other state, or the federal government revoked within the past three~~  
36 ~~years.~~

1 (c) Additional documentation. The following documents completed, signed, notarized, and recorded, as applicable,  
2 shall be attached to and submitted with an application, and shall be incorporated as part of the application:

3 (1) for applicants applying on behalf of a business pursuant to G.S. 18B-900(c), the fingerprint card,  
4 Authority for Release of Information Form, and certified check, cashier check, money order,  
5 electronic payment, or credit card payment made payable to the North Carolina ABC Commission  
6 in the amount of thirty-eight dollars (\$38.00) for payment of a state and national fingerprint-based  
7 criminal history record check pursuant to 14B NCAC 18B .0405;

8 (2) for applicants applying for brokerage representative, distiller representative, or supplier  
9 representative permits, a certified copy of the applicant's State criminal history record check;

10 (3) payment of applicable permit fees as authorized in 14B NCAC 15A .0104;

11 (4) for businesses located in this State, a certified copy of any recorded power of attorney registered in  
12 the county where the proposed licensed premises is located;

13 (5) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation  
14 and notarized corporate certification of shareholders holding 25% or more of the shares of the  
15 corporation;

16 (6) for limited liability companies not already holding a permit in this State, a copy of Articles of  
17 Organization and notarized organizational certification of members owning 25% or more interest in  
18 the company. Additionally, if manager-managed, a copy of the Operating Agreement;

19 (7) a black and white copy of applicant's current photo identification;

20 (8) for a business located in this State, a copy or memorandum of the lease showing the applicant as  
21 tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management  
22 agreement with the owner or lessee of the permitted property showing the applicant has the authority  
23 to operate the business at the permitted location; and

24 (9) a Federal Employer Identification/Social Security Number Verification Form.

25 (d) Salesmen, Representatives, Vendors To State Companies. All salesmen, vendor representatives, distiller  
26 representatives, brokerage representatives, supplier representatives, and vendors shall further state on the permit  
27 application the name of every manufacturer, importer, wholesaler, distiller, brokerage, spirituous liquor supplier, or  
28 vendor that the applicant will represent in the State of North Carolina. State. The persons listed in this Paragraph shall  
29 notify the Commission when their authorization to represent an industry member ceases. The manufacturer, importer,  
30 wholesaler, distiller, brokerage, spirituous liquor supplier, or vendor shall notify the Commission whenever any of the  
31 persons listed in this Paragraph are no longer their authorized representative. Notification required pursuant to this  
32 Paragraph shall be made to the Commission in writing within thirty (30) days of the termination of the authorization  
33 to represent.

34 (d)(e) Resident Wholesalers. In addition to the requirements set forth in Paragraphs (a) and (b)(a), (b), and (c) of this  
35 Rule, every applicant for a permit to sell malt beverages or wine at wholesale shall submit with the permit  
36 application before a wholesaler receives, possesses, transports, sells, delivers, or ships wine or malt beverages in the  
37 State, the vendor shall file with the Commission a separate distribution agreement filing form specifying the brands for

1 each brand authorized to be sold by the wholesaler and the specific territory in which where the product may be sold.  
2 sold for each wholesaler location. The distribution agreement filing form shall contain the vendor's and wholesaler's  
3 names, trade names if applicable, addresses, telephone numbers, ABC permit numbers, and the name of the brand and  
4 territory where the sales may take place in the State, by county or parts of counties. For wine vendors, the form shall  
5 also state whether the vendor ships 1,250 cases or more of wine in the State each year. The form shall be signed and  
6 dated by the vendor and the wholesaler. If any changes in the distribution agreement affect the information on the  
7 distribution agreement filing form filed with the Commission, the wholesaler shall amend the form and file it with the  
8 Commission on a revised distribution agreement filing form before the changes become effective.

9 (f) Liquor Importer/Bottler. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a  
10 liquor importer/bottler applying for a permit shall submit a description of the operations of its business, which shall  
11 include the location address of any storage facility or bottling plant, if different than the address shown on the permit  
12 application, and any associated federal alcoholic beverage permit numbers.

