A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS REVISIONS TO THE ALCOHOLIC BEVERAGE CONTROL LAWS OF THIS STATE.

The General Assembly of North Carolina enacts:

PART I. SELF-DISTRIBUTING BREWERIES AND MALT BEVERAGES WHOLESALERS/REVISE LAW GOVERNING PRIVATE LABEL SALES

SECTION 1. G.S. 18B-1303(b) reads as rewritten:

"(b) No Discrimination. – A wholesaler shall service all retail permit holders within his designated territory without discrimination and shall make a good faith effort to make available to each retail permit holder in the territory each brand of malt beverage which the wholesaler has been authorized to distribute in that area. The provisions of this subsection shall not apply to retail permit holder private label brands, which, at the retail permit holder's direction, may be sold either exclusively to the retailer that owns the brand name or to all retail permit holders within each territory without discrimination. For purposes of this subsection, the term "retail permit holder private label brand" means a malt beverage product that is labeled with a brand name owned by a retailer."

PART II. CLARIFY CONTRACT BREWING LAW

SECTION 2.(a) G.S. 18B-1104(a)(6a) reads as rewritten:

"(6a) Receive, in closed containers, and sell at the brewery, malt beverages produced inside or outside North Carolina under contract with a contract brewery. The contract brewery that manufactures the malt beverages shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. The brewery that contracted with the contract brewery shall obtain label approval and remit the appropriate taxes. The contract malt beverages may be sold also at affiliated retail outlets of the brewery physically located on or adjacent to the brewery. Any malt beverages received from a contract brewery under this subdivision shall be made available for sale by the brewery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the malt beverages were being imported by the brewery. Contract brewing is authorized between
affiliated breweries, but shall not be used as a means to allocate production
quantities between affiliated breweries to obtain a malt beverage wholesaler
permit pursuant to subdivision (8) of this subsection where either brewery
would not otherwise qualify for a permit, and the Commission shall have no
authority to grant an exemption to this requirement pursuant to
G.S. 18B-1116(b)."

SECTION 2.(b) This section becomes effective July 1, 2019, and applies to taxes
collected on or after that date.

PART III. ALLOW MALT BEVERAGE TASTINGS AT FARMERS MARKETS

SECTION 3. G.S. 18B-1114.5(a) reads as rewritten:

"(a) Authorization. – The holder of a brewery permit, a malt beverages importer permit, a
brewing, distillation, and fermentation course authorization, or a nonresident malt beverage
vendor permit may obtain a malt beverage special event permit allowing the permittee to give
free tastings of its malt beverages; to sell branded merchandise such as glassware, cups, signs,
t-shirts, hats, and other apparel; and to sell its malt beverages by the glass or in closed containers
at trade shows, conventions, shopping malls, malt beverage festivals, street festivals, holiday
festivals, agricultural festivals, farmers markets, balloon races, local fund-raisers, and other
similar events approved by the Commission. Except for a brewery operating under the provisions
of G.S. 18B-1104(a)(8), all malt beverages sampled or sold pursuant to this section must be
purchased from a licensed malt beverages wholesaler."

PART IV. ALLOW TRANSFERS OF MALT BEVERAGES BETWEEN PERMITTEES
UNDER COMMON OWNERSHIP OR CONTROL

SECTION 4. G.S. 18B-1001 reads as rewritten:


When the issuance of the permit is lawful in the jurisdiction in which the premises are located,
the Commission may issue the following kinds of permits:

(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit
authorizes (i) the retail sale of malt beverages for consumption on the
premises, (ii) the retail sale of malt beverages in the manufacturer's original
container for consumption off the premises, and (iii) the retail sale of malt
beverages in a cleaned and sanitized container that is filled or refilled and
sealed for consumption off the premises and that identifies the permittee and
the date the container was filled or refilled. The permit also authorizes the
permittee to transfer malt beverages, not more than four times per calendar
year, to another on-premises malt beverage permittee that is under common
ownership or control as the transferor. Except as authorized by this
subdivision, transfers of malt beverages by on-premises malt beverage
permittees, purchases of malt beverages by a retail permittee from another
retail permittee for the purpose of resale, and sale of malt beverages by a retail
permittee to another retail permittee for the purpose of resale are unlawful. In
addition, a particular brand of malt beverages may be transferred only if both
the transferor and transferee are located within the territory designated
between the brewery and the wholesaler on file with the Commission. Prior to
or contemporaneous with any such transfer, the transferor shall notify each
wholesaler who distributes the transferred product of the transfer. The notice
shall be in writing or verifiable electronic format and shall identify the
transferor and transferee, the date of the transfer, quantity, and items
transferred. It also authorizes the holder of the permit to ship malt beverages
in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

