

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 57\*

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(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON ALCOHOLIC BEVERAGE CONTROL AND TO MAKE OTHER CHANGES IN THE ABC LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101 reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

- (1) 'ABC law' or 'ABC laws' means any statute or statutes in this Chapter or in Article 2C of Chapter 105, and the rules issued by the Commission under the authority of this Chapter.
- (2) 'ABC permit' or 'permits' means any written or printed authorization issued by the Commission pursuant to the provisions of this Chapter, other than a purchase-transportation permit. Unless the context clearly requires otherwise, as in the provisions concerning

- 1 applications for permits, 'ABC permit' or 'permit' means a presently  
2 valid permit.
- 3 (3) 'ABC system' means a local board and all ABC stores operated by it,  
4 its law-enforcement branch, and all its employees.
- 5 (4) 'Alcoholic beverage' means any beverage containing at least one-half  
6 of one percent (0.5%) alcohol by volume, including malt beverages,  
7 unfortified wine, fortified wine, spirituous liquor, and mixed  
8 beverages.
- 9 (5) 'ALE Division' means the Alcohol Law Enforcement Division of the  
10 Department of Crime Control and Public Safety.
- 11 (5a) 'Bailment surcharge' means the charge imposed on each case of  
12 liquor shipped from a Commission warehouse as provided in G.S.  
13 18B-208. This bailment surcharge is in addition to the bailment  
14 charge imposed by G.S. 18B-804(b)(2).
- 15 (6) 'Commission' means the North Carolina Alcoholic Beverage Control  
16 Commission established under G.S. 18B-200.
- 17 (7) 'Fortified wine' means any wine made by fermentation from grapes,  
18 fruits, berries, rice, or honey, to which nothing has been added other  
19 than pure brandy made from the same type of grape, fruit, berry,  
20 rice, or honey that is contained in the base wine, and which has an  
21 alcoholic content of not more than twenty-four percent (24%)  
22 alcohol by volume.
- 23 (8) 'Local board' means a city or county ABC board, or local board  
24 created pursuant to the provisions of G.S. 18B-703. A local board is  
25 an independent local political subdivision of the State. Nothing in  
26 this Chapter shall be construed as constituting a local board the  
27 agency of a city or county or of the Commission.
- 28 (9) 'Malt beverage' means beer, lager, malt liquor, ale, porter, and any  
29 other brewed or fermented beverage containing at least one-half of  
30 one percent (0.5%), and not more than six percent (6%), alcohol by  
31 volume.
- 32 (10) 'Mixed beverage' means either of the following:  
33 a. A drink composed in whole or in part of spirituous liquor and  
34 served in a quantity less than the quantity contained in a closed  
35 package.  
36 b. A premixed cocktail served from a closed package containing  
37 only one serving.
- 38 (11) 'Nontaxpaid alcoholic beverage' means any alcoholic beverage upon  
39 which the taxes imposed by the United States, this State, or any  
40 other territorial jurisdiction in which the alcoholic beverage was  
41 purchased have not been paid.

1 (12) 'Person' means an individual, firm, partnership, association,  
2 corporation, limited liability company, other organization or group,  
3 or other combination of individuals acting as a unit.

4 (13) 'Sale' means any transfer, trade, exchange, or barter, in any manner  
5 or by any means, for consideration.

6 (13a) 'Special ABC area' means an area that meets ~~all of the~~ following  
7 requirements:

8 Either:

9 a. 1. Has fewer than 500 permanent ~~residents.~~  
10 residents;

11 ~~b.~~ 2. Is located in a county that borders another state,  
12 that has at least one city that has approved the operation  
13 of an ABC store, and in which the sale of unfortified  
14 wine and malt beverages is permitted countywide or in  
15 at least two ~~cities.~~ cities; and

16 ~~e.~~ 3. Contains more than 500 contiguous acres made  
17 up of privately-owned land and land owned by an  
18 association or a club that is exempt from income tax on  
19 its membership income under Article 4 of Chapter 105  
20 of the General Statutes, has more than 200 members,  
21 was created for municipal and recreational purposes,  
22 and, for three or more years, has levied assessments or  
23 dues and provided municipal ~~services.~~ services; or

