

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 969

Short Title: Repeal Liquor by the Drink.

(Public)

Sponsors: Representative Cunningham.

Referred to: Business and Labor.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE ISSUANCE OF MIXED BEVERAGE PERMITS AND TO MAKE THOSE THAT HAVE BEEN ISSUED EXPIRE ON A DATE CERTAIN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101(10) is repealed.

Sec. 2. G.S. 18B-301(f) reads as rewritten:

"(f) Unlawful Possession or Use. – As illustration, but not limitation, of the general prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

(1) Any person to consume fortified wine, spirituous liquor, or mixed beverages-liquor or to offer such beverages to another person:

- a. On the premises of an ABC store, or
b. Upon any property used or occupied by a local board, or
c. On any public road, street, highway, or sidewalk.

(2) Any person to display publicly at an athletic contest fortified wine, spirituous liquor, or mixed beverages; liquor;

(3) Any person to permit any fortified wine, spirituous liquor, or mixed beverages-wine or spirituous liquor to be possessed or consumed upon any premises not authorized by this Chapter;

1 (4) Any person to possess or consume any fortified ~~wine, spirituous liquor, or~~  
2 ~~mixed beverages~~ wine or spirituous liquor upon any premises where such  
3 possession or consumption is not authorized by law, or where the person  
4 has been forbidden to possess or consume that beverage by the owner or  
5 other person in charge of the premises;

6 (5) Any person to possess on any of the premises described in subsections  
7 (a) through (c) a greater amount of fortified wine or spirituous liquor  
8 than authorized by this Chapter;

9 (6) Any ~~permittee, other than a mixed beverage or culinary permittee,~~ permittee  
10 to possess spirituous liquor or mixed beverages on his licensed  
11 premises.

12 (7) Any person to possess on his person or consume malt beverages or  
13 unfortified wine upon any property owned or leased by a local board of  
14 education and used by the local board of education for school purposes."

15 Sec. 3. G.S. 18B-302(a) reads as rewritten:

16 "(a) Sale. – It shall be unlawful for any person to:

17 (1) Sell or give malt beverages or unfortified wine to anyone less than 21  
18 years old; or

19 (2) Sell or give fortified ~~wine, spirituous liquor, or mixed beverages~~ wine or  
20 spirituous liquor to anyone less than 21 years old."

21 Sec. 3.1. G.S. 18B-302(b) reads as rewritten:

22 "(b) Purchase or Possession. – It shall be unlawful for:

23 (1) A person less than 21 years old to purchase, to attempt to purchase, or to  
24 possess malt beverages or unfortified wine; or

25 (2) A person less than 21 years old to purchase, to attempt to purchase, or to  
26 possess fortified ~~wine, spirituous liquor, or mixed beverages~~ wine or  
27 spirituous liquor."

28 Sec. 4. G.S. 18B-404 is repealed.

29 Sec. 5. G.S. 18B-600 reads as rewritten:

30 "**§ 18B-600. Places eligible to hold alcoholic beverage elections.**

31 (a) Kinds of Elections. – The following kinds of alcoholic beverage elections shall  
32 be permitted:

33 (1) Malt beverage;

34 (2) Unfortified wine;

35 (3) ~~ABC store; and~~

36 ~~(4) Mixed beverage store.~~

37 (b) County Elections. – Any county may hold a malt beverage, unfortified wine, or  
38 ABC store election. ~~A county may hold a mixed beverage election only if the county~~  
39 ~~already operates at least one county ABC store or a county election on ABC stores is to~~  
40 ~~be held at the same time as the mixed beverage election.~~

41 (c) City Malt Beverage and Unfortified Wine Elections. – A city may hold a malt  
42 beverage or unfortified wine election only if the county in which the city is located has

1 already held such an election, the vote in the last county election was against the sale of  
2 that kind of alcoholic beverage, and:

3 (1) The city has a population of 500 or more; or

4 (2) The city operates an ABC store.

5 (d) City ABC Store Elections. – A city may hold an ABC store election only if:

6 (1) The city has at least 500 registered voters; and

7 (2) The county in which the city is located does not operate ABC stores.

