

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 343
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Short Title: ABC Law Amendments.

(Public)

Sponsors: Senator Seymour.

Referred to: Alcoholic Beverage Control.

March 28, 1991

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE ALCOHOLIC BEVERAGE CONTROL LAWS.
3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 18B-301(b) reads as rewritten:

5 "(b) Possession on Other Property. – It shall be lawful, without an ABC permit,
6 for a person to possess for his personal use and the use of his guests not more than ~~four~~
7 five liters of fortified wine or spirituous liquor, or ~~four~~-five liters of the two combined, at
8 the following places:

9 (1) The residence of any other person with that person's consent;

10 (2) Any other property not primarily used for commercial purposes and
11 not open to the public at the time the alcoholic beverage is possessed,
12 if the owner or other person in charge of the property consents to that
13 possession and consumption;

14 (3) An establishment with a brown-bagging permit as defined in G.S.
15 18B-1001(7)."

16 Sec. 2. G.S. 18B-702 is amended by adding a new subsection to read:

17 "(f) Applicability of Criminal Statutes. – The provisions of G.S. 14-90 and G.S.
18 14-254 shall apply to any person appointed to or employed by a local board, and any
19 person convicted of a violation of G.S. 14-90 or G.S. 14-254 shall be punished as a
20 Class H felon."

21 Sec. 3. G.S. 18B-805(e) reads as rewritten:

22 "(e) Other Distributions. – After making the distributions provided in subsections
23 (b), (c), and (d), the local board shall pay each quarter the remaining gross receipts to

1 the general fund of the city or county for which the board is established, unless some
2 other distribution or some other schedule is provided for by law. If the governing body
3 of each city and county receiving revenue from an ABC system agrees, and if the
4 Commission approves, those governing bodies may alter at any time the distribution ~~to~~
5 ~~be made under this subsection.~~ the local governing bodies receive under this subsection or
6 under any local act in lieu of the distributions provided for in this subsection. No
7 agreement between governing bodies shall, however, alter any distributions designated
8 by any local act to any other entity such as a school board, library, or hospital unless
9 that entity receiving funds agrees to a change in their distribution. If any one of the
10 governing bodies later withdraws its consent to the change in distribution, profits shall
11 be distributed according to the original formula, beginning with the next quarter."

12 Sec. 4. G.S. 18B-904 is amended by adding a new subsection to read:

13 "(f) Local Government Objections. – In any hearing in which the suitability of a
14 location or applicant is an issue, a local government official may be designated by the
15 local governing authority to make recommendations pursuant to G.S. 18B-901(b) and
16 may testify at the hearing without further qualification or authorization."

17 Sec. 5. G.S. 18B-1001(5) reads as rewritten:

18 "(5) On-Premises Fortified Wine Permit. – An on-premises fortified wine
19 permit authorizes the retail sale of fortified wine for consumption on
20 the premises, either alone or mixed with other beverages, and the retail
21 sale of fortified wine in the manufacturer's original container for
22 consumption off the premises. The permit may be issued for any of the
23 following:

- 24 a. Restaurants;
- 25 b. Hotels;
- 26 c. Private clubs;
- 27 d. Community theatres;
- 28 e. ~~Winery.~~ Wineries;
- 29 f. Convention centers."

30 Sec. 6. G.S. 18B-1001(7) reads as rewritten:

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

- 37 a. Restaurants;
- 38 b. Hotels;
- 39 c. Private clubs;
- 40 d. Community theaters;
- 41 e. Congressionally-chartered veterans organizations."

42 Sec. 7. G.S. 18B-1006(b) reads as rewritten:

43 "(b) Lockers at Clubs. – A private club or congressionally-chartered veterans
44 organization which has been issued a brown-bagging permit may, but is not required to,

1 provide lockers for its members to store their alcoholic beverages. If lockers are
2 provided, however, they shall not be shared but shall be for individual members. Each
3 locker and each bottle of alcoholic beverages on the premises shall be labelled with the
4 name of the member to whom it belongs. No more than ~~four~~-five liters each of malt
5 beverages or unfortified wine may be stored by a member at one time. No more than
6 ~~four~~-five liters of either fortified wine or spirituous liquor, or ~~four~~-five liters of the two
7 combined, may be stored by a member at one time."

8 Sec. 8. G.S. 18B-1109(a) reads as rewritten:

9 "(a) Authorization. – The holder of a malt beverages wholesaler permit may:

- 10 (1) Receive, possess and transport shipments of malt beverages;
11 (2) Sell, deliver and ship, in closed containers and in quantities of one case
12 or container or more, malt beverages of any brand filed pursuant to
13 ~~subsection (b)~~, G.S. 18B-1303(a), to wholesalers or retailers licensed
14 under this Chapter, as authorized by the ABC laws;
15 (3) Furnish and sell malt beverages filed pursuant to ~~subsection (b)~~ G.S.
16 18B-1303(a) to its employees subject to the rules of the Commission
17 and the Department of Revenue;
18 (4) In locations where the sale is legal, furnish malt beverages of any
19 brand filed pursuant to ~~subsection (b)~~ G.S. 18B-1303(a) to guests and
20 any other person who does not hold an ABC permit, for promotional
21 purposes, subject to the rules of the Commission."

22 Sec. 9. G.S. 18B-1303(a) reads as rewritten:

23 "(a) Filing. – It is unlawful for a supplier to provide malt beverages to a
24 wholesaler unless a distribution agreement has been filed with the Commission
25 describing the brands of the supplier which the wholesaler is authorized to sell and the
26 territory in which such sales may take place. If the supplier sells several brands, the
27 agreement need not apply to all brands. No supplier may provide by a distribution
28 agreement for the distribution of a brand to more than one wholesaler for the same
29 territory. A wholesaler shall not distribute any brand of malt beverage to a retailer
30 whose premises are located outside the territory specified in the wholesaler's
31 distribution agreement for that brand. A wholesaler may, however, with the approval of
32 the Commission distribute malt beverages outside his designated territory during
33 periods of temporary service interruption when requested to do so by the supplier and
34 the wholesaler whose service is interrupted."

35 Sec. 10. G.S. 18B-600 is amended by adding a new subsection to read:

36 "(e3) Multi-County/City ABC Elections. If a city is located in two or more
37 counties, the following provision shall apply:

- 38 (a) The city may hold a malt beverage or unfortified wine election if any
39 county in which a portion of the city is located in part has already held
40 such an election, the vote in the last such election was against the sale
41 of that kind of alcoholic beverage, and the city has a population of 500
42 or more.

- 1 **(b)** The city may hold a mixed beverage election if the city has at least 500
2 registered voters and any county in which a portion of the city is
3 located has ABC stores.
- 4 **(c)** If an election is held by a city located in two or more counties pursuant
5 to the provisions hereof, all of the city voters otherwise qualified may
6 vote in such election. If the vote is for approval, the city may operate
7 on the basis of such approval. If the sale of mixed beverages is
8 approved, the mixed beverage permittees shall purchase their liquor
9 from the ABC stores located within the city that have been designated
10 by the local boards for such purchases, with the profits being
11 distributed in accordance with existing law applicable to such ABC
12 stores. Provided, however, after the applicable distributions have been
13 made pursuant to G.S. 18B-805(b), (c) and (d), the mixed beverages
14 surcharge required by G.S. 18B-804(b)(8), shall be distributed to the
15 General Fund of the city where the mixed beverage permittees are
16 located."
- 17 Sec. 11. This act shall become effective upon ratification.