

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 95
PROPOSED COMMITTEE SUBSTITUTE H95-PCS20174-SA-19

Short Title: Tribal Alcoholic Beverage Control.

(Public)

Sponsors:

Referred to:

February 23, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TRIBAL
3 ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPER
4 PERMITS AND COMMERCIAL ABC PERMITS AND TO CLARIFY THAT THE
5 EASTERN BAND OF CHEROKEE INDIANS TRIBAL ALCOHOLIC BEVERAGE
6 CONTROL COMMISSION MAINTAINS EXCLUSIVE AUTHORITY TO ISSUE
7 CERTAIN PERMITS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 18B-112 reads as rewritten:

10 "§ 18B-112. Tribal alcoholic beverage control.

11 ...

12 (b) Compliance Required. – The Eastern Band of Cherokee Indians shall comply with
13 the following provisions of this Chapter to the extent they apply to or can be made applicable to
14 the tribe:

15 (1) The following provisions of Article 1. – General Provisions.

- 16 a. G.S. 18B-101(4), (7), (7c), (9), (10), (11), (12), (12a), (13),
17 (14)(14a), (14b), and (15).
18 b. G.S. 18B-102.1.
19 c. G.S. 18B-104.
20 d. G.S. 18B-105, except that this section shall not apply to any
21 establishment where gaming is permitted under a State compact and
22 pursuant to federal law.
23 e. G.S. 18B-109(b).
24 f. G.S. 18B-110.
25 g. G.S. 18B-111.
26 h. G.S. 18B-112.

27 (2) Article 1A. – Compensation for Injury Caused by Sales to Underage
28 Persons, to the extent it applies to retail establishments or the tribal alcoholic
29 beverage control commission if it operates ABC stores, or any other
30 permitted establishment, at retail pursuant to the provisions of this section.

31 (3) Article 3. – Sale, Possession, and Consumption, except for G.S. 18B-308
32 and G.S. 18B-309.

33 (4) Article 4. – Transportation.

34 (5) Article 5. – Enforcement, except for G.S. 18B-500 and G.S. 18B-501.

35 (6) Article 6. – Elections, compliance with only G.S. 18B-603(f) and (g) are
36 required.



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1 provided that the Eastern Band of Cherokee Indians tribal alcoholic
2 beverage control commission established under G.S. 18B-112 shall
3 have exclusive authority to issue permits pursuant to this subdivision
4 between Milepost 460 and the southern terminus of the national
5 scenic byway at Milepost 469 for any restaurant or hotel that is
6 located wholly on Indian Country lands.

- 7 b. Is located in a county in which the on-premises or off-premises sale
8 of malt beverages or unfortified wine is authorized in at least one
9 city."

10 **SECTION 3.** This act is effective when it becomes law.