8 (e) City Mixed Beverage Elections. — A city may hold a mixed beverage election  
9 only if:

10 (1) The city has at least 500 registered voters; and

11 (2) Either:

12 a. The city already operates a city ABC store; or

13 b. A city ABC store election is to be held at the same time as the  
14 mixed beverage election; or

15 c. The city does not operate a city ABC store but:

16 1. The county operates an ABC store;

17 2. The county has already held a mixed beverage election;  
18 and

19 3. The vote in the last county election was against the sale of  
20 mixed beverages.

21 (e1) Small City Mixed Beverage Elections. — A city may also hold a mixed  
22 beverage election if the city has at least 300 registered voters and is located in a county  
23 with at least one other city that has approved the sale of mixed beverages. Provided, that  
24 if a city that qualifies for an election under this subsection approves the sale of mixed  
25 beverages, mixed beverages permittees in the smaller city may purchase liquor from the  
26 ABC store designated by any local ABC board in any other city that has approved the  
27 sale of mixed beverages.

28 This subsection shall not apply to Alamance, Avery, Burke, Caldwell, Carteret,  
29 Cleveland, Henderson, Onslow, Polk, Robeson, Rowan, Rutherford, and Wilkes  
30 Counties.

31 (e2) Ski Resorts ABC Elections. – Notwithstanding any other provisions of this  
32 section, any city that provides governmental services to as many as 1,000 snow skiers  
33 weekly during the normal ski season from December 1 through March 15, may hold an  
34 election authorized by subdivision (a)(1), (2), or (4) or (2) of this section. If the sale of  
35 mixed beverages is approved, purchase transportation permits shall be issued and the sales of  
36 liquor shall be made by any local board designated by the State ABC Commission.

37 (e3) Small Town Mixed Beverage Elections. — A town may hold a mixed beverage  
38 election if the town has at least 200 registered voters and is located in a county bordering  
39 the Neuse River and Pamlico Sound that has not approved the sale of mixed beverages  
40 and that county has only one city that has approved the sale of mixed beverages.  
41 Provided, that if a town that qualifies for an election under this subsection approves the  
42 sale of mixed beverages, mixed beverages permittees in the town may purchase liquor

1 ~~from the ABC store designated by any local ABC board in any other city that has~~  
2 ~~approved the sale of mixed beverages.~~

3 (e4) Multicounty/City ABC Elections. – If a city is located in two or more counties,  
4 the following provisions shall apply:

5 (1) The city may hold a malt beverage or unfortified wine election if any  
6 county in which a portion of the city is located has already held such an  
7 election, the vote in the last election of the particular type was against  
8 the sale of that type of alcoholic beverage, and the city has a population  
9 of 500 or more.

10 (2) ~~The city may hold a mixed beverage election if the city has at least 500~~  
11 ~~registered voters and a county in which a portion of the city is located~~  
12 ~~operates ABC stores.~~

13 (3) If an election is held by a city under this subsection, all of the city voters  
14 may vote in the election. If the vote is for approval, alcoholic beverages  
15 may be sold on the basis of that approval and under the provisions of  
16 this Chapter. ~~If the sale of mixed beverages is approved, the mixed beverage~~  
17 ~~permittees shall purchase their liquor from one or more ABC stores located~~  
18 ~~within the city that have been designated by the local boards for those~~  
19 ~~purchases.—The remaining gross receipts shall be distributed in~~  
20 ~~accordance with existing law applicable to those ABC stores, except that~~  
21 ~~after the applicable distributions have been made pursuant to G.S. 18B-~~  
22 ~~805(b), (c), and (d), the local share of the mixed beverages surcharge and the~~  
23 ~~guest room cabinet surcharge required by G.S. 18B-804(b)(8) and (9) shall be~~  
24 ~~distributed one half to the general fund of the city where the mixed beverage~~  
25 ~~permittees are located and one half to the local ABC boards from whose~~  
26 ~~stores liquor is purchased. stores.~~

27 (f) Township Elections. – In a county where ABC stores have heretofore been  
28 established by petition pursuant to law, an election may be called in any township on any  
29 of the propositions listed in G.S. 18B-602. The election shall be held by the county board  
30 of elections upon request of the county board of commissioners or upon petition of  
31 twenty-five percent (25%) of the registered voters of the township. The election shall be  
32 conducted and the results determined in the same manner as county elections held under  
33 this Article. For purposes of this Article, townships holding any election under this  
34 subsection shall be treated on the same basis as counties, and municipalities located  
35 within those townships shall be treated on the same basis as cities.