24 b. 1. Has more than 500 permanent residents;

25 2. Is located in a county:

26 I. Where ABC stores have heretofore been  
27 established but in which the sale of mixed  
28 beverages has not been approved;

29 II. That borders on a county that has approved the sale  
30 of alcoholic beverages countywide and contains an  
31 international airport; and

32 III. Borders on a county where ABC stores have  
33 heretofore been established by petition pursuant to  
34 law; and

35 3. Contains more than 500 contiguous acres made up of  
36 privately owned land and land owned by an association or  
37 a club that is exempt from income tax on its membership  
38 income under Article 4 of Chapter 105 of the General  
39 Statutes, has more than 200 members, was created for  
40 municipal and recreational purposes, and, for three or  
41 more years, has levied assessments or dues and provided  
42 municipal services.

1 (14) 'Spirituous liquor' or 'liquor' means distilled spirits or ethyl alcohol,  
2 including spirits of wine, whiskey, rum, brandy, gin and all other  
3 distilled spirits and mixtures of cordials, liqueur, and premixed  
4 cocktails, in closed containers for beverage use regardless of their  
5 dilution.

6 (14a) 'Tourism ABC establishment' means a restaurant or hotel that meets  
7 both of the following requirements:

8 a. Is located within 1.5 miles of the end of an entrance or exit ramp  
9 of a junction on a national scenic parkway designed to attract  
10 local, State, national, and international tourists between Milepost  
11 305 and 460.

12 b. Is located in a county in which the on-premises sale of malt  
13 beverages or unfortified wine is authorized in at least one city.

14 (15) 'Unfortified wine' means wine that has an alcoholic content produced  
15 only by natural fermentation or by the addition of pure cane, beet, or  
16 dextrose ~~sugar, and that has an alcoholic content of not more than~~  
17 ~~seventeen percent (17%) alcohol by volume. sugar.~~"

18 Sec. 2. G.S. 18B-500(a) reads as rewritten:

19 "(a) Appointment. – The Secretary of Crime Control and Public Safety shall  
20 appoint alcohol law-enforcement agents and other enforcement personnel. The Secretary  
21 of Crime Control and Public Safety may also appoint regular employees of the  
22 Commission as alcohol law-enforcement agents. Alcohol law-enforcement agents shall  
23 be designated as 'alcohol law-enforcement agents'."

24 Sec. 3. G.S. 18B-501(a) reads as rewritten:

25 "(a) Appointment. – Except as provided in subsection (f), each local board shall  
26 hire one or more ABC enforcement officers. Local ABC enforcement officers shall be  
27 designated as 'ABC Officers'. The local board may designate one officer as the chief  
28 ABC officer for that board."

29 Sec. 4. G.S. 18B-501(f) reads as rewritten:

30 "(f) Contracts with Other Agencies. – Instead of hiring local ABC officers, a local  
31 board may contract to pay its enforcement funds to a sheriff's department, city police  
32 department, or other local law-enforcement agency for enforcement of the ABC laws  
33 within the law-enforcement agency's territorial jurisdiction. Enforcement agreements  
34 may be made with more than one agency at the same time. When such a contract for  
35 enforcement exists, the officers of the contracting law-enforcement agency shall have the  
36 same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local  
37 board would have. If a city located in two or more counties approves the sale of some  
38 type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are  
39 no local ABC boards established in the city and one of the counties in which the city is  
40 located, the local ABC board of any county in which the city is located may enter into an  
41 enforcement agreement with the city's police department for enforcement of the ABC  
42 laws within the entire city, including that portion of the city located in the county of the  
43 ABC board entering into the enforcement agreement."

1           Sec. 5. G.S. 18B-603(d) reads as rewritten:

2           "(d) Mixed Beverage Elections. – If a mixed beverage election is held under G.S.  
3 18B-602(h) and the sale of mixed beverages is approved, the Commission may issue  
4 permits to qualified persons and establishments in the jurisdiction that held the election as  
5 follows:

6           (1) The Commission may issue mixed beverage permits.