(2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage permit authorizes (i) the retail sale of malt beverages in the manufacturer’s original container for consumption off the premises, (ii) the retail sale of malt beverages in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit also authorizes the permittee to transfer malt beverages, not more than four times per calendar year, to another off-premises malt beverage permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of malt beverages by off-premises malt beverage permittees, purchases of malt beverages by a retail permittee from another retail permittee for the purpose of resale, and sale of malt beverages by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of malt beverages may be transferred only if both the transferor and transferee are located within the territory designated between the brewery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The permit may be issued for any of the following:

PART V. ALLOW THE SALE OF MALT BEVERAGES AND WINE FOR ON-PREMISES CONSUMPTION AT SPORTS AND ENTERTAINMENT VENUES LOCATED ON THE CAMPUSES OF A COLLEGE OR UNIVERSITY

SECTION 5. G.S. 18B-1006(a) reads as rewritten:

"(a) School and College Campuses. – No permit for the sale of alcoholic beverages shall be issued to a business on the campus or property of a public school, college, or university. This subsection shall not apply to the following:

(1) A regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes, unless the permit is for a public school or public college or university function;

(2) Property owned by a local board of education and leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city governing board, a county board of commissioners, or a local school board;

(3) A hotel;

(4) A nonprofit alumni organization;

(5) Restaurants, eating establishments, food businesses, or retail businesses on the property defined by G.S. 116-198.33(4);

(6) Any golf courses owned or leased by the public college or university and open to the public for use;

(7) The sale of malt beverages, unfortified wine, or fortified wine at the following:
a. Performing arts centers located on property owned or leased by the public college or university.

b. Any stadiums that support a NASCAR-sanctioned one-fourth mile asphalt flat oval short track, that are owned or leased by the public college or university, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the public college or university.

(8) Special one-time permits as described in G.S. 18B-1002(a)(5) for the Loudermilk Center for Excellence facility at the University of North Carolina at Chapel Hill.

(9) A stadium, athletic facility, or arena on the campus or property of a public college or university, if the Board of Trustees of the public college or university has voted to allow the issuance of permits for use at that stadium, athletic facility, or arena. For purposes of this subdivision, the term "public college or university" does not include a community college. If a Board of Trustees votes to allow the issuance of permits in accordance with this subdivision, the Board of Trustees shall provide written notice to the Commission that it has voted to allow the issuance of permits. Any permit described in G.S. 18B-1001, 18B-1002(a)(2), or 18B-1002(a)(5) may be issued pursuant to this subdivision to applicants meeting the requirements for the requested permit. Notwithstanding the issuance of a mixed beverages permit pursuant to G.S. 18B-1001(10), this subdivision does not authorize the sale of mixed beverages when the stadium, athletic facility, or arena is being used for a sports event sponsored by the public college or university. This subdivision does not apply to any sales authorized under subdivisions (1) through (8) of this subsection. For purposes of this subdivision, the premises of a stadium, athletic facility, or arena shall include any area that meets all of the following requirements:

a. Is within 500 feet of the furthest exterior building wall, perimeter fence, or permanent fixed perimeter.

b. Is designated by the stadium, athletic facility, or arena in a map or written description that clearly defines the boundary of the area, and that map or written description is included in the permit application.

c. Can be designated in a manner that enables the stadium, athletic facility, or arena to ensure compliance with the provisions of this Chapter."

PART VI. ALLOW SALES OF ALCOHOLIC BEVERAGES ON TRAINS AND FERRIES

SECTION 6.(a) G.S. 18B-108 reads as rewritten:

"§ 18B-108. Sales on trains, trains and ferries.

(a) Trains. – Alcoholic beverages may be sold on railroad trains in this State upon compliance with Article 2C of Chapter 105 of the General Statutes. Malt beverages, unfortified wine, and fortified wine may be sold and delivered by any wholesaler or retailer licensed in this State to an officer or agent of a rail line that carries at least 60,000 passengers annually.

(b) Ferries. – Alcoholic beverages may be sold on ferries established pursuant to Article 6 of Chapter 136 of the General Statutes upon compliance with Article 2C of Chapter 105 of the General Statutes. The authorization set forth in this subsection only applies to the passenger-only ferry traveling on the route from Hatteras to Ocracoke and does not include the return trip from Ocracoke to Hatteras. Malt beverages, unfortified wine, and fortified wine may be sold and
delivered to an officer or agent of the Department of Transportation for sale on the ferry only by
the wholesaler whose designated territory includes the Hatteras Ferry Terminal.

