

SECTION .1300 – SPIRITUOUS LIQUOR TASTING SPECIAL EVENT PERMITS

14B NCAC 15C .1301 DEFINITIONS

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

- (1) "Advertising specialties" means coasters, shot glasses, bottle or can openers, cork screws, ash trays, shopping bags, individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), and key chains.
- (2) "Charitable, nonprofit organization" means a nonprofit organization that is a charitable organization as defined in G.S. 1-539.11(1).
- (3) "Consumer tasting event" means any time a single spirituous liquor special event permittee provides samples of spirituous liquor to a consumer in an ABC store pursuant to G.S. 18B-1114.7(c).
- (4) "Local fund-raiser" means a special event sponsored or cosponsored by a local government, a local charitable, nonprofit organization, or a local political organization for the purpose of raising funds for a governmental, charitable, or political purpose.
- (5) "Permit holder's authorized agent" means an individual authorized in writing by the spirituous liquor special event permittee to conduct a consumer tasting or consumer tasting event pursuant to the permittee's spirituous liquor special event permit. The individual shall be responsible for the management on the site of the consumer tasting or consumer tasting event, and the supervision of the permittee's or agent's employees or independent contractors offering or pouring tasting samples at the consumer tasting or consumer tasting event.
- (6) "Point-of-sale advertising materials" means advertising that is located where the spirituous liquor product is displayed or sampled. Advertising materials may include signs, posters, banners, and decorations that bear product advertising matter. Point-of-sale advertising materials as used in this Section shall not include items listed in 14B NCAC 15C .0711(c).
- (7) "Special event" means either:
 - (a) an event the spirituous liquor special event permittee participates in that is a trade show, convention, street festival, holiday festival, agricultural festival, balloon race, local fund-raisers, or other similar events approved pursuant to Rule .1302 of this Section, that is for a limited duration of no more than 10 days and organized or sponsored by a person other than the spirituous liquor special event permittee; or
 - (b) an event of limited duration of no more than 60 days at a shopping mall that is organized and sponsored by the shopping mall or an association of shopping mall merchants as part of a promotion or sale for all merchants in the shopping mall.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;
Eff. April 1, 2019;
Amended Eff. November 1, 2020.*

14B NCAC 15C .1303 TASTINGS HELD FOR CONSUMERS

(a) If a tasting is conducted pursuant to this Section at an event where the event sponsor holds an ABC permit for that event, the area for conducting the tasting shall be limited to the area of the event covered by the ABC permit. If the tasting is conducted pursuant to this Section at an event where the event sponsor does not hold an ABC permit, the area for conducting the tasting shall be limited to the area allocated or assigned by the event sponsor for the exclusive use of the permittee conducting the tasting.

(b) Each permittee conducting a tasting may give each consumer tasting samples up to the limits set forth in G.S. 18B-1114.7(b)(3) or (c)(4), as applicable.

(c) A spirituous liquor special event permittee shall ensure that any employee or agent of the permittee who will be conducting or supervising any tasting conducted pursuant to a spirituous liquor special event permit has completed training that includes:

- (1) identification of potential underage consumers;
- (2) recognition of fictitious identification;
- (3) identification of consumers who are visibly intoxicated;
- (4) service of correct sample sizes; and
- (5) methods to ensure compliance with G.S. 18B-1114.7 in accordance with Rule .1304 of this Section.

(d) The permittee, the permittee's agent, or the permittee's employee shall not be in the area for conducting the tasting after consuming alcoholic beverages except under the following conditions:

- (1) the permittee, agent, or employee is off duty for the remainder of that day or night during which the individual consumes any alcoholic beverage;
- (2) the permittee, agent, or employee is out of uniform when uniforms are required to be worn while performing any on duty services; and
- (3) the permittee, agent, or employee shall not perform any services related to the business of the permit while or after consuming alcoholic beverages.

(e) Spirituous liquor provided for tastings pursuant to a spirituous liquor special event permit shall not be mixed with any other alcoholic or non-alcoholic beverage. No non-alcoholic beverages, other than unflavored water, shall be made available or accessible to the consumer by the permittee in the area for conducting the tasting.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;
Eff. April 1, 2019;
Amended Eff. November 1, 2020.*

14B NCAC 15C .1304 SPECIAL EVENT COMPLIANCE PROCEDURE

(a) Either the permittee to whom the spirituous liquor special event permit was issued, or the permit holder's authorized agent, must be present in the area where the tasting is conducted at the time the tasting occurs. A copy of the spirituous liquor special event permit shall be on display in the area where the tasting is conducted. A copy of the authority of the permit holder's authorized agent to act on behalf of the permittee shall be present at the tasting event. A copy of the spirituous liquor special event permit and a copy of the authority of the permit holder's authorized agent to act on behalf of the permittee shall be made available to law enforcement agents upon request.

