



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

<u>OAH USE ONLY</u>
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 <u>rule citation(s)</u> beside proposed action: <input checked="" type="checkbox"/> ADOPTION: 14B NCAC 15A .2101-.2103 <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: January 1, 2018
5. Is a public hearing planned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes: Public Hearing date: November 15, 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 permanent rules establishing the process, procedures and conditions for permissible sales at a distillery of spirituous liquor distilled at the distillery to visitors in conjunction with a tour of the distillery facilities as authorized in G.S. 18B-1105(a)(4).

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: November 15, 2017 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: July 19, 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 SECTION .2100 - 14B NCAC 15A .2101 is proposed for adoption as follows:
2

3 **SECTION .2100 – DISTILLERY PERMIT HOLDERS’ SALE OF SPIRITUOUS LIQUOR DISTILLED ON**
4 **PREMISES TO VISITORS OF THE DISTILLERY FOR CONSUMPTION OFF THE PREMISES**
5

6 **14B NCAC 15A .2101 PRIOR APPROVAL FROM ABC COMMISSION**

7 (a) Prior to selling spirituous liquor on the premises to consumers, a distillery permittee shall submit a written request
8 for approval to the Commission regarding its intent to sell bottles direct to consumers.

9 (b) The Commission shall verify compliance with G.S. 18B-1105(a)(4).

10 (c) Within 15 days of receipt of the request, the Commission shall send written notice to the permittee of approval
11 based on satisfying the requirements in Paragraph (b) of this Rule, or of disapproval and the reasons for disapproval.
12

13 History Note: Authority G.S. 18B-100; 18B-207; 18B-1105;
14

1 14B NCAC 15A .2102 is proposed for adoption as follows:

2

3 **14B NCAC 15A .2102 RETAIL SALES AT DISTILLERY'S PERMITTED PREMISES**

4 (a) No retail sales shall be made on the distillery's permitted premises on:

5 (1) New Year's Day;

6 (2) Fourth of July;

7 (3) Labor Day;

8 (4) Thanksgiving Day;

9 (5) Christmas Day;

10 (6) Any Sunday; or

11 (7) Any other day between the hours of 9:00 p.m. and 9:00 a.m.

12 (b) Any distillery employee involved with the sale of spirituous liquor to the consumer shall be at least 18 years of
13 age.

14 (c) Distillery products to be sold directly to consumers shall be stored in a retail area in the permitted premises separate
15 from distillery products to be shipped to the State ABC warehouse for sale to local boards.

16 (d) The distillery permittee shall not sell any bottle of spirituous liquor to a consumer until after the consumer has
17 completed a tour of the distillery.

18

19 History Note: Authority G.S. 18B-100; 18B-207; 18B-802; 18B-1105;

1 14B NCAC 15A .2103 is proposed for adoption as follows:

2

3 **14B NCAC 15A .2103 DISTILLERY RECORD-KEEPING**

4 The distillery permittee's electronic records, as required by G.S. 18B-1105(a)(4), shall be available for inspection by
5 alcohol law enforcement officers and employees of the Commission at any time an employee of the permittee is
6 present on the permitted premises.

7

8 History Note: Authority G.S. 18B-100; 18B-207; 18B-1105;