(c) ABC Violations. – For purposes of G.S. 18B-502, the railroad trains and ferry
authorized to sell alcoholic beverages under this section shall be deemed a "licensed premises for
which an ABC permit has been issued."

(d) Rules. – The Commission, in consultation with the Department of Transportation,
may adopt rules regulating the sale of alcoholic beverages under this section."

SECTION 6.(b) This section becomes effective July 1, 2019, and applies to sales
made on or after that date.

PART VII. ALLOW BARS TO OBTAIN ON-PREMISES ABC PERMITS

SECTION 7.(a) G.S. 18B-1000 reads as rewritten:

"§ 18B-1000. Definitions concerning establishments.

The following requirements and definitions shall apply to this Chapter:

(1) Bar. – An establishment substantially engaged in the business of serving
alcoholic beverages for consumption on the premises. To qualify as a bar, an
establishment's gross receipts from alcoholic beverages for consumption on
the premises shall be not less than seventy-five percent (75%) of the
establishment's total gross receipts.

(1a) Community theatre. – An establishment owned and operated by a bona fide
nonprofit organization that is engaged solely in the business of sponsoring or
presenting amateur or professional theatrical events to the public. A permit
issued for a community theatre is valid only during regularly scheduled
theatrical events sponsored by such nonprofit organization.

(4a) (1b) Convention center. – An establishment that meets either of the following
requirements:

a. A publicly owned or operated establishment that is engaged in the
business of sponsoring or hosting conventions and similar large
gatherings, including auditoriums, armories, civic centers, convention
centers, and coliseums.

b. A privately owned facility located in a city that has a population of at
least 200,000 but not more than 250,000 by the 2000 federal census
and is located in a county that has previously authorized the issuance
of mixed beverage permits by referendum. To qualify as a convention
center under this subdivision, the facility shall meet each of the
following requirements:

1. The facility shall be certified by the appropriate local official
as being consistent with the city's redevelopment plan for the
area in which the facility is located.

2. The facility shall contain at least 7,500 square feet of floor
space that is available for public use and shall be used
exclusively for banquets, receptions, meetings, and similar
gatherings.

3. The facility's annual gross receipts from the sale of alcoholic
beverages shall be less than fifty percent (50%) of the gross
receipts paid to all providers at permitted functions for food,
nonalcoholic beverages, alcoholic beverages, service, and
facility usage fees (excluding receipts or charges for
entertainment and ancillary services not directly related to
providing food and beverage service). The person to whom a
permit has been issued for a privately owned facility shall be
required to maintain copies of all contracts and invoices for items supplied by providers for a period of three years from the date of the event.

A permit issued for a convention center shall be valid only for those parts of the building used for conventions, banquets, receptions, and other events, and only during scheduled activities.

Cooking school. – An establishment substantially engaged in the business of operating a school in which cooking techniques are taught for a fee.

SECTION 7.(b) G.S. 18B-1001, as amended by Section 1 of this act, reads as rewritten:

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of malt beverages in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer malt beverages, not more than four times per calendar year, to another on-premises malt beverage permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of malt beverages by on-premises malt beverage permittees, purchases of malt beverages by a retail permittee from another retail permittee for the purpose of resale, and sale of malt beverages by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of malt beverages may be transferred only if both the transferor and transferee are located within the territory designated between the brewery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

k. Bars.

(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to
another on-premises unfortified wine permittee that is under common
ownership or control as the transferor. Except as authorized by this
subdivision, transfers of wine by on-premises unfortified wine permittees,
purchases of wine by a retail permittee from another retail permittee for the
purpose of resale, and sale of wine by a retail permittee to another retail
permittee for the purpose of resale are unlawful. In addition, a particular brand
of wine may be transferred only if both the transferor and transferee are
located within the territory designated between the winery and the wholesaler
on file with the Commission. Prior to or contemporaneous with any such
transfer, the transferor shall notify each wholesaler who distributes the
transferred product of the transfer. The notice shall be in writing or verifiable
electronic format and shall identify the transferor and transferee, the date of
the transfer, quantity, and items transferred. The holder of the permit is
authorized to ship unfortified wine in closed containers to individual
purchasers inside and outside the State. Orders received by a winery by
telephone, Internet, mail, facsimile, or other off-premises means of
communication shall be shipped pursuant to a wine shipper permit and not
pursuant to this subdivision. The permit may be issued for any of the
following:

... l. Bars.
...

