

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1043

Short Title: Eliminate Brown-Bagging Permits.

(Public)

Sponsors: Representatives Hensley and McMahan.

Referred to: Alcoholic Beverage Control.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE BROWN-BAGGING PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-603(f) reads as rewritten:

"(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

(1) Special occasion permits;

(2) Limited special occasion permits;

(3) ~~Brown-bagging permits for private clubs and congressionally chartered veterans organizations;~~ Mixed beverages permit for any establishment that qualifies for a permit under G.S. 18B-1001(10). However, the board of county commissioners in a county that does not allow the sale of mixed beverages may opt out and continue to prohibit the sale of mixed beverages if that action is taken before October 1, 1999.

(4) Culinary permits, except as restricted by subdivision (d)(5);

(5) Special one-time permits issued under G.S. 18B-1002;

(6) All permits listed in G.S. 18B-1100;

(7) On-premises malt beverage permits and on-premises unfortified wine permits for a tourism ABC establishment."

Section 2. G.S. 18B-603(f1) reads as rewritten:

1 "~~f1~~ ~~Reserved for future codification purposes.~~ Mixed Beverages opt out. – The board
2 of county commissioners in a county that does not allow the sale of mixed beverages may
3 opt out of the issuance of permits pursuant to G.S. 18B-603(f)(3) and continue to prohibit
4 the sale of mixed beverages if that action is taken before October 1, 1999. However, an
5 opt out shall not affect permits previously issued within the county pursuant to G.S. 18B-
6 603(d), 18B-603(e), 18B-603(f), 18B-603(f2), 18B-603(g), or 18B-603(h).

7 The same board of county commissioners voting to opt out as described in G.S. 18B-
8 603(f)(3), or any subsequent board of county commissioners, may vote at any time to
9 reverse its opt out vote and to allow the mixed beverage permits authorized by G.S. 18B-
10 603(f)(3) to be issued."

11 Section 3. G.S. 18B-1001(10) reads as rewritten:

12 **"§ 18B-1001. Kinds of ABC permits; places eligible.**

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

15 ...

16 (10) Mixed Beverages Permit. – A mixed beverages permit authorizes the
17 retail sale of mixed beverages for consumption on the premises. The
18 permit also authorizes a mixed beverages permittee to obtain on-
19 premises malt beverage and unfortified wine permits and to obtain a
20 purchase-transportation permit under G.S. 18B-403 and 18B-404, and to
21 use for culinary purposes spirituous liquor lawfully purchased for use in
22 mixed beverages. The holder of this permit shall buy spirituous liquor
23 from the ABC system in their jurisdiction, or if there is none, from the
24 nearest ABC store designated for sales to mixed beverages permittees.

25 The permit may be issued for any of the following:

- 26 a. Restaurants;
27 b. Hotels;
28 c. Private clubs;
29 d. Convention centers;
30 e. Community theatres;
31 f. ~~Nonprofit organizations; and organizations;~~
32 g. ~~Political organizations; organizations;~~
33 h. Congressionally chartered veterans organizations; and
34 i. Sports clubs."

35 Section 4. G.S. 18B-603(f) reads as rewritten:

36 "(f) Permits Not Dependent on Elections. – The Commission may issue the
37 following kinds of permits without approval at an election:

- 38 (1) Special occasion permits;
39 (2) Limited special occasion permits;
40 (3) Brown-bagging permits for private clubs and congressionally chartered
41 veterans organizations;
42 (4) Culinary permits, except as restricted by subdivision (d)(5);
43 (5) Special one-time permits issued under G.S. 18B-1002;

- 1 (6) All permits listed in G.S. 18B-1100;
2 (7) On-premises malt beverage permits and on-premises unfortified wine
3 permits for a tourism ABC establishment.
4 (8) On-premises malt beverage permits and on-premises unfortified wine
5 permits for any business that holds a mixed beverages permit."

6 Section 5. G.S. 18B-603(c)(3), 18B-603(d)(4), 18B-1001(7), 18B-1006(b),
7 and 18B-301(b)(3) are repealed.

8 Section 6. Brown-bagging permits issued before the effective date of this act
9 shall be surrendered by the permittee upon receipt of a mixed beverages permit.
10 Otherwise, all brown-bagging permits shall expire on October 1, 1999. The Commission
11 shall no longer issue or renew brown-bagging permits after the effective date of this act.

12 Applications for mixed beverages permits filed with the Alcoholic Beverage
13 Control Commission prior to the date of any opt out decision by the board of county
14 commissioners of the county in which the applicant is located may be considered by the
15 Commission and issued to qualified applicants.

16 Section 7. This act is effective when it becomes law. Any permits issued
17 pursuant to this act shall be effective on or after October 1, 1999.