36 In order for an establishment to qualify for a permit under this subsection, the  
37 establishment's gross receipts from food and nonalcoholic beverages shall be greater than  
38 its gross receipts from alcoholic beverages.

39 (g) Beautification District Elections. – In a county where ABC stores have been  
40 approved by an election and a beautification district has been created after May, 1984,  
41 and prior to June 30, 1990, an election authorized by subsection (a) of this section may be  
42 called in the beautification district. The election shall be called in accordance with G.S.  
43 18B-601(b), conducted, and the results determined in the same manner as county

1 elections held under this Article. For purposes of this Article, beautification districts  
2 holding any election shall be treated on the same basis as counties, and municipalities  
3 located within those beautification districts shall be treated on the same basis as cities."

4 Sec. 6. G.S. 18B-602(h) is repealed.

5 Sec. 7. G.S. 18B-603(d) and (e) are repealed.

6 Sec. 7.1. G.S. 118B-603(f2) reads as rewritten:

7 "(f2) Permits for Special ABC Areas. – The Commission may issue the permits  
8 provided for in G.S. 18B-1001(1), G.S. 18B-1001(2), G.S. 18B-1001(3), G.S. 18B-  
9 1001(4), G.S. 18B-1001(5), ~~G.S. 18B-1001(6), and G.S. 18B-1001(10)~~ and G.S. 18B-  
10 1001(6) to qualified persons and establishments located within a Special ABC area as  
11 defined in G.S. 18B-101, provided that: (i) if such area is a municipal corporation, the  
12 area shall conduct an election authorized by subdivision (a)(4) of G.S. 18B-600, which  
13 election may be held regardless of the number of registered voters located within the  
14 municipal corporation; ~~or (ii) if such area is unincorporated but has within such area a private~~  
15 ~~association or club, the board of such private association or club shall call and conduct a special~~  
16 ~~meeting at which meeting a majority of private association members, club members, lot and~~  
17 ~~home owners, votes and approves the sale of mixed beverages, and the board certifies the results~~  
18 ~~of such meeting to the Alcoholic Beverage Control Commission. The mixed beverages purchase-~~  
19 ~~transportation permit authorized by G.S. 18B-404(b) shall be issued by a local board operating a~~  
20 ~~store located in the same county as the Special ABC area."~~

21 Sec. 7.2. G.S. 18B-603(h) reads as rewritten:

22 "(h) Permits Based on Existing Permits. – In any county in which the sale of malt  
23 beverage on and off premises, the sale of unfortified wine on and off premises, the sale of  
24 mixed beverages, and the operation of an ABC system has been allowed in at least six  
25 cities in the county, or in any county adjacent to that county in which an ABC system has  
26 been allowed and which borders on the Atlantic Ocean, the Commission may issue  
27 permits to sports clubs as defined in G.S. 18B-1000(8) throughout the county. The  
28 Commission may issue the following permits:

29 (1) On and Off Premises Malt Beverage;

30 (2) ~~On and Off Premises Unfortified Wine;~~ Wine; or

31 (3) ~~On and Off Premises Fortified Wine;~~ or Wine.

32 (4) ~~Mixed Beverages.~~

33 The Commission may also issue on-premises malt beverage, unfortified ~~wine,~~ fortified  
34 wine and mixed beverages ~~wine and fortified wine~~ permits to a sports club located in a  
35 county adjacent to any county that has approved the sale of mixed beverages pursuant to  
36 the last paragraph of G.S. 18B-603(d), if the county in which the sports club is located  
37 borders another state and has at least one city that has approved the sale of mixed  
38 beverages. ~~Sports clubs holding mixed beverages permits shall purchase their spirituous liquor~~  
39 ~~at the nearest ABC system store that is located in the county.~~

40 The Commission may further issue on-premises malt beverage and on-premises  
41 unfortified wine permits to a sports club located in a county bordering on another state  
42 that is adjacent to any county in which permits were issued pursuant to this subsection  
43 prior to August 1, 1993. The sports clubs must be located in the unincorporated areas of

1 a county, in which the sale of malt beverages and unfortified wine is not permitted, and  
2 where there are six or more municipalities in that county where the sale of malt beverages  
3 and unfortified wine is permitted."

4 Sec. 8. G.S. 18B-604(e) is repealed.

5 Sec. 9. G.S. 18B-804(b)(4) is repealed.

6 Sec. 10. G.S. 18B-805 reads as rewritten:

7 **"§ 18B-805. Distribution of revenue.**

8 (a) Gross Receipts. – As used in this section, 'gross receipts' means all revenue  
9 of a local board, including proceeds from the sale of alcoholic beverages, investments,  
10 interest on deposits, and any other source.

11 (b) Primary Distribution. – Before making any other distribution, a local board  
12 shall first pay the following from its gross receipts:

13 (1) The board shall pay the expenses, including salaries, of operating the  
14 local ABC system.

15 (2) Each month the local board shall pay to the Department of Revenue the  
16 taxes due the Department. In addition to the taxes levied under Chapter  
17 105 of the General Statutes, ~~the local board shall pay to the Department one-~~  
18 ~~half of both the mixed beverages surcharge required by G.S. 18B-804(b)(8)~~  
19 ~~and the guest room cabinet surcharge required by G.S. 18B-804(b)(9).~~  
20 Statutes.

21 (3) ~~Each month the local board shall pay to the Department of Human~~  
22 ~~Resources five percent (5%) of both the mixed beverages surcharge~~  
23 ~~required by G.S. 18B-804(b)(8) and the guest room cabinet surcharge~~  
24 ~~required by G.S. 18B-804(b)(9). The Department of Human Resources~~  
25 ~~shall spend those funds for the treatment of alcoholism or substance~~  
26 ~~abuse, or for research or education on alcohol or substance abuse.~~

27 (4) Each month the local board shall pay to the county commissioners of  
28 the county where the charge is collected the proceeds from the bottle  
29 charge required by G.S. 18B-804(b)(6), to be spent by the county  
30 commissioners for the purposes stated in subsection (h) of this section.

31 (c) Other Statutory Distributions. – After making the distributions required by  
32 subsection (b), a local board shall make the following quarterly distributions from the  
33 remaining gross receipts:

34 (1) Before making any other distribution under this subsection, the local  
35 board shall set aside the clear proceeds of the three and one-half percent  
36 (3 1/2%) markup provided for in G.S. 18B-804(b)(5) and the bottle  
37 charge provided for in G.S. 18B-804(b)(6b), to be distributed as part of  
38 the remaining gross receipts under subsection (e) of this section.

39 (2) The local board shall spend for law enforcement an amount set by the  
40 board which shall be at least five percent (5%) of the gross receipts  
41 remaining after the distribution required by subdivision (1). The local  
42 board may contract with the ALE Division to provide the law

1 enforcement required by this subdivision. Notwithstanding the  
2 provisions of any local act, this provision shall apply to all local boards.

3 (3) The local board shall spend, or pay to the county commissioners to  
4 spend, for the purposes stated in subsection (h), an amount set by the  
5 board which shall be at least seven percent (7%) of the gross receipts  
6 remaining after the distribution required by subdivision (1). This  
7 provision shall not be applicable to a local board which is subject to a  
8 local act setting a different distribution.

9 (d) Working Capital. – After making the distributions provided for in subsections  
10 (b) and (c), the local board may set aside a portion of the remaining gross receipts, within  
11 the limits set by the rules of the Commission, as cash to operate the ABC system. With  
12 the approval of the appointing authority for the board, the local board may also set aside a  
13 portion of the remaining gross receipts as a fund for specific capital improvements.