(5) On-Premises Fortified Wine Permit. – An on-premises fortified wine permit
authorizes the retail sale of fortified wine for consumption on the premises,
either alone or mixed with other beverages, and the retail sale of fortified wine
in the manufacturer's original container for consumption off the premises. The
permit also authorizes the permittee to transfer fortified wine, not more than
four times per calendar year, to another on-premises fortified wine permittee
that is under common ownership or control as the transferor. Except as
authorized by this subdivision, transfers of wine by on-premises fortified wine
permittees, purchases of wine by a retail permittee from another retail
permittee for the purpose of resale, and sale of wine by a retail permittee to
another retail permittee for the purpose of resale are unlawful. In addition, a
particular brand of wine may be transferred only if both the transferor and
transferee are located within the territory designated between the winery and
the wholesaler on file with the Commission. Prior to or contemporaneous with
any such transfer, the transferor shall notify each wholesaler who distributes
the transferred product of the transfer. The notice shall be in writing or
verifiable electronic format and shall identify the transferor and transferee, the
date of the transfer, quantity, and items transferred. The holder of the permit
is authorized to ship fortified wine in closed containers to individual
purchasers inside and outside the State. Orders received by a winery by
telephone, Internet, mail, facsimile, or other off-premises means of
communication shall be shipped pursuant to a wine shipper permit and not
pursuant to this subdivision. The permit may be issued for any of the
following:

... g. Bars.
...

(7) Brown-Bagging Permit. – A brown-bagging permit authorizes each individual
patron of an establishment, with the permission of the permittee, to bring up
to eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, onto the premises and to consume those alcoholic beverages on the premises. The permit may be issued for any of the following:

...  

f. Bars.

(8) Special Occasion Permit. – A special occasion permit authorizes the host of a reception, party or other special occasion, with the permission of the permittee, to bring fortified wine and spirituous liquor onto the premises of the business and to serve the same to his guests. The permit may be issued for any of the following:

...  

f. Bars.

...  

(10) Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also authorizes a mixed beverages permittee (i) to obtain a purchase-transportation permit under G.S. 18B-403 and 18B-404, (ii) to obtain an antique spirituous liquor permit under subdivision (20) of this section, and (iii) to use for culinary purposes spirituous liquor lawfully purchased for use in mixed beverages. The permit may be issued for any of the following:

...  

i. Bars.

"..."
words "North Carolina Distillery Tour Commemorative Spirit" in addition to any other labeling requirements set by law. Consumers purchasing spirituous liquor under this subdivision are limited to purchasing, and the selling distillery is limited to selling to each consumer, no more than five bottles of spirituous liquor per 12-month period. The distillery shall use a commonly adopted standard point of sale system to maintain searchable electronic records captured at the point of sale, to include the purchaser’s name, drivers license number, and date of birth for at least 12 months from the date of purchase. The Commission shall adopt rules regulating the retail sale of spirituous liquor under this subdivision.

SECTION 9.(b) G.S. 18B-804(b1) reads as rewritten:

"(b1) Price of Spirituous Liquor Sold at Distillery. – When the holder of a distillery permit sells spirituous liquor distilled at the distillery pursuant to G.S. 18B-1105(a)(4), G.S. 18B-1105, the retail price of the spirituous liquor shall be the uniform State price set by subsection (a) of this section. However, the holder of the distillery permit shall not be required to remit the components of the price set forth by subdivisions (2), (3), (5), (6), (6a), (6b), and (7) of subsection (b) of this section."

SECTION 9.(c) G.S. 18B-1116(a) reads as rewritten:

"(a) Prohibitions. – It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverages, or for any officer, director, or affiliate thereof, either directly or indirectly to:

…

A brewery qualifying under subdivision (7) or (8) of G.S. 18B-1104(a) is not subject to the provisions of this section concerning financial interests in, and lending or giving things of value to, a wholesaler or retailer with respect to the brewery’s transactions with the retail business on its premises or other retail locations allowed under G.S. 18B-1104(a)(8). The brewery is subject to the provisions of this subsection, however, with respect to its transactions with all other wholesalers and retailers.

A distillery is not subject to the provisions of this section concerning financial interests in, and lending or giving things of value to, a retailer with respect to the distillery’s transactions with the retail business allowed on its premises under G.S. 18B-1105(a)(4). The distillery is subject to the provisions of this subsection, however, with respect to its transactions with all other retailers."

SECTION 9.(d) This section becomes effective July 1, 2019, and applies to sales made on or after that date.

PART X. MALT BEVERAGES AND WINE/INCREASE DISCOUNT ON PRICE FROM 25% TO 35% OF THE RETAIL PRICE

SECTION 10.(a) Definition. – "Discount Rule" means 14B NCAC 15B .1004 (General Prohibitions) for purposes of this section and its implementation.