13 (g) Nonresident Vendors. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a  
14 nonresident malt beverage vendor or a nonresident wine vendor applying for a permit shall submit the following:

- 15 (1) a copy of the Federal Basic Permit or Brewers Notice;
- 16 (2) a statement of whether the business is a malt beverage vendor or a wine vendor;
- 17 (3) a statement whether the applicant has ever been disapproved by any government agency for any  
18 application to manufacture, use, store, rectify, bottle, distribute, sell, import, or transport distilled  
19 spirits, beer or wine;
- 20 (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, any  
21 violation of any federal or state laws relating to internal revenue or customs taxation of alcoholic  
22 beverages; and
- 23 (5) certification of understanding that the applicant can only engage in activities authorized by the ABC  
24 laws of this State for the permit issued, and that before any wine or malt beverage can be offered  
25 for sale in the State, the product and label must be approved by the Commission.

26 (h) Wine Producers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine  
27 producer applying for a permit shall submit a copy of the recorded deed or lease for the farming establishment that  
28 meets the requirements set forth in G.S. 18B-1000(10), including the address of the farm and one of the following:

- 29 (1) a survey or diagram of the farm, indicating the areas and acreage used in the production of grapes,  
30 berries, or other fruits for the manufacture of unfortified wine; or
- 31 (2) an affidavit stating that the farm consists of at least five acres committed to the production of grapes,  
32 berries, or other fruits for the manufacture of unfortified wine, listing the acreage used for this  
33 purpose and its function.

34 (i) Wine Shippers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine shipper  
35 applying for a permit shall submit the following:

- 36 (1) a description of the operation of the business;
- 37 (2) a website address through which orders will be received;

- 1           (3) a statement whether the applicant has ever been disapproved by any government agency for any  
2           application to manufacture, use, store, rectify, bottle, distribute, sell, import or transport distilled  
3           spirits, beer, or wine;
- 4           (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, any  
5           violation of any federal or state laws relating to internal revenue or customs taxation of alcoholic  
6           beverages;
- 7           (5) a statement whether the business entity holds a valid Federal Basic Permit, either as a Bonded Wine  
8           Cellar or Bonded Winery, and a copy of the Federal Basic Permit; and
- 9           (6) a wine shipper brand listing consisting of all brands of fortified and unfortified wines identified to  
10           be shipped into the State by the wine shipper, including the names of the common carriers used for  
11           shipping. The permitted wine shipper may amend the brands of wine permitted to be shipped into  
12           the State by filing an amended wine shipper brand listing with the Commission. Only brands  
13           identified by the wine shipper to the Commission in writing may be legally shipped into the State.

14

15 *History Note:*    Authority G.S. 18B-100; 18B-109; 18B-201; 18B-207; 18B-900; 18B-902; 18B-1000; 18B-1001.1;  
16                    18B-1105.1; ~~18B-1109(b)~~; ~~18B-1200 through 18B-1216~~; ~~18B-1113~~; 18B-1114; 18B-1114.3; 18B-  
17                    1114.7; 18B-1203; 18B-1303;  
18                    Eff. January 1, 1982;  
19                    Amended Eff. May 1, 1984;  
20                    Transferred and Recodified from 04 NCAC 02T .0102 Eff. August 1, 2015;  
21                    Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,  
22                    2017.



1 14B NCAC 15C .0901 is proposed for amendment as follows:

2  
3 **14B NCAC 15C .0901 DISTILLER, SUPPLIER AND BROKERAGE REPRESENTATIVES:**  
4 **PROHIBITED ACTS**

5 (a) Representatives Prohibited from Entering Store. ~~Distiller representatives, supplier representatives,~~  
6 ~~or brokerage representatives~~ shall not enter any ABC store except for the purpose of calling on the buyer if the buyer's  
7 office is maintained in the store, for the purpose of making a ~~purchase~~ purchase, or ~~unless given permission by a local~~  
8 ~~Board for the purpose of visiting a store~~ to market product, build displays, or attach added value ~~items~~ items in  
9 accordance with written permission from the local Board. An initial request for permission to visit a store pursuant  
10 to this Paragraph shall be made in writing by the representative to the general manager of the local Board in a form  
11 acceptable to the local Board. The local Board may adopt policies regulating when a representative may visit the local  
12 Board's ABC store, which may include the times, frequency, purpose, method of requesting and approving, and any  
13 advance notice requirements. Permission granted by the general manager, or other persons designated by the local  
14 Board, to the representative to visit the local Board's ABC stores shall initially be made in writing and in accordance  
15 with any policies adopted by the local Board. The duration of the permission may be for an indefinite time. The local  
16 Board's policies may authorize the general manager, or his or her designee, to verbally authorize subsequent specific  
17 visits after written permission has been given.