14 (e) Other Distributions. – After making the distributions provided in subsections  
15 (b), (c), and (d), the local board shall pay each quarter the remaining gross receipts to the  
16 general fund of the city or county for which the board is established, unless some other  
17 distribution or some other schedule is provided for by law. If the governing body of each  
18 city and county receiving revenue from an ABC system agrees, those governing bodies  
19 may alter at any time the distribution to be made under this subsection or under any local  
20 act. Copies of the governing body resolutions agreeing to a new distribution formula and  
21 a copy of the approved new distribution formula shall be submitted to the Commission  
22 for review and audit purposes. If any one of the governing bodies later withdraws its  
23 consent to the change in distribution, profits shall be distributed according to the original  
24 formula, beginning with the next quarter.

25 (f) ~~Surcharge Profit Shared. – When, pursuant to the last paragraph of G.S. 18B-~~  
26 ~~603(d), spirituous liquor is bought at a city ABC store by a mixed beverages permittee for~~  
27 ~~premises located outside the city, the local board operating the store at which the sale is~~  
28 ~~made shall retain seventy five percent (75%) of the local share of both the mixed~~  
29 ~~beverages surcharge required by G.S. 18B 804(b)(8) and the guest room cabinet~~  
30 ~~surcharge required by G.S. 18B 804(b)(9) and the remaining twenty five percent (25%)~~  
31 ~~shall be divided equally among the local ABC boards for all other cities in the county that~~  
32 ~~have authorized the sale of mixed beverages.~~

33 ~~When, pursuant to G.S. 18B 603(e), spirituous liquor is bought at a city ABC store by~~  
34 ~~a mixed beverages permittee for premises located at an airport outside the city, the local~~  
35 ~~share of both the mixed beverages surcharge required by G.S. 18B 804(b)(8) and the~~  
36 ~~guest room cabinet surcharge required by G.S. 18B 804(b)(9) shall be divided equally~~  
37 ~~among the local ABC boards for all cities in the county that have authorized the sale of~~  
38 ~~mixed beverages.~~

39 (g) Quarterly Distributions. – When this section requires a distribution to be made  
40 quarterly, at least ninety percent (90%) of the estimated distribution shall be paid to the  
41 recipient by the local board within 30 days of the end of that quarter. Adjustments in the  
42 amount to be distributed resulting from the closing of the books and from audit shall be  
43 made with the next quarterly payment.

1 (h) Expenditure of Alcoholism Funds. – Funds distributed under subdivisions  
2 (b)(4) and (c)(3) of this section shall be spent for the treatment of alcoholism or substance  
3 abuse, or for research or education on alcohol or substance abuse. The minutes of the  
4 board of county commissioners or local board spending funds allocated under this  
5 subsection shall describe the activity for which the funds are to be spent. Any agency or  
6 person receiving funds from the county commissioners or local board under this  
7 subsection shall submit an annual report to the board of county commissioners or local  
8 board from which funds were received, describing how the funds were spent.

9 (i) Calculation of Statutory Distributions When Liquor Sold at Less Than Uniform  
10 Price. – If a local board sells liquor at less than the uniform State price, distributions  
11 required by subsections (b) and (c) shall be calculated as though the liquor was sold at the  
12 uniform price."