SECTION 10.(b) Discount Rule. – Until the effective date of the revised permanent rule that the Alcoholic Beverage Control Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Discount Rule as provided in subsection (c) of this section.

SECTION 10.(c) Implementation. – Notwithstanding any provision of subsection (b) of 14B NCAC 15B .1004 to the contrary, all of the following shall apply:

(1) A combination of the use of a coupon, a rebate, or a permittee's loyalty card, discount card, or membership card shall not exceed thirty-five percent (35%) of the advertised retail price for the purchase of a malt beverage or wine.
A coupon or rebate shall not provide a discount exceeding thirty-five percent (35%) of the advertised retail price for the purchase of a malt beverage or wine.

A loyalty card, discount card, or membership card shall not provide a discount exceeding thirty-five percent (35%) of the advertised retail price for the purchase of a malt beverage or wine.

SECTION 10.(d) Adoption. – The Commission shall adopt rules to amend the Discount Rule consistent with subsection (c) of this section by no later than September 1, 2019. The Commission may adopt temporary rules to comply with the deadline set in this subsection. Any temporary rules adopted in accordance with this subsection shall remain in effect until permanent rules that replace the temporary rules become effective.

SECTION 10.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

PART XI. CLARIFY DEFINITION OF "PREMISES" AND THE PROHIBITION ON SEXUALLY EXPLICIT CONDUCT ON LICENSED PREMISES

SECTION 11.(a) G.S. 18B-101(12a) reads as rewritten:
"(12a) "Premises" means a fixed permanent establishment, including all areas, whether areas inside or outside the licensed premises, establishment, where the permittee has control of the property through a lease, deed, or other legal process."

SECTION 11.(b) G.S. 18B-1005.1(a) reads as rewritten:
"(a) It shall be unlawful on a licensed premises for a permittee or his permittee’s agent or employee to knowingly allow or engage in any of the following kinds of conduct on his licensed premises:

(1) Any conduct or entertainment by any person whose where (i) human genitals are exposed or who (ii) a person is wearing transparent clothing that reveals the genitals his or her

(2) Any conduct or entertainment that includes or simulates sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any act that includes or simulates the penetration, however slight, by any object into the genital or anal opening of a person's body, or

(3) Any conduct or entertainment that includes the fondling of the breasts, buttocks, anus, vulva, or genitals."

SECTION 11.(c) Subsection (b) of this section becomes effective July 1, 2019, and applies to offenses committed on or after that date.

PART XII. AUTHORIZE SALE AND DELIVERY OF MORE THAN ONE DRINK AT A TIME TO A SINGLE PATRON

SECTION 12.(a) Article 10 of Chapter 18B of the General Statutes is amended by adding a new section to read:
"§ 18B-1010. Sale and delivery of more than one drink at a time to a single patron.
Except as otherwise provided in this section, the holder of an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, or mixed beverages permit issued under G.S. 18B-1001 may sell and deliver more than one alcoholic beverage drink, but not more than four alcoholic beverage drinks, at a time to a single patron for consumption on the premises. This section does not apply to the sale of alcoholic beverages (i) at a stadium, athletic facility, or arena on the campus or property of a public college or university, (ii) during a sports event sponsored by a public college or university, or (iii) at a stadium, athletic facility, arena, or other establishment with a seating capacity of 3,000 or more."
SECTION 12.(b) This section becomes effective July 1, 2019, and applies to sales made on or after that date.

PART XIII. ALLOW SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT BINGO GAMES

SECTION 13.(a) G.S. 18B-308 is repealed.
SECTION 13.(b) G.S. 14-309.14(3) is repealed.
SECTION 13.(c) G.S. 18B-112(b)(3) reads as rewritten:

SECTION 13.(d) This section becomes effective July 1, 2019, and applies to offenses committed on or after that date.

PART XIV. FOOD AND LODGING FACILITY SANITATION REGULATIONS/EXEMPT BREWERIES NOT ENGAGED IN THE PREPARATION OF FOOD

SECTION 14.(a) G.S. 130A-250 reads as rewritten:
"§ 130A-250. Exemptions. The following shall be exempt from this Part:

... (16) A brewery licensed under G.S. 18B-1104 that is not engaged in the preparation of food on the premises. For purposes of this subdivision, the term "food" does not include beverages."

SECTION 14.(b) Penalties imposed and fees charged before the effective date of this section are not abated or affected by this section, and the statutes that would be applicable but for this section remain applicable to those penalties and fees.