7           (2) The Commission may issue on-premises malt beverage, unfortified  
8 wine, and fortified wine permits for establishments with mixed  
9 beverage permits, regardless of any other election or any local act  
10 concerning sales of those kinds of alcoholic beverages.

11           (3) The Commission may issue off-premises malt beverage permits to  
12 any establishment that meets the requirements under G.S. 18B-  
13 1001(2) in any township which has voted to permit the sale of mixed  
14 beverages, regardless of any other local act concerning sales of those  
15 kinds of alcoholic beverages. The Commission may also issue off-  
16 premises unfortified wine permits to any establishment that meets  
17 the requirements under G.S. 18B-1001(4) in any township which has  
18 voted to permit the sale of mixed beverages, regardless of any other  
19 local act concerning sales of those kinds of alcoholic beverages.

20           (4) The Commission may issue brown-bagging permits for private clubs  
21 and congressionally chartered veterans organizations but may no  
22 longer issue and may not renew brown-bagging permits for  
23 restaurants, hotels, and community theatres. A restaurant, hotel, or  
24 community theatre may not be issued a mixed beverage permit under  
25 subdivision (1) until it surrenders its brown-bagging permit.

26           (5) The Commission may continue to issue culinary permits for  
27 establishments that do not have mixed beverage permits. An  
28 establishment may not be issued a mixed beverage permit under  
29 subdivision (1) until it surrenders its culinary permit.

30           In any county in which the sale of mixed beverages has been approved in elections in  
31 at least three cities that, combined, contain more than two-thirds the total county  
32 population as of the most recent federal census, the county board of commissioners may  
33 by resolution approve the sale of mixed beverages throughout the county, and the  
34 Commission may issue permits as if mixed beverages had been approved in a county  
35 election.

36           If a county or city holds a mixed beverage election and an ABC store election at the  
37 same time and the voters do not approve the establishment of an ABC store, the  
38 Commission may not issue mixed beverages permits in that county or city."

39           Sec. 6. G.S. 18B-900(c) reads as rewritten:

40           "(c) Who Must Qualify; Exceptions. – For an ABC permit to be issued to and held  
41 for a business, each of the following persons associated with that business must qualify  
42 under subsection (a):

43           (1) The owner of a sole proprietorship;

- 1 (2) Each member of a firm, association or general partnership;  
2 (2a) Each general partner in a limited partnership;  
3 (2b) Each manager and any member with a twenty-five percent (25%) or  
4 greater interest in a limited liability company;  
5 (3) Each officer, director and owner of twenty-five percent (25%) or  
6 more of the stock of a corporation except that the requirement of  
7 subdivision (a)(1) does not apply to such an officer, director, or  
8 stockholder unless he is a manager or is otherwise responsible for  
9 the day-to-day operation of the business;  
10 (4) The manager of an establishment operated by a corporation other  
11 than an establishment with only off-premises malt beverage, off-  
12 premises unfortified wine, or off-premises fortified wine permits;  
13 (5) Any manager who has been empowered as attorney-in-fact for a  
14 nonresident individual or partnership."

15 Sec. 7. G.S. 18B-902(e) reads as rewritten:

16 "(e) Fee for Combined Applications. – If application is made at the same time for  
17 retail malt beverage, unfortified wine and fortified wine permits for a single business  
18 location, the total fee for those applications shall be two hundred dollars (\$200.00). If  
19 application is made at the same time for brown-bagging and special occasion permits for  
20 a single business location, the total fee for those applications shall be three hundred  
21 dollars (\$300.00). If application is made at the same time for wine and malt beverage  
22 importer permits, the total fee for those applications shall be one hundred fifty dollars  
23 (\$150.00). If application is made at the same time for wine and malt beverage wholesaler  
24 permits, the total fee for those applications shall be one hundred fifty dollars (\$150.00).  
25 ~~If application is made in the same year for vendor representative permits to represent more than~~  
26 ~~one vendor, only one fee shall be paid.~~ If application is made at the same time for  
27 nonresident malt beverage vendor and nonresident wine vendor permits, the total fee for  
28 those applications shall be fifty dollars (\$50.00)."