(b) For other special events approved by the Commission pursuant to Rule .1302 of this Section, a copy of the Commission's approval shall be kept at the tasting for the duration of the tasting and made available to law enforcement agents upon request.

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

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

- (1) maintained for one year following the tasting;
- (2) included as part of the consumer tasting record maintained in accordance with G.S. 18B-1114.7(b)(10); and
- (3) made available upon request to the Commission and law enforcement agents pursuant to G.S. 18B-502.

*History Note: Authority G.S. 18B-100; 18B-201; 18B-1114.7;
Eff. April 1, 2019;
Amended Eff. November 1, 2020.*

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

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;
Eff. April 1, 2019;
Repealed Eff. November 1, 2020.*

14B NCAC 15C .1307 ABC STORE SPIRITUOUS LIQUOR TASTINGS

(a) Local boards shall determine whether to allow tastings to be conducted in any of their ABC stores. The ABC store, date, and times for any tastings authorized by the local board shall be set by the local board. Tastings are not required to be conducted every week or in all ABC stores operated by the local board. The schedule set by the local board for tastings may vary from week to week.

(b) If a local board authorizes consumer tasting events to be held in a specific ABC store, written requests to conduct a consumer tasting event at that ABC store at a specific date and time established by the local board shall be processed on a first-come, first-served basis. A local board may require a permittee to include a signed agreement to comply with local board conditions as a part of a written request for permission to conduct a consumer tasting event pursuant to G.S. 18B-1114.7(c)(10).

(c) Notwithstanding Paragraph (b) of this Rule, once permission has been granted to conduct a consumer tasting event at a specific date and time, this permission shall be subject to the permission being withdrawn for that ABC store not later than 30 days prior to the scheduled time of the event, upon the receipt of a request from another permittee that has conducted fewer consumer tasting events in the ABC store within a previous 12-month period than the permittee originally granted permission. A superseding request for the same date and time must be received in writing by the local board before the close of business on the last business day prior to 35 days prior to the previously approved request date. Prior to accepting a request to preempt a previously approved request date and time, the local board shall provide to the superseding requestor a schedule of other available dates and times for consumer tasting events in lieu of the requested date. If the alternative dates and times are not acceptable to the superseding requestor, the original permission shall be withdrawn, and the date and time shall be assigned to the superseding requestor. A local board that withdraws permission to conduct a consumer tasting event shall provide the permittee originally granted permission with a written explanation of the reason for the withdrawal and the process for requesting a rescheduling of the consumer tasting event.

(d) The local board may deny a permittee the right to conduct future consumer tasting events for a period of up to one year from the date of the violation upon a determination by the local board that the permittee conducted a consumer tasting event in violation of G.S. 18B-1114.7(c)(10).

(e) In addition to the requirements set forth in G.S. 18B-1114.7(c)(7), a permit holder shall include with the notice a copy of the local board's written approval for the permit holder to conduct a consumer tasting event at a specific time and location. Written approval by the local board may be by email. For purposes of G.S. 18B-1114.7(c)(7)c., the list shall include the product codes of the specific spirituous liquor products available for tasting.

(f) Proof of purchase of spirituous liquor from any ABC store shall be by receipts issued by an ABC store. Permittees shall maintain receipts of purchases of spirituous liquor used in tastings for a period of six months from the date the spirituous liquor is first used for tastings pursuant to G.S. 18B-1114.7. Spirituous liquor purchased from an ABC store for use in tastings conducted in accordance with this Section may be used for multiple tastings at multiple locations.

(g) At the time of the completion of a tasting, the permittee shall submit to the local board in writing the name of the permittee that conducted the consumer tasting event, the names of all employees or agents of the permittee who were present at the tasting, and the name of each product available for tasting at the consumer tasting event. A local board that authorizes consumer tasting events shall maintain for a period of three years a list of all consumer tasting events conducted in each of its stores by date, name of the permittee that conducted the consumer tasting event, name of all employees or agents of the permittee who were present at the tasting, and name of each product available for tasting at the consumer tasting event.

(h) A local board that authorizes consumer tasting events shall maintain for a period of three years the following records by types of permittees:

- (1) written requests for permission to conduct tastings;
- (2) permissions granted to conduct tastings;
- (3) denials of request for permission to conduct tastings; and
- (4) withdrawal of permissions to conduct tastings.

A local board shall make these records available to the Commission upon request.

History Note: Authority G.S. 18B-100; 18B-207; 18B-1114.7;
Eff. November 1, 2020.