PART XV. ABC STORE HOURS AND DAYS OF OPERATION/LOCAL OPTION

SECTION 15.(a) G.S. 18B-802 reads as rewritten:
"§ 18B-802. When stores operate. (a) Time. – No ABC store shall be open, and no ABC store employee shall sell alcoholic beverages, between (i) 9:00 P.M. and 9:00 A.M. The local board shall otherwise determine opening and closing hours of its stores on Monday through Saturday and (ii) 12:00 P.M. and 5:00 P.M. on Sunday. (b) Days. – No Except as authorized under G.S. 153A-145.9 for a county ABC store or G.S. 160A-205.5 for a city ABC store, no ABC store shall be open, and no ABC store employee shall sell alcoholic beverages, on any Sunday, New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, or Christmas Day. A local board may otherwise determine the days on which its stores shall be closed."

SECTION 15.(b) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:
"§ 153A-145.9. Days on which ABC stores operate. A county may adopt an ordinance authorizing its ABC stores to be open, and authorizing its ABC store employees to sell alcoholic beverages, on any or all days otherwise prohibited under G.S. 18B-802(b)."

SECTION 15.(c) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:
"§ 160A-205.5. Days on which ABC stores operate. A city may adopt an ordinance authorizing its ABC stores to be open, and authorizing its ABC store employees to sell alcoholic beverages, on any or all days otherwise prohibited under G.S. 18B-802(b)."
PART XVI. ABC STORES/ALLOW IN-STORE SPIRITUOUS LIQUOR TASTINGS

SECTION 16.(a) G.S. 18B-1114.7(a) reads as rewritten:
"(a) Authorization. – The holder of a supplier representative permit, brokerage representative permit, or distillery permit issued under G.S. 18B-1105 may obtain a spirituous liquor special event permit allowing the permittee to give free tastings of its spirituous liquors at ABC stores where the local ABC board has approved the tasting, trade shows, conventions, shopping malls, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission."

SECTION 16.(b) G.S. 18B-1114.7(b) reads as rewritten:
"(b) Limitations. – Any consumer tasting is subject to the following limitations:

…

(3) Each consumer shall be limited to one 0.25 ounce tasting sample containing 0.25 ounces of any product made available for sampling at the consumer tasting, and the total amount of the tasting samples offered to and consumed by each consumer shall not exceed 1.0 ounce of spirituous liquor in any calendar day.

…

(7) A venue allowing tastings shall designate a tasting area within the venue that enables the permit holder to ensure that the consumer tasting is being conducted in compliance with this section. Consumers shall only be allowed to consume tasting samples within the designated tasting area.

…

(11) For tastings conducted in an ABC store, the local board shall establish and implement a policy whereby distillery permit holders are given the right of first refusal for a certain number, as determined by the Commission, of the dates and times made available in a month by the local board for holding tastings authorized under this section. Any policy established under this subdivision shall set forth the date for each month by which a distillery permit holder must exercise the right of first refusal before the reserved dates and times are made available to all eligible spirituous liquor special event permit holders."

SECTION 16.(c) G.S. 18B-301(f)(1) reads as rewritten:
"(1) Any person to consume fortified wine, spirituous liquor, or mixed beverages or to offer such beverages to another person at any of the following places:

a. On Unless a consumer tasting authorized by G.S. 18B-1114.7 is being conducted, on the premises of an ABC store.

b. Upon any property used or occupied by a local board.

c. On any public road, street, highway, or sidewalk, unless a consumer tasting authorized by G.S. 18B-1114.7 is being conducted."

PART XVII. ALLOW ELECTRONIC PAYMENT FOR SPIRITUOUS LIQUOR PURCHASED BY MIXED BEVERAGES PERMITTEES

SECTION 17.(a) G.S. 18B-404 is amended by adding a new subsection to read:
"(e) Electronic Payment. – A local board shall accept electronic payments for any spirituous liquor purchased by a mixed beverages permittee. A local board may not charge a fee for accepting electronic payments under this subsection. For purposes of this subsection, the term "electronic payment" is as defined in G.S. 147-86.20."

SECTION 17.(b) This section becomes effective July 1, 2019, and applies to sales made on or after that date.
PART XVIII. ABC COMMISSION/REQUIRE ACCEPTANCE OF PAYMENTS AND FORMS ELECTRONICALLY

SECTION 18.(a) Article 9 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-907. Allow electronic submission of payments and forms.

(a) Forms. – The Commission shall make all forms required by the Commission to apply for and receive a permit available on the Commission’s Web site, and the Commission shall, to the extent practicable, allow for the electronic submission of these forms. Any form required by the Commission to apply for and receive a permit that requires a signature may be submitted with an electronic signature in accordance with Article 40 of Chapter 66 of the General Statutes.

(b) Payments. – The Commission shall accept electronic payments for any fee required under this Chapter to receive a permit. For purposes of this subsection, the term "electronic payment" is as defined in G.S. 147-86.20.