29 Sec. 8. G.S. 18B-1000(8) reads as rewritten:

- 30 "(8) Sports club. – An establishment substantially engaged in the  
31 business of providing an 18-hole golf course, ~~a tennis court, or both~~  
32 two or more tennis courts, a deep-water marina, or any combination  
33 of these. The sports club can either be open to the general public or  
34 to members and their guests. To qualify as a deep-water marina, the  
35 marina must have at least 35 boat slips that are at least five feet deep.  
36 To qualify as a sports club, an establishment's gross receipts for club  
37 activities shall be greater than its gross receipts for alcoholic  
38 beverages. This provision does not prohibit a sports club from  
39 operating a restaurant. Receipts for food shall be included in with  
40 the club activity fee."

41 Sec. 9. A sports club that has only one tennis court and does not have an 18-  
42 hole golf course or a deep-water marina must have at least two tennis courts by October  
43 1, 1996, to continue to qualify for ABC permits as a sports club. The ABC Commission

1 shall revoke any permits previously issued to a sports club that does not meet the  
2 definition of sports club, as amended by Section 8 of this act, as of October 1, 1996.

3 Sec. 10. G.S. 18B-1001 reads as rewritten:

4 **"§ 18B-1001. Kinds of ABC permits; places eligible.**

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

7 (1) On-Premises Malt Beverage Permit. – An on-premises malt  
8 beverage permit authorizes the retail sale of malt beverages for  
9 consumption on the premises and the retail sale of malt beverages in  
10 the manufacturer's original container for consumption off the  
11 premises. It also authorizes the holder of the permit to ship malt  
12 beverages in closed containers to individual purchasers inside and  
13 outside the State. The permit may be issued for any of the  
14 following:

- 15 a. Restaurants;
- 16 b. Hotels;
- 17 c. Eating establishments;
- 18 d. Food businesses;
- 19 e. Retail businesses;
- 20 f. Private clubs;
- 21 g. Convention centers;
- 22 h. Community theatres.

23 The permit may also be issued to certain breweries as authorized by  
24 G.S. 18B-1104(7).

25 (2) Off-Premises Malt Beverage Permit. – An off-premises malt  
26 beverage permit authorizes the retail sale of malt beverages in the  
27 manufacturer's original container for consumption off the ~~premises.~~  
28 premises and it authorizes the holder of the permit to ship malt  
29 beverages in closed containers to individual purchasers inside and  
30 outside the State. The permit may be issued for any of the  
31 following:

- 32 a. Restaurants;
- 33 b. Hotels;
- 34 c. Eating establishments;
- 35 d. Food businesses;
- 36 e. Retail businesses.

37 (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified  
38 wine permit authorizes the retail sale of unfortified wine for  
39 consumption on the premises, either alone or mixed with other  
40 beverages, and the retail sale of unfortified wine in the  
41 manufacturer's original container for consumption off the premises.  
42 It also authorizes the holder of the permit to ship unfortified wine in

