



## NOTICE OF TEXT

### [Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

VOLUME: 36

ISSUE: 13

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 - 14. 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](#)

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

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

ADOPTION:

AMENDMENT: [14B NCAC 15C .0307](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

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4. Proposed effective date: [05/01/2022](#)

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5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">02/09/2022</a>	<a href="#">10:00 a.m.</a>	<a href="#">ABC Commission Hearing Room, 400 East Tryon Road, Raleigh, NC 27610</a>

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6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Rule(s):**

To amend a permanent rule to expand the maximum allowable growler size for malt beverages and unfortified wine from 2 liters to 4 liters, as directed by the General Assembly in S.L. 2021-150, Sec. 7.

**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 email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**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): 919-984-7947  
Fax (optional): 919-661-6165  
EMail (optional) walker.reagan@abc.nc.gov

**10. Comment Period Ends: 03/04/2022**

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Walker Reagan  
919-948-7947  
walker.reagan@abc.nc.gov

**Agency contact, if any:**

Name: Walker Reagan  
Phone: 919-948-7947  
Email: walker.reagan@abc.nc.gov

**13. The Agency formally proposed the text of this rule(s) on**

**Date: 12/08/2021**

**PROPOSED EXPAND ALLOWABLE GROWLER SIZE RULE**

14B NCAC 15C .0307 is proposed for amendment as follows:

**14B NCAC 15C .0307    GROWLERS**

(a) As used in this Section, a "growler" is a rigid glass, ceramic, plastic, aluminum, or stainless steel container with a closure or cap with a secure sealing that is no larger than ~~2 liters (0.5283 gallons)~~ 4 liters (1.0567 gallons) into which a malt beverage or unfortified wine is prefilled, filled, or refilled for off-premises consumption.

(b) Malt beverages may be sold in growlers as follows:

- (1) Holders of only a brewery permit may sell, deliver, and ship growlers prefilled with the brewery's malt beverage for off-premises consumption provided a label is affixed to the growler that provides the information as required by Rules .0303(a) and .0305 of this Section.
- (2) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), or (16) who do not hold a brewery permit shall not prefill growlers with malt beverage.
- (3) Holders of a brewery permit who also have retail permits pursuant to G.S. 18B-1001(1) may fill or refill growlers on demand with the brewery's malt beverage for off-premises consumption, provided the label as required by Rules .0303(b) and (c) and .0305 of this Section is affixed to the growler.
- (4) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), or (16) may fill or refill growlers on demand with draft malt beverage for off-premises consumption, provided the label as required by Rules .0303(b) and (c) and .0305 of this Section is affixed to the growler.

(c) Unfortified wine may be sold in growlers as follows:

- (1) Holders of only an unfortified winery permit may sell, deliver, and ship growlers prefilled with the winery's unfortified wine for off-premises consumption provided a label is affixed to the growler that provides the information as required by Rules .0304(a), (b), and (c), and .0305 of this Section.
- (2) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), or (16) who do not hold an unfortified winery permit shall not prefill growlers with unfortified wine.
- (3) Holders of an unfortified winery permit who also have retail permits pursuant to G.S. 18B-1001(3) may fill or refill growlers on demand with the winery's unfortified wine for off-premises consumption, provided the label as required by Rules .0304(d) and (e) and .0305 of this Section is affixed to the growler.
- (4) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), or (16) may fill or refill growlers on demand with unfortified wine for off-premises consumption, provided the label as required by Rules .0304(d) and (e) and .0305 of this Section is affixed to the growler.

(d) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), or (16) shall affix a label as required by Rules .0303(b) and (c), .0304(d) and (e), and .0305 of this Section to the growler when filling or refilling a growler.

(e) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), or (16), may, in their discretion, refuse to fill or refill a growler, except in matters of discrimination pursuant to G.S. 18B-305(c).

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*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-305; 18B-1001;*  
*Eff. April 1, 2011;*  
*Temporary Amendment Eff. October 25, 2013;*  
*Amended Eff. September 1, 2014;*  
*Transferred and Recodified from 04 NCAC 02T .0308 Eff. August 1, 2015;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
*2017;*  
*Temporary Amendment Eff. November 28, 2017;*  
*Amended Eff. August 1, 2018.*