13 Sec. 11. G.S. 18B-902(d) reads as rewritten:

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

- 16 (1) On-premises malt beverage permit – \$200.00.
- 17 (2) Off-premises malt beverage permit – \$200.00.
- 18 (3) On-premises unfortified wine permit – \$200.00.
- 19 (4) Off-premises unfortified wine permit – \$200.00.
- 20 (5) On-premises fortified wine permit – \$200.00.
- 21 (6) Off-premises fortified wine permit – \$200.00.
- 22 (7) Brown-bagging permit – \$200.00, unless the application is for a  
23 restaurant seating less than 50, in which case the fee shall be \$100.00.
- 24 (8) Special occasion permit – \$200.00.
- 25 (9) Limited special occasion permit – \$25.00.
- 26 ~~(10) Mixed beverages permit – \$750.00.~~
- 27 (11) Culinary permit – \$100.00.
- 28 (12) Unfortified winery permit – \$150.00.
- 29 (13) Fortified winery permit – \$150.00.
- 30 (14) Limited winery permit – \$150.00.
- 31 (15) Brewery permit – \$150.00.
- 32 (16) Distillery permit – \$150.00.
- 33 (17) Fuel alcohol permit – \$50.00.
- 34 (18) Wine importer permit – \$150.00.
- 35 (19) Wine wholesaler permit – \$150.00.
- 36 (20) Malt beverage importer permit – \$150.00.
- 37 (21) Malt beverage wholesaler permit – \$150.00.
- 38 (22) Bottler permit – \$150.00.
- 39 (23) Salesman permit – \$25.00.
- 40 (24) Vendor representative permit – \$25.00.
- 41 (25) Nonresident malt beverage vendor permit – \$50.00.
- 42 (26) Nonresident wine vendor permit – \$50.00.
- 43 (27) Any special one-time permit under G.S. 18B-1002 – \$25.00.



1 (28) Winery special event permit – \$100.00.

2 ~~(29) Mixed beverages catering permit – \$100.00.~~

3 (30) Guest room cabinet permit – \$750.00."

4 Sec. 12. G.S. 18B-903(b) reads as rewritten:

5 "(b) Renewal. – Application for renewal of an ABC permit shall be on a form  
6 provided by the Commission. An application for renewal shall be accompanied by an  
7 application fee of twenty-five percent (25%) of the original application fee set in ~~G.S.~~  
8 ~~18B-902, except that the renewal application fee for each mixed beverages permit and each guest~~  
9 ~~room cabinet permit shall be five hundred dollars (\$500.00).~~ G.S. 18B-902. A renewal fee  
10 shall not be refundable."

11 Sec. 13. G.S. 18B-1001(10) and (12) are repealed.

12 Sec. 13.1. G.S. 18B-1001(13) reads as rewritten:

13 "(13) Guest Room Cabinet Permit. – A guest room cabinet permit authorizes a  
14 hotel ~~having a mixed beverages permit~~ to sell to its room guests, from  
15 securely locked cabinets, malt beverages, unfortified wine, fortified  
16 wine, and spirituous liquor. A permittee shall designate and maintain at  
17 least ten percent (10%) of the permittee's guest rooms as rooms that do  
18 not have a guest room cabinet. A permittee may dispense alcoholic  
19 beverages from a guest room cabinet only in accordance with written  
20 policies and procedures filed with and approved by the Commission. A  
21 permittee shall provide a reasonable number of vending machines,  
22 coolers, or similar machines on premises for the sale of soft drinks to  
23 hotel guests.

24 A guest room cabinet permit may be issued for any of the following:

25 a. A hotel located in a county subject to G.S. 18B-600(f).

26 b. A hotel located in a county that has a population in excess of  
27 150,000 by the last federal census."

28 Sec. 14. G.S. 18B-1002(a) reads as rewritten:

29 "(a) Kinds of Permits. – In addition to the other permits authorized by this Chapter,  
30 the Commission may issue permits for the following activities:

31 (1) A permit may be issued to a person who acquires ownership or  
32 possession of alcoholic beverages through bankruptcy, inheritance,  
33 foreclosure, judicial sale, or other special occurrence, and who does not  
34 already have a permit authorizing the sale of that kind of alcoholic  
35 beverage. The permit may authorize the sale or other disposition of the  
36 alcoholic beverages in a manner prescribed by the Commission.

37 (2) A permit may be issued to a nonprofit organization to allow the retail  
38 sale of malt beverages, unfortified wine, or fortified wine, or to allow  
39 brown-bagging, at a single fund-raising event of that organization. A  
40 permit for this purpose shall not be issued for the sale of any kind of  
41 alcoholic beverage in a jurisdiction where the sale of that alcoholic  
42 beverage is not lawful.