- 1                    closed containers to individual purchasers inside and outside the  
2                    State. The permit may be issued for any of the following:
- 3                    a.        Restaurants;  
4                    b.        Hotels;  
5                    c.        Eating establishments;  
6                    d.        Private clubs;  
7                    e.        Convention centers;  
8                    f.        Cooking schools;  
9                    g.        Community ~~theatres~~;theatres;  
10                   h.        Winery.
- 11                    (4)       Off-Premises Unfortified Wine Permit. – An off-premises  
12                    unfortified wine permit authorizes the retail sale of unfortified wine  
13                    in the manufacturer's original container for consumption off the  
14                    ~~premises.~~premises and it authorizes the holder of the permit to ship  
15                    unfortified wine in closed containers to individual purchasers inside  
16                    and outside the State. The permit may be issued for retail  
17                    businesses. The permit may also be issued for a winery for sale of  
18                    its own unfortified wine.
- 19                    (5)       On-Premises Fortified Wine Permit. – An on-premises fortified wine  
20                    permit authorizes the retail sale of fortified wine for consumption on  
21                    the premises, either alone or mixed with other beverages, and the  
22                    retail sale of fortified wine in the manufacturer's original container  
23                    for consumption off the premises. It also authorizes the holder of the  
24                    permit to ship fortified wine in closed containers to individual  
25                    purchasers inside and outside the State. The permit may be issued  
26                    for any of the following:
- 27                    a.        Restaurants;  
28                    b.        Hotels;  
29                    c.        Private clubs;  
30                    d.        Community ~~theatres~~;theatres;  
31                    e.        Wineries;  
32                    f.        Convention centers.
- 33                    (6)       Off-Premises Fortified Wine Permit. – An off-premises fortified  
34                    wine permit ~~shall authorize~~authorizes the retail sale of fortified wine  
35                    in the manufacturer's original container for consumption off the  
36                    ~~premises.~~premises and it authorizes the holder of the permit to ship  
37                    fortified wine in closed containers to individual purchasers inside  
38                    and outside the State. The permit may be issued for food businesses.  
39                    The permit may also be issued for a winery for sale of its own  
40                    fortified wine.
- 41                    (7)       Brown-Bagging Permit. – A brown-bagging permit authorizes each  
42                    individual patron of an establishment, with the permission of the  
43                    permittee, to bring up to eight liters of fortified wine or spirituous



1 liquor, or eight liters of the two combined, onto the premises and to  
2 consume those alcoholic beverages on the premises. The permit  
3 may be issued for any of the following:

- 4 a. Restaurants;
- 5 b. Hotels;
- 6 c. Private clubs;
- 7 d. Community theaters;
- 8 e. Congressionally-chartered veterans organizations.

9 (8) Special Occasion Permit. – A special occasion permit authorizes the  
10 host of a reception, party or other special occasion, with the  
11 permission of the permittee, to bring fortified wine and spirituous  
12 liquor onto the premises of the business and to serve the same to his  
13 guests. The permit may be issued for any of the following:

- 14 a. Restaurants;
- 15 b. Hotels;
- 16 c. Eating establishments;
- 17 d. Private clubs;
- 18 e. Convention centers.

19 (9) Limited Special Occasion Permit. – A limited special occasion  
20 permit authorizes the permittee to bring fortified wine and spirituous  
21 liquor onto the premises of a business, with the permission of the  
22 owner of that property, and to serve those alcoholic beverages to the  
23 permittee's guests at a reception, party, or other special occasion  
24 being held there. The permit may be issued to any individual other  
25 than the owner or possessor of the premises. An applicant for a  
26 limited special occasion permit shall have the written permission of  
27 the owner or possessor of the property on which the special occasion  
28 is to be held.

29 (10) Mixed Beverages Permit. – A mixed beverages permit  
30 authorizes the retail sale of mixed beverages for consumption on the  
31 premises. The permit also authorizes a mixed beverages permittee to  
32 obtain a purchase-transportation permit under G.S. 18B-403 and  
33 18B-404, and to use for culinary purposes spirituous liquor lawfully  
34 purchased for use in mixed beverages. The permit may be issued for  
35 any of the following:

- 36 a. Restaurants;
- 37 b. Hotels;
- 38 c. Private clubs;
- 39 d. Convention centers;
- 40 e. Community theatres;
- 41 f. ~~Nonprofit and political organizations.~~ organizations; and
- 42 g. Political organizations.

1 (11) Culinary Permit. – A culinary permit authorizes a permittee to  
2 possess up to 12 liters of either fortified wine or spirituous liquor, or  
3 12 liters of the two combined, in the kitchen of a business and to use  
4 those alcoholic beverages for culinary purposes. The permit may be  
5 issued for either of the following:

- 6 a. Restaurants;  
7 b. Hotels.  
8 c. Cooking schools.

9 A culinary permit may also be issued to a catering service to allow the  
10 possession of the amount of fortified wine and spirituous liquor stated  
11 above at the business location of that service and at the cooking site.  
12 The permit shall also authorize the caterer to transport those alcoholic  
13 beverages to and from the business location and the cooking site, and  
14 use them in cooking.

