



# Proposed New ABC Rules For North Carolina Distilleries Selling Direct to Consumers

08.27.2015

The North Carolina ABC Commission has drafted proposed temporary rules governing direct-to-consumer sales by distilleries. The proposed rules are a result of HB909, the ABC omnibus legislation signed by Governor McCrory on 19 June 2015, which requires the NC ABC Commission to adopt temporary rules governing these distillery sales by 1 October 2015.

The proposed rules govern prior Commission approval, retail sales, and record-keeping by distilleries selling direct to consumers. The proposed rules can be found [here](#) and are summarized below:

## Prior Approval From ABC Commission (4 NCAC 2R.2101)

- Distilleries must submit letters to the Pricing Division of the ABC Commission for approval prior to selling any bottles direct to consumers.
- The ABC Commission reviews the distilleries permitting status and notifies distilleries of approvals or disapprovals within 15 days of receipt of the request.

## Retail Sales (4 NCAC 2R.2102)

- No retail sales by distilleries on New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, Sundays, or between 9:00pm and 9:00a.m.
- Distillery employees involved with sales direct to consumers shall be at least 18.
- Distillery products to be sold direct to consumers shall be stored in a retail area of the premises separate from distillery products destined for the state ABC Commission warehouse for sale to local ABC boards.
- No sales to a consumer until after the consumer has completed a tour of the distillery.

### Record-Keeping (4 NCAC 2R.2103)

- Electronic records with information on the purchaser's name, driver's license number, and date of birth for at least 12 months from the date of purchase shall be available for inspection by ALE and employees of the NC ABC Commission at any time an employee is present on the premises.

The NC ABC Commission is accepting public comment on these rules from 26 August to 21 September. Comments can be emailed to Commission Counsel Renee Cowick at [renee.cowick@abc.nc.gov](mailto:renee.cowick@abc.nc.gov) or submitted to her by telephone at 919.779.8331 or fax at 919.661.6165.

The public hearing on the proposed rules is scheduled for 16 September at 10:00am at the North Carolina ABC Commission.

## **Related People**

- Jennifer A. Morgan ? 919.981.4051 ? [jmorgan@williamsmullen.com](mailto:jmorgan@williamsmullen.com)