- 1 (3) A permit may be issued to a permittee who is going out of business to  
2 authorize the sale or other disposition of his alcoholic beverages stock in  
3 a manner that would not otherwise be authorized under his permit.
- 4 (4) A permit may be issued to a collector of wine or decorative decanters of  
5 spirituous liquor authorizing that person to bring into the State,  
6 transport, or possess as a collector, a greater amount of those alcoholic  
7 beverages than is otherwise authorized by this Chapter, or to sell those  
8 alcoholic beverages in a manner prescribed by the Commission.
- 9 (5) A permit may be issued to a nonprofit organization or a political  
10 organization to serve wine, malt beverages, and spirituous liquor at a  
11 ticketed event held to allow the organization to raise funds. For  
12 purposes of this subdivision 'nonprofit organization' means an  
13 organization that is exempt from taxation under Section 501(c)(3),  
14 501(c)(4), 501(c)(6), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the  
15 Internal Revenue Code or is exempt under similar provisions of the  
16 General Statutes as a bona fide nonprofit charitable, civic, religious,  
17 fraternal, patriotic, or veterans' organization or as a nonprofit volunteer  
18 fire department, or as a nonprofit volunteer rescue squad or a bona fide  
19 homeowners' or property owners' association. For purposes of this  
20 subdivision 'political organization' means an organization covered by  
21 the provisions of G.S. 163-96(a)(1) or (2) or a campaign organization  
22 established by or for a person who is a candidate who has filed a notice  
23 of candidacy, paid the filing fees or filed the required petition, and been  
24 certified as a candidate. ~~The issuance of this permit will also allow the~~  
25 ~~issuance of a purchase transportation permit under G.S. 18B-403 and 18B-404~~  
26 ~~and the use for culinary purposes of spirituous liquor lawfully purchased for~~  
27 ~~use in mixed beverages."~~

28 Sec. 15. G.S. 18B-1004 reads as rewritten:

29 **"§ 18B-1004. Hours for sale and consumption.**

30 (a) Hours. – Except as otherwise provided in this section, it shall be unlawful to  
31 sell malt beverages, unfortified wine, or fortified wine, ~~or mixed beverages wine~~ between  
32 the hours of 2:00 A.M. and 7:00 A.M., or to consume any of those alcoholic beverages  
33 between the hours of 2:30 A.M. and 7:00 A.M., in any place that has been issued a permit  
34 under G.S. 18B-1001.

35 (b) Repealed by Session Laws 1991, c. 689, s. 310.

36 (c) Sunday Hours. – It shall be unlawful to sell or consume alcoholic beverages on  
37 any licensed premises from the time at which sale or consumption must cease on Sunday  
38 morning until 12:00 Noon on that day.

39 (d) Local Option. – A city may adopt an ordinance prohibiting in the city the retail  
40 sale of malt beverages, unfortified wine, and fortified wine during any or all of the hours  
41 from 12:00 Noon on Sunday until 7:00 A.M. on the following Monday. A county may  
42 adopt an ordinance prohibiting, in the parts of the county outside any city, the retail sale  
43 of malt beverages, unfortified wine, and fortified wine during any or all of the hours from

1 12:00 Noon on Sunday until 7:00 A.M. on the following Monday. Neither a city nor a  
2 county, however, may prohibit those sales in establishments having brown-bagging or  
3 ~~mixed beverages permits.~~

4 (e) This section does not prohibit at any time the wholesale delivery and sale of  
5 unfortified wine, fortified wine, and malt beverages to retailers issued permits pursuant to  
6 G.S. 18B-1001 or G.S. 18B-1002(a)(2) or (5)."

7 Sec. 16. G.S. 18B-1006(a) reads as rewritten:

8 "(a) School and College Campuses. – No permit for the sale of malt beverages,  
9 unfortified wine, or fortified wine shall be issued to a business on the campus or property  
10 of a public school or college unless that business is a hotel or a nonprofit alumni  
11 organization with a ~~mixed beverages permit or a special occasion permit.~~"

12 Sec. 16.1. G.S. 18B-1006(i) reads as rewritten:

13 "(i) Tour Boats. – The Commission may issue permits to boats that conduct  
14 regularly scheduled tours upon the rivers or waterways of this State under the following  
15 conditions:

16 (1) A boat shall serve meals on each tour and shall have a dining area with  
17 seating for at least 36 people;