15 (12) Mixed Beverages Catering Permit. – A mixed beverages catering  
16 permit authorizes a hotel or a restaurant that has a mixed beverages  
17 permit to bring spirituous liquor onto the premises where the hotel or  
18 restaurant is catering food for an event and to serve the liquor to  
19 guests at the event.

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

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

- 33 a. A hotel located in a county subject to G.S. 18B-600(f).  
34 b. A hotel located in a county that has a population in excess of  
35 150,000 by the last federal census."

36 Sec. 11. G.S. 18B-1006(i)(4) reads as rewritten:

37 "(4) A boat shall have a home port in an area where issuance of any of  
38 the permits listed in subdivision (3) is legal, and all passengers shall  
39 enter the boat at the home port or at other ports listed on a  
40 preannounced itinerary. The boat's permits are valid during tours  
41 that leave and return to the boat's home port, and apply regardless of  
42 whether the boat crosses into an area where sales are not legal, if the

1 boat docks only at a port listed on the preannounced itinerary, except  
2 in an emergency; and".

3 Sec. 12. G.S. 18B-1006(k) reads as rewritten:

4 "(k) Residential Private Club and Sports Club Permits. – The Commission may  
5 issue the permits listed in G.S. 18B-1001, without approval at an election, to a residential  
6 private club or a sports club that is located in a county that meets the requirements set in  
7 any of the following subdivisions:

- 8 (1) Has a population of less than 45,000 by the last federal census, has at  
9 least three but not more than four cities that have approved the sale  
10 of malt beverages or unfortified wine, has only one city that has  
11 approved the on-premises sale of malt beverages, and has at least  
12 two cities that approved the operation of ABC stores before July 10,  
13 1992.
- 14 (2) Borders a county that has called elections pursuant to G.S. 18B-  
15 600(f), and:  
16 a. Has not approved the issuance of permits, other than malt  
17 beverage permits, in unincorporated areas of the county, and has  
18 no more than three cities that approved the operation of ABC  
19 stores before July 10, 1992; or  
20 b. Both the county and the two cities within the county have  
21 approved the operation of ABC stores.
- 22 (3) Is bordered by four counties that have not approved the issuance of  
23 permits and have at least one city that has approved the operation of  
24 an ABC store.
- 25 (4) Has not approved the issuance of permits, has at least three cities  
26 that have approved the issuance of only either off-premises malt  
27 beverage or both off-premises malt beverage and off-premises  
28 unfortified wine permits, and has only one city that, as of July 1,  
29 1993, had approved the operation of an ABC store.
- 30 (5) Borders a county that has approved the issuance of all permits and  
31 the operation of an ABC store, meets the county description of a  
32 special ABC area in G.S. 18B-101(13a)b., and, as of July 1, 1995,  
33 had at least five cities that had authorized the issuance of permits.
- 34 (6) Borders a state and two counties that have not approved the issuance  
35 of permits and that, as of July 1, 1995, had no cities that had  
36 approved the issuance of permits or the operation of an ABC store.
- 37 (7) Borders a county that has approved the issuance of all permits and  
38 the operation of an ABC store, has not approved the issuance of any  
39 permits, and, as of July 1, 1995, had only one city that had approved  
40 the issuance of permits.
- 41 (8) Borders two states and, as of July 1, 1995, had only one city that had  
42 approved the issuance of permits.

1           (9)       Borders the Atlantic Ocean and has a beautification district that, as  
2                   of July 1, 1995, had approved the issuance of all permits and the  
3                   operation of an ABC store.

4       The mixed beverages purchase-transportation permit authorized by G.S. 18B-404(b)  
5       shall be issued by a local board operating a store located in the county."

6       Sec. 13. G.S. 18B-1007(b) reads as rewritten:

7       "(b) Handling Bottles. – It shall be unlawful for a mixed beverages permittee or the  
8       permittee's agent or employee to do any of the following:

9           (1)       Store any other spirituous liquor with liquor possessed for resale in  
10                   mixed beverages or from a guest room cabinet.

11          (2)       Refill any spirituous liquor container having a mixed beverages tax  
12                   stamp with any other alcoholic beverage, or add to the contents of  
13                   such a container any other alcoholic beverage.

14          (3)       Transfer from one container to another a mixed beverages tax stamp.