18 (b) Representatives Prohibited from Contacting Store Personnel. ~~Distiller representatives, supplier~~  
19 ~~representatives, or brokerage representatives~~ shall not ~~contact, either directly or indirectly, or call upon~~ contact store  
20 ~~personnel while store personnel are off-duty~~ for the purpose of promoting their ~~merchandise~~ merchandise while store  
21 personnel are off-duty. Store personnel shall not allow distiller ~~representatives~~ representatives, supplier  
22 representatives, or brokerage representatives to contact them, ~~either directly or indirectly, or allow the distiller~~  
23 ~~representative to call upon them in any manner while they are off duty~~ for the purpose of promoting their  
24 ~~merchandise~~ merchandise while store personnel are off-duty.

25 (c) Gifts Prohibited. ~~Representatives~~ Distiller representatives, supplier representatives, or brokerage representatives  
26 shall not give liquor, including samples, or anything of value to local ABC board members or employees, ~~which~~  
27 ~~includes~~ including store managers and general managers, at any time. Local ABC board members or employees, which  
28 includes store managers and general managers, shall not accept gifts, either directly or ~~indirectly, or through a third~~  
29 person, from any distiller representative, supplier representative, or brokerage representative.

30 (d) Soliciting and Advertising Prohibited. ~~Except for purchases made by state or local officials for supply of ABC~~  
31 ~~stores, salesmen of spirituous liquor shall not with regard to purchases of spirituous liquor by any person:~~  
32 Except for contact with the Commission, local ABC boards, and retail permittees, with regards to the promotion and  
33 purchase of spirituous liquor, no distiller representative, supplier representative, or brokerage representative shall:

- 34 (1) solicit any order, agreement, or other commitment to purchase liquor, whether or not it is legally  
35 enforceable; or  
36 (2) advertise, ~~promote~~ promote, or encourage purchases by any means or method or furnish any means  
37 by which spirituous liquor may be obtained, except as provided in 14B NCAC 15B .1008.

1 Exceptions shall be made upon notification from the Commission to a distiller representative when there is expressed  
2 interest by a fraternal or civic group in the purchase of a ceramic or commemorative decanter. Upon notice, distiller  
3 representatives may present pictorial art work or renderings in solicitation and a presentation to that group. This  
4 Paragraph shall not apply to a distiller representative, supplier representative, or brokerage representative who has  
5 been granted an exemption by the Commission to make presentations of pictorial artwork or renderings of the design  
6 of the decanter and solicitation of a special order of these decanters at the request of a local ABC board and non-profit,  
7 charitable corporation related to orders and sales of commemorative bottles pursuant to Rule 14B NCAC 15A .1404.  
8 Requests for an exception under this Paragraph shall be made in writing to the Commission.

9 (e) Relationship With Mixed Beverages Permittee. No employee or representative of any distiller, importer,  
10 ~~rectifier~~rectifier, or bottler may promote or solicit orders by a mixed beverages permittee or aid the permittee in placing  
11 orders for any spirituous liquor or for any other alcoholic beverages.

12 (f) Gifts and Inducements Prohibited. ~~No~~Except as permitted pursuant to Rules .0710 and .0711 of this Subchapter,  
13 no employee or representative of any ~~rectifier~~or industry member may give or lend to any mixed beverage ~~permittee,~~  
14 ~~or his permittee or the permittee's~~ employee any gift, money, services, equipment, furniture, ~~fixture~~fixture, or other  
15 thing of value.

16  
17 *History Note: Authority G.S. 18B-100; 18B-207; 18B-807; 18B-1116;*

18 *Eff. January 1, 1982;*

19 *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*

20 *Transferred and Recodified from 04 NCAC 02T .0901 Eff. August 1, 2015;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

22 *2017.*

1 14B NCAC 15C .1301 is proposed for adoption as follows:  
2

3 **SECTION .1300 – SPECIAL EVENT PERMITS**  
4

5 **14B NCAC 15C .1301 DEFINITIONS**

6 As used in G.S. 18B-1114.7 and in this Section:

7 (1) “Charitable, nonprofit organization” means a nonprofit organization that is a charitable organization  
8 as defined in G.S. 1-539.11(1).

9 (2) “Local fund-raiser” means a special event sponsored or cosponsored by a local government, a local  
10 charitable, nonprofit organization, or a local political organization for the purpose of raising funds  
11 for a governmental, charitable or political purpose.

12 (3) “Special event” means either:

13 (a) an event in which the spirituous liquor special event permittee participates that is a trade  
14 show, convention, street festival, holiday festival, agricultural festival, balloon race, local  
15 fund-raisers, or other similar events approved pursuant to Rule .1302 of this Section, that  
16 is for a limited duration of no more than 10 days and organized or sponsored by a person  
17 other than the spirituous liquor special event permittee; or

18 (b) an event of limited duration of no more than sixty (60) days at a shopping mall that is  
19 organized and sponsored by the shopping mall or an association of shopping mall  
20 merchants as part of a promotion or sale for all merchants in the shopping mall.

21  
22 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;  
23

1 14B NCAC 15C .1302 is proposed for adoption as follows:  
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3 **14B NCAC 15C .1302 OTHER SIMILAR EVENTS APPROVAL**

4 For other events not specifically listed in G.S. 18B-1114.7, the holder of a spirituous liquor special event permit issued  
5 pursuant to G.S. 18B-1114.7 shall obtain approval of that other similar event from the Commission prior to the permit  
6 holder participating in the event. The holder of the permit shall submit a written application for approval to the  
7 Commission no less than seven business days prior to the date of the event. The application, available on the  
8 Commission's website, includes:

- 9 (1) the permit holder's name, business name, spirituous liquor special event permit number, email  
10 address, and telephone and fax numbers;  
11 (2) the name, dates, time, location, address, and county of the event;  
12 (3) whether an admission fee will be charged of the attendees by the event sponsor;  
13 (4) the event sponsor's name, address, contact information, event or sponsor's social media link or  
14 webpage, and whether the event sponsor is a non-profit organization;  
15 (5) whether the event sponsor holds a special one-time ABC permit pursuant to G.S. 18B-1002(a)(2) or  
16 (5) and whether alcohol will otherwise be sold or given away at the event; and  
17 (6) the names of other co-sponsors, supporters, vendors, or exhibitors who are expected to participate  
18 in the event, and whether those persons hold ABC permits.

19 The Commission shall not approve events sponsored exclusively by the holder of the permit. Tastings of spirituous  
20 liquor shall not be allowed pursuant to a spirituous liquor special event permit on the premises of a retail permittee or  
21 an ABC store.

22  
23 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;  
24

1 14B NCAC 15C .1303 is proposed for adoption as follows:  
2

3 **14B NCAC 15C .1303 TASTINGS HELD FOR CONSUMERS**

4 (a) Tasting Area Designation. Tastings permitted pursuant to a spirituous liquor special event permit shall only be  
5 conducted within a designated tasting area, delineated by vertical markings no less than 24 inches in height that the  
6 consumer would recognize as indicating the boundaries that physically separate the tasting area from the remainder  
7 of the special event. Only tastings, sale of branded merchandise, and advertising authorized pursuant to G.S. 18B-  
8 1114.7 may be conducted in the tasting area. No unrelated activities may be conducted in the designated tasting area.  
9 Consumers shall not be permitted to take tasting samples outside the designated tasting area. The permittee shall  
10 ensure that designated tasting area signs are displayed at the permittee's tastings serving tables and at the entrances  
11 and exits to the designated tasting area, with lettering of at least 2 inches in height, informing consumers that they  
12 must be 21 years of age to participate in the tastings and that no tasting samples are allowed to be taken out of the  
13 designated tasting area. A designated tasting area may include one or more permittees. A special event may have  
14 multiple designated tasting areas.

15 (b) Each permittee conducting a tasting may give each consumer tasting samples up to the limits set forth in G.S.  
16 18B-1114.7(b)(3).

17 (c) Training. Any employee of a permittee who will be conducting or supervising any tasting conducted pursuant to  
18 a spirituous liquor special event permit shall be given training, including:

19 (1) identification of potential underage consumers;

20 (2) recognition of fictitious identification;

21 (3) identification of consumers who are visibly intoxicated;

22 (4) service of correct sample sizes; and

23 (5) methods to ensure compliance with G.S. 18B-1114.7 in accordance with Rule .1304 of this Section.

