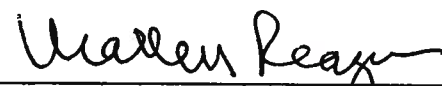


# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: Alcoholic Beverage Control Commission</b>	
<b>2. Rule citation &amp; name (name not required for repeal): 14B NCAC 15B .1013</b>	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> Notice Required Notice of Text published on: June 3, 2019 Link to Agency notice: <a href="https://abc.nc.gov/">https://abc.nc.gov/</a> Hearing on: July 10, 2019 Adoption by Agency on: August 14, 2019 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b>  <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  <input checked="" type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b>  <input type="checkbox"/> This Rule was part of a combined analysis.  <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ( $\geq$ \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<b>9. REASON FOR ACTION</b>	
<b>9A. What prompted this action? Check all that apply:</b> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
<b>9B. Explain: To modernize and update the refund offer rule to allow refund offers to be submitted electronically in addition to mail, as is currently provided for.</b>	
<b>10. Rulemaking Coordinator: Walker Reagan</b>  Phone: 919-779-8367 E-Mail: walker.reagan@abc.nc.gov  Additional agency contact, if any: Renee Metz Phone: 919-779-8331 E-Mail: renee.metz@abc.nc.gov	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b>  <div style="text-align: center;">   <hr/> </div> <b>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</b>  Typed Name: Walker Reagan Title: Rule-making Coordinator
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b>  <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

 OFFICE OF ADMIN HEARINGS  
 2019 AUG 15 AM 9:33  
 FILED

1 14B NCAC 15B .1013 is amended with changes as published in 33:23 NCR 2249 as follows:

2  
3 **14B NCAC 15B .1013 REFUND OFFERS**

4 (a) General. Refund offers may be used to advertise spirituous liquor. Refund offers may be advertised by newspaper,  
5 magazine, direct mail, [internet]the Internet, or other electronic means.

6 (b) Conditions. A refund offer is an offer to a consumer purchaser for a rebate of money or merchandise from a liquor  
7 industry member, obtained by mailingsubmitting a form. A refund offer is allowed under the following conditions:

8 (1) A refund may be offered only by a manufacturer, importer, distiller, ~~rectifier~~rectifier, or bottler of  
9 spirituous liquor.

10 (2) A refund may be offered only to purchasers of the manufacturer's original unopened container of  
11 liquor that is purchased from a localan ABC store.

12 (3) A refund may be offered ~~only~~in any of the following ways:

13 (A) ~~when~~When the redemption form is a part of or attached to the package or container, or  
14 when the forms are available on tear-off pads displayed in the store. Any offer that is a  
15 part of or attached to the package or container shall be placed there by the industry member  
16 who offers the refund.

17 (B) When the redemption form is part of an electronic refund procedure or software application  
18 made available by the industry member or its designated redemption agent.

19 (4) The redemption form shall include a statement that the person redeeming the refund must be at least  
20 21 years of age.

21 (5) ~~A~~ A refund offer shall apply throughout the ~~state~~State.

22 (5)(6) A refund offer shall include an expiration date.

23 (6)(7) A refund offer shall include a statement explaining the redemption ~~procedure~~procedure, including  
24 the expiration date and length of time before the refund is sent to the purchaser. Refund offers shall  
25 be redeemed by mailingsubmitting the redemption form to the industry member who offers the  
26 refund or its designated redemption ~~agent~~agent in the manner required by the industry member,  
27 either by mail or electronically. ~~Such an~~The designated redemption agent shall not be a retail or  
28 wholesale permittee in the ~~state~~State.

29 (7)(8) An industry member shall notify the ~~commission~~Commission at least 10 days before it ~~offers a~~  
30 ~~refund~~provides a refund offer on liquor. The notice shall state the proposed amount of the refund,  
31 its expiration date, to whom redemption forms ~~must~~shall be mailed~~[submitted]~~submitted, and the  
32 name, ~~address~~address, and phone number of the redemption agent. The notice shall also include a  
33 sample of the redemption ~~form~~form or the redemption procedure.

34 (8)(9) ~~An ABCA local board member or board employee shall not receive refunds on offers obtained from~~  
35 ~~liquor packages or containers before sale at retail.~~submit a redemption form for a refund under this  
36 Rule except for [lawful] purchases of spirituous liquor the local board member or board employee  
37 has made.

1 (c) Commercial Bribery; Cooperative Advertising. No local ABC-board member, board employee, ~~retailer~~retailer  
2 or retailer employee shall accept and no industry member shall pay any fee for the display or use of refund offers. The  
3 name of a retail business or retail permittee shall not appear on any refund offer.

4 (d) Advertising Refund Offers. ~~Refund offers may be advertised by newspapers, magazines or direct mail but no~~  
5 ~~redemption form may appear in such advertisement.~~Limits. No refund offer for liquor may be advertised on the  
6 premises of any retail permittee.

7  
8 *History Note: Authority G.S. 18B-100; 18B-105(b); 18B-207;*

9 *Eff. June 1, 1987;*

10 *Amended Eff. July 1, 1992;*

11 *Transferred and Recodified from 04 NCAC 02S .1020 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*  
13 *2016.*