15          (4)       Possess any container of spirituous liquor not bearing a mixed  
16                   beverages tax stamp, except for containers being brought onto the  
17                   premises by the host of a private function under a special occasion  
18                   permit."

19       Sec. 14. G.S. 18B-1301 reads as rewritten:

20       "**§ 18B-1301. Definitions.**

21          (1)       'Supplier' means a brewer, ~~fermenter, processor,~~ bottler, packager or  
22                   importer of malt beverages, including anyone who holds a brewery,  
23                   malt beverages importer or nonresident malt beverages vendor  
24                   permit.

25          (2)       'Wholesaler' means the holder of a malt beverages wholesaler  
26                   permit."

27       Sec. 15. G.S. 18B-1303(a) reads as rewritten:

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

40       Sec. 16. G.S. 105-113.68(a)(12) reads as rewritten:

41          (12)       'Unfortified wine' means wine that has an alcoholic content produced  
42                   only by natural fermentation or by the addition of pure cane, beet, or

1 dextrose sugar, and that has an alcoholic content of not more than  
2 seventeen percent (17%) alcohol by volume. sugar."

3 Sec. 17. Section 6 of Chapter 734 of the 1969 Session Laws, as amended by  
4 Chapter 129 of the 1987 Session Laws, reads as rewritten:

5 "Sec. 6. Out of the gross profits derived from the operation of said alcoholic beverage  
6 control stores and after the payment of all costs and operating expenses and after  
7 retaining sufficient and proper working capital, the amount thereof to be determined by  
8 the Town of Sunset Beach Board of Alcoholic Control, said board shall further expend an  
9 amount as necessary for law enforcement purposes of not less than five per cent (5%) nor  
10 more than ten per cent (10%) thereof, ~~to be determined by quarterly audit, which (10%).~~ This  
11 amount shall supplement and not supplant the amount usually budgeted for such purposes  
12 by the Town of Sunset Beach. In the expenditure of said funds, the Town Board of  
13 Alcoholic Control shall employ one or more persons as law enforcement officer or  
14 officers to be appointed by and directly responsible to the said board. The person or  
15 persons so appointed shall, after taking the oath prescribed by law for peace officers,  
16 have the same powers and authorities within Brunswick County as other peace officers.  
17 And any such person or persons so appointed, or any other peace officer while in hot  
18 pursuit of anyone found to be violating the prohibition laws of this State, shall have the  
19 right to go into any other county of the State and arrest such defendant therein so long as  
20 such hot pursuit of such person shall continue, and the common law of hot pursuit shall  
21 be applicable to said offenses and such officer or officers. Any law enforcement officer  
22 appointed by the said Board of Alcoholic Control and any other peace officer are hereby  
23 authorized, upon request of the sheriff or other lawful officer in any other county, to go  
24 into such other county and assist in suppressing a violation of the prohibition laws  
25 therein, and while so acting, shall have such powers as a peace officer as are granted to  
26 him in Brunswick County and be entitled to all the protection provided for said officer  
27 while acting in his own county.

28 Out of the net profits derived from the operation of said alcoholic beverage control  
29 stores, the Town of Sunset Beach Board of Alcoholic Control, shall, on a quarterly basis,  
30 pay over to the following named governing bodies, departments, boards, and agencies  
31 amounts equal to the percentages of the net profits which shall be expended by said  
32 governing bodies, departments, boards, and agencies for these purposes and none other as  
33 follows:

34 (a) Fifteen per cent (15%) to be given to the Calabash Volunteer Rescue Squad,  
35 Inc.

36 (b) Sixty-five per cent (65%) to be retained by the Town Board of Alcohol Control  
37 in a special fund until sufficient funds are available from this and other sources for the  
38 construction of a new building by the board and then this percentage of funds are to be  
39 distributed to the general fund of the Town of Sunset Beach.

40 (c) Twenty per cent (20%) to go to the Board of Education of Brunswick County  
41 for use at the Union Primary School, the Shallotte School, Waccamaw Primary School,  
42 and West Brunswick High School."

43 Sec. 18. This act becomes effective October 1, 1995.