24 (d) Consumption prohibited. The permittee, the permittee's agent, or employee shall not be in the designated tasting  
25 area after consuming alcoholic beverages except under the following conditions:

26 (1) the permittee, agent, or employee is off duty for the remainder of that day or night during which the  
27 individual consumes any alcoholic beverage;

28 (2) the permittee, agent, or employee is out of uniform when uniforms are required to be worn while  
29 performing any on duty services; and

30 (3) the permittee, agent, or employee shall not perform any on duty services of any nature while or after  
31 consuming alcoholic beverages.

32 (e) Limitations. Spirituous liquors provided as tastings pursuant to a spirituous liquor special event permit shall not  
33 be mixed with any other alcoholic or non-alcoholic beverage. No non-alcoholic beverages, other than water, shall be  
34 made available to the consumer in the designated tasting area.

35 (f) Source of spirituous liquor. All spirituous liquor used for tasting samples given in accordance with this Rule shall  
36 be purchased by the permittee from an ABC store.  
37

1 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;

1 14B NCAC 15C .1304 is proposed for adoption as follows:

2  
3 **14B NCAC 15C .1304 SPECIAL EVENT COMPLIANCE PROCEDURE**

4 (a) The permittee to whom the spirituous liquor special event permit was issued must be present in the designated  
5 tasting area at the time the tastings occur. A copy of the spirituous liquor special event permit shall be on display in  
6 the designated tasting area and shall be made available to law enforcement agents upon request.

7 (b) For other special events approved by the Commission pursuant to Rule .1302 of this Section, a copy of the  
8 Commission's approval shall be kept in the designated tasting area during the duration of the tastings and made  
9 available to law enforcement upon request.

10 (c) A spirituous liquor special event permit holder shall maintain a written procedure establishing the method to be  
11 used by the permit holder and the permit holder's employees or agents to ensure compliance with the requirements of  
12 G.S. 18B-1114.7(b)(3), (4), and (5). A copy of the written procedure shall be available in the designated tasting area  
13 to the permit holder's employees and designated agents and shall be made available in the designated tasting area to  
14 law enforcement agents upon request.

15 (d) A copy of the written procedure required pursuant to Paragraph (c) of this Rule shall be:

16 (1) maintained for one year following the tasting;

17 (2) included as part of the consumer tasting record maintained in accordance with G.S. 18B-  
18 1114.7(b)(10); and

19 (3) made available upon request to the Commission and law enforcement agents pursuant to G.S. 18B-  
20 502.

21  
22 *History Note: Authority G.S. 18B-100; 18B-201; 18B-1114.7;*

1 14B NCAC 15C .1305 is proposed for adoption as follows:  
2

3 **14B NCAC 15C .1305 SPECIAL EVENT SALE OF BRANDED MERCHANDISE, POINT-OF-SALE**  
4 **ADVERTISING MATERIALS AND ADVERTISING SPECIALTIES**

5 (a) In addition to the tastings permitted under this Section, a spirituous liquor special event permit holder may sell  
6 branded merchandise and provide point-of-sale advertising materials and advertising specialties to consumers at  
7 consumer tastings only within the designated tasting area. No other activities shall be conducted within the designated  
8 tasting area.

9 (b) For purposes of this Section:

10 (1) “Point-of-sale advertising materials” means advertising that is located inside the designated tasting  
11 area established in accordance with Rule .1303 of this Section where the product is displayed or  
12 sampled. Advertising materials may include signs, posters, banners, and decorations that bear  
13 product advertising matter. Point-of-sale advertising materials as used in this Section shall not  
14 include items listed in 14B NCAC 15C .0711(c).

15 (2) “Advertising specialties” means coasters, shot glasses, bottle or can openers, cork screws, ash trays,  
16 shopping bags, individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), and  
17 key chains.

18  
19 History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;



1 14B NCAC 15C .1306 is proposed for adoption as follows:

2

3 **14B NCAC 15C .1306 SPECIAL EVENT PARTICIPATION LIMITATIONS**

4 (a) For special events in shopping malls, the spirituous liquor special event permittee shall not participate in any single  
5 mall more than 10 days cumulatively in any three-month period.

6 (b) A spirituous liquor special event permittee shall not participate more than 10 days cumulatively during a three-  
7 month period in a special event sponsored or arranged by the same person or business.

8 (c) A spirituous liquor special event permittee shall not participate in a special event for which the permittee was the  
9 only spirituous liquor special event permittee invited or allowed to participate in the special event.

10

11 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7; 18B-1116;*