

GENERAL ASSEMBLY OF NORTH CAROLINA
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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.