(c) Fee. – Except as otherwise provided in G.S. 18B-404(e), the Commission may charge a fee to be used to cover costs incurred by the Commission in processing forms electronically and accepting payments electronically. The fee authorized under this subsection may not exceed five dollars ($5.00).

SECTION 18.(b) This section becomes effective July 1, 2019, and applies to permits applied for on or after that date.

PART XIX. CREATION OF COMMON AREA ENTERTAINMENT PERMIT

SECTION 19.(a) G.S. 18B-1000 reads as rewritten:

"§ 18B-1000. Definitions concerning establishments.

The following requirements and definitions shall apply to this Chapter:

…

(4) Hotel. – An establishment substantially engaged in the business of furnishing lodging. A hotel shall have a restaurant either on or closely associated with the premises. The restaurant and hotel need not be owned or operated by the same person.

(4e) Multi-tenant establishment. – A building or structure, or multiple buildings and structures on the same property and under common ownership or control, that contain or contains multiple businesses that sell food, goods, services, or a combination of food, goods, and services, and that are connected by common areas.

…"

SECTION 19.(b) G.S. 18B-1001 is amended by adding a new subdivision to read:

"(21) Common Area Entertainment Permit. – A permit under this subdivision may be issued to the owner of a multi-tenant establishment that has at least two tenants that holds a permit issued under subdivisions (1), (3), (5), or (10) of this section. A common area entertainment permit authorizes a customer of a multi-tenant establishment tenant holding a permit issued under subdivisions (1), (3), (5), or (10) of this section to exit that licensed premises with an open container of the alcoholic beverage sold by the tenant holding the permit and consume the alcoholic beverage within the confines of any indoor or outdoor common area on the premises of the multi-tenant establishment designated by the owner of the multi-tenant establishment for consumption of alcoholic beverages. Additionally, a permit issued under this subdivision is subject to all of the following conditions:

a. The owner of the multi-tenant establishment shall designate the common area in which alcoholic beverages may be consumed.

Additionally, the owner of the multi-tenant establishment shall post
signs in conspicuous locations on the multi-tenant establishment property indicating which common area is the designated common area. The owner of the multi-tenant establishment shall submit to the Commission for review and approval (i) a plat of the multi-tenant establishment property for a designated outdoor common area with the common area designated for alcohol consumption clearly marked or (ii) a detailed map of the relevant building on the multi-tenant establishment property for a designated indoor common area with the common area designated for alcohol consumption clearly marked. The Commission shall reject any plat or map submitted under this sub-subdivision that does not meet the requirements of this sub-subdivision or any rule adopted by the Commission. The owner of the multi-tenant establishment must submit a plat or map as required under this sub-subdivision for each renewal of the permit issued under this sub-subdivision and at least 10 days prior to making any adjustments to the designated common area.

b. Alcoholic beverages sold for consumption in a designated common area shall be dispensed only in a paper or plastic cup bearing the name, logo, or name and logo of the licensed premises from which the beverage was purchased. The amount of alcoholic beverage dispensed into a cup under this sub-subdivision shall not exceed 16 fluid ounces.

c. A customer is not allowed to possess or consume more than one alcoholic beverage at a time while within the designated common area.

d. Alcoholic beverages may only be consumed within the designated common area during the hours in which the alcoholic beverage may be sold under G.S. 18B-1004, and the owner of the multi-tenant establishment may further limit the days and times in which an alcoholic beverage may be consumed in a designated common area. The owner of the multi-tenant establishment shall post signs in conspicuous locations on the multi-tenant establishment property indicating the days and times in which a person may consume an alcoholic beverage in a designated common area.

e. A customer in the designated common area shall dispose of any alcoholic beverage in his or her possession prior to exiting the designated common area. A person is not allowed to exit a designated common area with any alcoholic beverage he or she was consuming within the area.

f. A customer is not allowed to bring and consume alcoholic beverages not purchased from a tenant of the multi-tenant establishment holding an applicable permit.

g. Any additional conditions imposed by the Commission. Any additional conditions imposed by the Commission shall be posted on the Commission's Web site."

SECTION 19.(c) G.S. 18B-902(d) reads as rewritten:

"(d) Fees. – An application for an ABC permit shall be accompanied by payment of the following application fee:

... (46) Common area entertainment permit – $750.00."

