

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 459
SENATE BILL 343

AN ACT AMENDING THE ALCOHOLIC BEVERAGE CONTROL LAWS.

The General Assembly of North Carolina enacts:

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

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

- (1) The residence of any other person with that person's consent;
- (2) Any other property not primarily used for commercial purposes and not open to the public at the time the alcoholic beverage is possessed, if the owner or other person in charge of the property consents to that possession and consumption;
- (3) An establishment with a brown-bagging permit as defined in G.S. 18B-1001(7)."

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

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

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

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

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

"(f) Local Government Objections. – In any hearing in which the suitability of a location or applicant is an issue, a local government official may be designated by the

local governing authority to make recommendations pursuant to G.S. 18B-901(b) and may testify at the hearing without further qualification or authorization."

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

"(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 may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Private clubs;
- d. Community theatres;
- e. ~~Winery.~~ Wineries;
- f. Convention centers."

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

"(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 ~~four~~ five liters of fortified wine or spirituous liquor, or ~~four~~ five 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:

- a. Restaurants;
- b. Hotels;
- c. Private clubs;
- d. Community theaters;
- e. Congressionally-chartered veterans organizations."

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

"(b) Lockers at Clubs. – A private club or congressionally-chartered veterans organization which has been issued a brown-bagging permit may, but is not required to, provide lockers for its members to store their alcoholic beverages. If lockers are provided, however, they shall not be shared but shall be for individual members. Each locker and each bottle of alcoholic beverages on the premises shall be labelled with the name of the member to whom it belongs. No more than ~~four~~ five liters each of malt beverages or unfortified wine may be stored by a member at one time. No more than ~~four~~ five liters of either fortified wine or spirituous liquor, or ~~four~~ five liters of the two combined, may be stored by a member at one time."

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

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

- (1) Receive, possess and transport shipments of malt beverages;
- (2) Sell, deliver and ship, in closed containers and in quantities of one case or container or more, malt beverages of any brand filed pursuant to ~~subsection (b),~~ G.S. 18B-1303(a), to wholesalers or retailers licensed under this Chapter, as authorized by the ABC laws;

- (3) Furnish and sell malt beverages filed pursuant to ~~subsection (b)~~ G.S. 18B-1303(a) to its employees subject to the rules of the Commission and the Department of Revenue;
- (4) In locations where the sale is legal, furnish malt beverages of any brand filed pursuant to ~~subsection (b)~~ G.S. 18B-1303(a) to guests and any other person who does not hold an ABC permit, for promotional purposes, subject to the rules of the Commission."

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

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

Sec. 10. G.S. 18B-404(d) reads as rewritten:

"(d) Size of Bottles. – A purchase-transportation permit for a mixed beverages permittee shall authorize the purchase and transportation only of ~~750~~ 375 milliliter or larger containers."

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives