

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

FILED SENATE  
Apr 4, 2017  
S.B. 604  
PRINCIPAL CLERK

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SENATE BILL DRS35267-MLf-152 (03/17)

Short Title: Homemade Alcoholic Beverage Tasting Permit. (Public)

Sponsors: Senator Sanderson (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE LAWS GOVERNING ORGANIZED AFFAIRS, EXHIBITIONS,  
3 AND COMPETITIONS WHERE CERTAIN HOMEMADE ALCOHOLIC BEVERAGES  
4 ARE OFFERED FOR CONSUMPTION FREE OF CHARGE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 18B-902(d) reads as rewritten:

7 "(d) Fees. – An application for an ABC permit shall be accompanied by payment of the  
8 following application fee:

9 ...

10 (44) Homemade alcoholic beverage competition and tasting permit. – \$50.00."

11 SECTION 2. G.S. 18B-1001 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 are  
14 located, the Commission may issue the following kinds of permits:

15 (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit  
16 authorizes (i) the retail sale of malt beverages for consumption on the  
17 premises, (ii) the retail sale of malt beverages in the manufacturer's original  
18 container for consumption off the premises, and (iii) the retail sale of malt  
19 beverages in a cleaned, sanitized, resealable container that is filled or refilled  
20 and sealed for consumption off the premises and that identifies the permittee  
21 and the date the container was filled or refilled. It also authorizes the holder  
22 of the permit to host on the permittee's licensed premises, in a part of the  
23 premises not open to the general public, homebrew club meetings or events  
24 where homemade malt beverages may be consumed by participants of legal  
25 age in the meeting or event. It also authorizes the holder of the permit to ship  
26 malt beverages in closed containers to individual purchasers inside and  
27 outside the State. The permit may be issued for any of the following:

- 28 a. ~~Restaurants;~~Restaurants.  
29 b. ~~Hotels;~~Hotels.  
30 c. ~~Eating establishments;~~establishments.  
31 d. ~~Food businesses;~~businesses.  
32 e. ~~Retail businesses;~~businesses.  
33 f. ~~Private clubs;~~clubs.  
34 g. ~~Convention centers;~~centers.  
35 h. ~~Community theatres;~~theatres.  
36 i. Breweries as authorized by G.S. 18B-1104(7) and (8).



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- 1 ...  
2 (8) Special Occasion Permit. – A special occasion permit authorizes the host of  
3 a reception, party or other special occasion, with the permission of the  
4 permittee, to bring fortified ~~wine and wine~~, spirituous ~~liquor~~ liquor, and  
5 donated homemade malt beverages, meads, wines, and fermented fruit juices  
6 onto the premises of the business and to serve the same to his guests. The  
7 permit may be issued for any of the following:  
8 a. ~~Restaurants~~ Restaurants.  
9 b. ~~Hotels~~ Hotels.  
10 c. Eating ~~establishments~~ establishments.  
11 d. Private ~~clubs~~ clubs.  
12 e. Convention centers.  
13 f. Nonprofit organizations.
- 14 (9) Limited Special Occasion Permit. – A limited special occasion permit  
15 authorizes the permittee to bring fortified ~~wine and wine~~, spirituous  
16 ~~liquor~~ liquor, and donated homemade malt beverages, meads, wines, and  
17 fermented fruit juices onto the premises of a business, with the permission of  
18 the owner of that property, and to serve those alcoholic beverages to the  
19 permittee's guests at a reception, party, or other special occasion being held  
20 there. The permit also authorizes the permittee to engage in the activities  
21 authorized under subdivision (21) of this section, subject to the same  
22 conditions listed in that subdivision. The permit may be issued to any  
23 individual other than the owner or possessor of the premises. An applicant  
24 for a limited special occasion permit shall have the written permission of the  
25 owner or possessor of the property on which the special occasion is to be  
26 held.
- 27 ...  
28 (21) Homemade alcoholic beverage competition and tasting permit. – A permit  
29 under this subdivision may be issued to a nonprofit organization. Subject to  
30 all of the following conditions, the permit holder may host on the permittee's  
31 licensed premises an organized affair, exhibition, or competition, where the  
32 licensee, or the licensee's employee or agent, may serve for consumption on  
33 the licensed premises homemade alcoholic beverages:  
34 a. Any person pouring the homemade alcoholic beverage shall be at  
35 least 21 years of age.  
36 b. The person pouring the homemade alcoholic beverage shall be  
37 responsible for checking the identification of patrons being served at  
38 the event.  
39 c. The consumer shall not be charged for any homemade alcoholic  
40 beverages served.  
41 d. The consumer may be charged a fee for admission to the organized  
42 affair, exhibition, or competition, but proceeds from any fee charged  
43 shall not be used to purchase, or cover the costs incurred from  
44 making, the homemade alcoholic beverages.  
45 e. Homemade alcoholic beverages are not to be offered to, or allowed  
46 to be consumed by, any person under the legal age for consuming  
47 alcoholic beverages.  
48 The homemade alcoholic beverage competition and tasting permit holder  
49 shall be solely liable for any violations of this Chapter occurring in  
50 connection with the organized affair, exhibition, or competition. The  
51 Commission shall adopt rules to assure that the tastings authorized under this

1                    subdivision are not a subterfuge for the unlawful sale or distribution of  
2                    alcoholic beverages. For purposes of this subdivision, the term "organized  
3                    affair, exhibition, or competition" includes homemaker's contests, tastings,  
4                    and judgments, and the term "homemade alcoholic beverages" means  
5                    homemade malt beverages, meads, wines, and fermented fruit juices."

6                    **SECTION 3.** The ABC Commission may adopt temporary rules to implement the  
7 provisions of this section. Temporary rules adopted in accordance with this section shall remain  
8 in effect until permanent rules that replace the temporary rules become effective.

9                    **SECTION 4.** This act becomes effective July 1, 2017.