

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 829
Committee Substitute Favorable 5/1/13

Short Title: Sale of Growlers by Certain ABC Permittees.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN ABC PERMITTEES TO SELL MALT BEVERAGES IN
3 CERTAIN CONTAINERS FOR CONSUMPTION OFF THE PERMITTED PREMISES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 18B-1001 reads as rewritten:

6 "**§ 18B-1001. Kinds of ABC permits; places eligible.**

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

- 9 (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit
10 authorizes (i) the retail sale of malt beverages for consumption on the
11 ~~premises and premises,~~ (ii) the retail sale of malt beverages in the
12 manufacturer's original container for consumption off the ~~premises-premises,~~
13 and (iii) the retail sale of malt beverages in a cleaned, sanitized, resealable
14 container as defined in 4 NCAC 2T .0308(a) that is filled or refilled and
15 sealed for consumption off the premises, complies with 4 NCAC 2T .0303, 4
16 NCAC 2T .0305, and 4 NCAC 2T .0308(d)-(e), and the container identifies
17 the permittee and the date the container was filled or refilled. It also
18 authorizes the holder of the permit to ship malt beverages in closed
19 containers to individual purchasers inside and outside the State. The permit
20 may be issued for any of the following:
- 21 a. Restaurants;
 - 22 b. Hotels;
 - 23 c. Eating establishments;
 - 24 d. Food businesses;
 - 25 e. Retail businesses;
 - 26 f. Private clubs;
 - 27 g. Convention centers;
 - 28 h. Community theatres;
 - 29 i. Breweries as authorized by G.S. 18B-1104(7).

- 30 (2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage
31 permit authorizes (i) the retail sale of malt beverages in the manufacturer's
32 original container for consumption off the ~~premises and~~ it
33 authorizes ~~premises,~~ (ii) the retail sale of malt beverages in a cleaned,
34 sanitized, resealable container as defined in 4 NCAC 2T .0308(a) that is
35 filled or refilled and sealed for consumption off the premises, complies with
36 4 NCAC 2T .0303, 4 NCAC 2T .0305, and 4 NCAC 2T .0308(d)-(e), and the



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1 container identifies the permittee and the date the container was filled or
2 refilled, and (iii) the holder of the permit to ship malt beverages in closed
3 containers to individual purchasers inside and outside the State. The permit
4 may be issued for any of the following:

- 5 a. Restaurants;
- 6 b. Hotels;
- 7 c. Eating establishments;
- 8 d. Food businesses;
- 9 e. Retail businesses.

10 ...

11 (16) Wine Shop Permit. – A wine shop permit authorizes (i) the retail sale of malt
 12 beverages, unfortified wine, and fortified wine in the manufacturer's original
 13 container for consumption off the ~~premises, and authorizes~~ premises, (ii) the
 14 retail sale of malt beverages in a cleaned, sanitized, resealable container as
 15 defined in 4 NCAC 2T .0308(a) that is filled or refilled and sealed for
 16 consumption off the premises, complies with 4 NCAC 2T .0303, 4 NCAC
 17 2T .0305, and 4 NCAC 2T .0308(d)-(e), and the container identifies the
 18 permittee and the date the container was filled or refilled, and (iii) wine
 19 tastings on the premises conducted and supervised by the permittee in
 20 accordance with subdivision (15) of this section. It also authorizes the holder
 21 of the permit to ship malt beverages, unfortified wine, and fortified wine in
 22 closed containers to individual purchasers inside and outside the State. The
 23 permit may be issued for retail businesses whose primary purpose is selling
 24 malt beverages and wine for consumption off the premises and regularly and
 25 customarily educating consumers through tastings, classes, and seminars
 26 about the selection, serving, and storing of wine. The holder of the permit is
 27 authorized to sell unfortified wine for consumption on the premises,
 28 provided that the sale of wine for consumption on the premises does not
 29 exceed forty percent (40%) of the establishment's total sales for any 30-day
 30 period. The holder of a wine-tasting permit not engaged in the preparation or
 31 sale of food on the premises is not subject to Part 6 of Article 8 of Chapter
 32 130A of the General Statutes.

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34 **SECTION 2.** The ABC Commission shall adopt rules dealing with sanitation of
35 growlers by January 1, 2014.

36 **SECTION 3.** This act is effective when it becomes law.