PART XX. CREATION OF DELIVERY SERVICE PERMIT
SECTION 20.(a) Article 10 of Chapter 18B of the General Statutes is amended by adding a new section to read:


(a) Authorization. – The holder of a delivery service permit, or the permit holder’s employee or independent contractor, may deliver malt beverages, unfortified wine, or fortified wine to a location designated by the purchaser on behalf of a retailer holding a permit issued pursuant to subdivisions (1) through (6) and (16) of G.S. 18B-1001. A delivery service permittee may also facilitate delivery through technology services that connect consumers and licensed retailers through the use of the Internet, mobile applications, and other similar technology.

(b) Training and Payment. – Prior to making any deliveries, each person delivering alcoholic beverages pursuant to a delivery service permit must successfully complete a course approved by the Commission related to the delivery of alcoholic beverages. A person delivering alcoholic beverages pursuant to a delivery service permit shall not handle or possess funds used to purchase an alcoholic beverage that is to be delivered but may facilitate the sales transaction in a manner that does not involve taking possession of funds.

(c) Age of Recipient and Notice. – A person may only deliver alcoholic beverages pursuant to a delivery service permit to a person who is at least 21 years of age and who immediately takes actual possession of the alcoholic beverages purchased. A delivery of alcoholic beverages in a package that obscures the manufacturer’s original packaging shall have affixed to the outside of the package a notice in 26-point type or larger stating: “CONTAINS ALCOHOLIC BEVERAGES; AGE VERIFICATION REQUIRED.”

(d) Limitations. – A delivery service permittee shall deliver alcoholic beverages only within the time allowed for lawful sales and consumption in the jurisdiction where the delivery is located. No delivery shall be made to any jurisdiction within the State that has not authorized the sale of the purchased alcoholic beverages. A delivery service permittee shall not deliver alcoholic beverages more than 50 miles from the retailer’s licensed premises or to the premises of another licensed retailer. Only alcoholic beverages purchased for personal consumption and from a licensed retailer’s existing inventory located on the retailer’s premises may be delivered pursuant to a delivery service permit.

(e) Scope and Construction. – A delivery service permit is not required for a common carrier lawfully transporting or shipping alcoholic beverages. Nothing in this section shall be construed as exempting the delivery of alcoholic beverages pursuant to a delivery service permit from the requirements set forth in Article 4 of Chapter 18B of the General Statutes."

SECTION 20.(b) G.S. 18B-902(d), as amended by Section 21(c) of this act, reads as rewritten:

"(d) Fees. – An application for an ABC permit shall be accompanied by payment of the following application fee:

…

(47) Delivery service permit – $400.00."

PART XXI. ADMINISTRATIVE PENALTY/INCREASE COMPROMISE AMOUNT

SECTION 21.(a) G.S. 18B-104(b) reads as rewritten:

"(b) Compromise. – In any case in which the Commission is entitled to suspend or revoke a permit, the Commission may accept from the permittee an offer in compromise to pay a penalty of not more than five thousand dollars ($5,000) to ten thousand dollars ($10,000). The Commission may either accept a compromise or revoke a permit, but not both. The Commission may accept a compromise and suspend the permit in the same case."

SECTION 21.(b) This act becomes effective July 1, 2019, and applies to violations committed on or after that date.
SECTION 22.(a) Study. – The Joint Legislative Program Evaluation Oversight Committee shall revise the biennial 2019-2020 work plan for the Program Evaluation Division to include a study of the actions the Alcoholic Beverage Control Commission is authorized to take under G.S. 18B-104 for violations of Chapter 18B of the General Statutes. The study required under this subsection shall include an examination of (i) the proportionality of the punishment that may be imposed under G.S. 18B-104 in relation to the violation, (ii) the remainder of the law set forth in G.S. 18B-104 to identify any areas in which the law may be lacking, and (iii) the process utilized and punishment authorized by other alcoholic beverage control states for violations of their alcoholic beverage laws.

SECTION 22.(b) Cooperation. – Upon request, the Commission shall provide any necessary information, data, or documents within their possession, ascertainable from their records, or otherwise available to them, to the Program Evaluation Division to complete the study required under subsection (a) of this section.

SECTION 22.(c) Report. – The Program Evaluation Division shall report its findings and recommendations from the study required under subsection (a) of this section to the Joint Legislative Program Evaluation Oversight Committee by March 15, 2020.

PART XXIII. SEVERABILITY CLAUSE

SECTION 23. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end, the provisions of this act are severable.

PART XXIV. RULES

SECTION 24. The Alcoholic Beverage Control Commission shall amend its rules consistent with the provisions of this act. The Commission may adopt temporary rules to implement the requirements of this act. Any temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective.

PART XXV. EFFECTIVE DATE

SECTION 25. Sections 22 and 25 of this act are effective when it becomes law. Except as otherwise provided, this act becomes effective July 1, 2019.