18 (2) A boat's gross receipts from food and non-alcoholic beverages shall be  
19 greater than its gross receipts from alcoholic beverages;

20 (3) A boat may hold the permits listed in G.S. 18B-1001(1), (3), (5), ~~(7), and~~  
21 ~~(10), and (7),~~ but no off-premises sales may be made pursuant to those  
22 permits;

23 (4) A boat shall have a home port in an area where issuance of the permits  
24 listed in subdivision (3) is legal, and all passengers shall enter the boat  
25 at the home port or at other ports listed on a preannounced itinerary.  
26 The boat's permits are valid during tours that leave and return to the  
27 boat's home port, and apply regardless of whether the boat crosses into  
28 an area where sales are not legal, if the boat docks only at a port listed  
29 on the preannounced itinerary, except in an emergency; and

30 (5) A boat conducting tours along the intracoastal waterway and navigable  
31 waterways that enters into the intracoastal waterway, pursuant to a  
32 preannounced itinerary that includes visits to two or more cities, may  
33 serve alcoholic beverages pursuant to ABC permits issued according to  
34 the jurisdiction of its home port in the following manner:

35 a. While on tour, alcoholic beverages may be served to passengers;

36 b. While docked in any other port alcoholic beverages may be  
37 served only to tour passengers;

38 c. During special city-sponsored events and festivals, in which case  
39 the boat may open its galley and bars at dockside to the general  
40 public and sell those alcoholic beverages that are lawful in the  
41 jurisdiction in which it is docked. Any sales in this manner shall  
42 be in accordance with the requirements of any ordinances of the  
43 jurisdiction in which the boat is docked.

1           ~~(6) Liquor purchased for resale in mixed beverages may be purchased only~~  
2           ~~from the local board for the jurisdiction of the boat's home port."~~

3           Sec. 17. G.S. 18B-1007 is repealed.

4           Sec. 18. G.S. 95-25.5(i) reads as rewritten:

5           "(i) Youths under 18 years of age employed by their parents are exempt from all  
6 provisions of this section, except for all of the following:

7           (1) The certificate requirements of subsection (a) of this section.

8           (2) The prohibition from hazardous or detrimental occupations of  
9 subsection (b) of this section.

10          ~~(3) The prohibitions of subsection (j)(2) of this section if the youths only~~  
11          ~~work at the establishment when another employee at least 21 years of~~  
12          ~~age is in charge of and present at the licensed premises."~~

13          Sec. 18.1. G.S. 95-25.5(j) reads as rewritten:

14          "(j) No person who holds any ABC permit issued pursuant to the provisions of  
15 Chapter 18B of the General Statutes for the on-premises sale or consumption of alcoholic  
16 beverages, including any mixed beverages, beverages shall employ a youth:

17          (1) Under 16 years of age on the premises for any purpose;

18          (2) Under 18 years of age to prepare, serve, dispense or sell any alcoholic  
19 beverages, including mixed beverages."

20          Sec. 19. G.S. 105-113.68(a)(4) reads as rewritten:

21          "(4) 'Alcoholic beverage' means a beverage containing at least one half of  
22 one percent (0.5%) alcohol by volume, including malt beverages,  
23 unfortified wine, fortified wine, spirituous ~~liquor, and mixed beverages.~~  
24 liquor."

25          Sec. 20. G.S. 105-164.13(37) reads as rewritten:

26          "~~(37) Spirituous liquor. This exemption does not prohibit the levy of sales and~~  
27          ~~use taxes on mixed beverages. As used in this subdivision, the terms~~  
28          term 'spirituous liquor' and "mixed beverage" have has the same  
29          ~~meanings meaning as in G.S. 18B-101(14) and G.S. 18B-101(10)~~  
30          ~~respectively. 18B-101(14)."~~

31          Sec. 21. Notwithstanding any other provision of law, the ABC Commission  
32 shall not issue any permits allowing the sale of mixed beverages on or after the effective  
33 date of this act.

34          Sec. 22. All permits repealed by this act that were issued prior to the effective  
35 date of this act shall expire and become null and void 60 days after the effective date of  
36 this act.

37          Sec. 23. This act is effective upon ratification.