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SESSION 2015

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SENATE DRS45075-ML-57A (02/02)

Short Title: Spirituous Liquor Tastings/ABC Stores. (Local)

Sponsors: Senators Gunn and Tarte (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW SPIRITUOUS LIQUOR TASTINGS AT ABC STORES.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 8 of Chapter 18B of the General Statutes is amended by
5 adding a new section to read:

6 "§ 18B-800.1. Spirituous liquor tastings at ABC stores.

7 (a) Definition. – For purposes of this section, the term "permit holder" means the holder
8 of a distillery permit issued under G.S. 18B-1105, a distiller broker representative permit, or a
9 distiller representative permit.

10 (b) Authorization. – A local board may allow a permit holder to conduct a consumer
11 tasting event at any ABC store within the local board's system subject to the following
12 conditions:

- 13 (1) The permit holder shall conduct the consumer tasting event and shall be
14 solely responsible for any violations of this Chapter occurring in connection
15 with the consumer tasting event.
- 16 (2) The spirituous liquor shall be poured only by either (i) an employee of the
17 permit holder conducting the consumer tasting event who is at least 21 years
18 of age or (ii) the permit holder conducting the consumer tasting event.
- 19 (3) Each consumer shall be limited to one one-quarter ounce tasting sample of
20 any product made available for sampling at the consumer tasting event, and
21 the total amount of the tasting samples offered to and consumed by each
22 consumer shall not exceed one-half ounce of spirituous liquor in any
23 calendar day.
- 24 (4) The permit holder shall not offer, or allow consumption of, tasting samples
25 by any consumer who is visibly intoxicated.
- 26 (5) The permit holder shall not offer, or allow consumption of, tasting samples
27 by any consumer under the legal age for consuming spirituous liquor. The
28 person pouring the spirituous liquor shall be responsible for verifying the
29 age of the consumer being served by checking the identification of the
30 consumer.
- 31 (6) The permit holder shall not charge a consumer for any tasting sample.
- 32 (7) The spirituous liquor used in the consumer tasting event shall be purchased
33 by the permit holder at the price set by the Commission from any ABC store.
34 The permit holder shall remove any remaining spirituous liquor used in the
35 consumer tasting event at the conclusion of the consumer tasting event.



- 1 (8) A local board shall allow consumer tasting events to be conducted only
2 between the hours of 1:00 p.m. and 7:00 p.m. on any day the ABC store
3 where the consumer tasting event is being held is authorized by law to sell
4 spirituous liquor, and no consumer tasting event shall be conducted for more
5 than three hours.
- 6 (9) The local board shall not allow more than three consumer tasting events per
7 calendar week, and the local board shall not allow more than two different
8 permit holders to conduct a consumer tasting event at one time.
- 9 (10) The local board shall designate a tasting area within the ABC store that
10 enables the permit holder to ensure that the consumer tasting event is being
11 conducted in compliance with this section. Consumers shall only be allowed
12 to consume tasting samples within the designated tasting area. The local
13 board shall maintain a floor plan at each ABC store within its system that
14 identifies the designated tasting area.
- 15 (11) A consumer tasting event shall not be allowed unless the local board is
16 located in a municipality that has approved the sale of mixed beverages.
- 17 (12) The permit holder conducting the event may provide point-of-sale
18 advertising materials and advertising specialties to consumers at the
19 consumer tasting event.
- 20 (13) The local board may post notice of the consumer tasting event at the local
21 board's administrative offices and at any of the ABC stores within the local
22 board's system, and the local board may provide notice of the consumer
23 tasting event to any mixed beverage permittee that purchases spirituous
24 liquor from an ABC store within the local board's system.
- 25 (14) The permit holder shall provide written notice of the consumer tasting event
26 to the ABC Commission at least 48 hours before the consumer tasting event.
27 The notice shall include the date of the consumer tasting event, the time of
28 the consumer tasting event, the ABC store at which the consumer tasting
29 event will be held, and the spirituous liquor that will be provided for tasting
30 at the consumer tasting event.
- 31 (15) The permit holder shall maintain for a period of at least one year a record of
32 each consumer tasting event conducted. The record shall include the date of
33 the consumer tasting event, the time of the consumer tasting event, an
34 identification of the ABC store at which the consumer tasting event was
35 held, an identification of the spirituous liquor that was provided for tasting at
36 the consumer tasting event, and the name of any person who poured
37 spirituous liquor at the consumer tasting event. The permit holder shall allow
38 the ABC Commission to inspect those records at any time.
- 39 (16) Any additional conditions imposed by the local board. Any additional
40 conditions shall be in writing, and the local board shall post notice of the
41 additional conditions at the local board's administrative offices and at all of
42 the ABC stores within the local board's system.

43 (c) Consideration Prohibited. – Except as otherwise provided under this section, a
44 permit holder conducting a consumer tasting event under this section shall not provide any
45 consideration to the local board, its board members, or its employees for any purpose related to
46 the consumer tasting event. A consumer tasting event shall not be used by permit holders for
47 unlawful inducements to a local board."

48 SECTION 2. G.S. 18B-301 reads as rewritten:

49 "§ 18B-301. Possession and consumption of fortified wine and spirituous liquor.

50 ...

1 (e) Incident to Sale. – It shall be lawful to possess fortified wine and spirituous liquor at
2 any place, such as an ABC store, where possession is a necessary incident to lawful sale.
3 Consumption at such a place shall be unlawful unless the establishment has a permit
4 authorizing consumption on the premises as well as ~~sale~~ sale or a consumer tasting event
5 authorized by G.S. 18B-800.1 is being conducted at the ABC store.

6 (f) Unlawful Possession or Use. – As illustration, but not limitation, of the general
7 prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

8 (1) Any person to consume fortified wine, spirituous liquor, or mixed beverages
9 or to offer such beverages to another ~~person~~ person at any of the following
10 places:

11 a. On the premises of an ABC ~~store, or store,~~ unless a consumer tasting
12 event authorized by G.S. 18B-800.1 is being conducted at the ABC
13 store.

14 b. Upon any property used or occupied by a local ~~board, or board.~~

15 c. On any public road, street, highway, or sidewalk.

16"

17 **SECTION 3.** G.S. 18B-1105(a) reads as rewritten:

18 "(a) Authorized Acts. – The holder of a distillery permit ~~may~~ may do any of the
19 following:

20 (1) Manufacture, purchase, import, possess and transport ingredients and
21 equipment used in the distillation of spirituous ~~liquor~~ liquor.

22 (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to
23 exporters and local boards within the State, and, subject to the laws of other
24 jurisdictions, at wholesale or retail to private or public agencies or
25 establishments of other states or ~~nations~~ nations.

26 (3) Transport into or out of the distillery the maximum amount of liquor allowed
27 under federal law, if the transportation is related to the distilling process.

28 (4) Conduct consumer tasting events at ABC stores in accordance with
29 G.S. 18B-800.1."

30 **SECTION 4.** This act is effective when it becomes law.