

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

D

SENATE BILL 604
PROPOSED COMMITTEE SUBSTITUTE S604-PCS45460-BBf-13

Short Title: Homemade Alcoholic Beverage Tasting Permit.

(Public)

Sponsors:

Referred to:

April 5, 2017

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).



* S 6 0 4 - P C S 4 5 4 6 0 - B B F - 1 3 *

- 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. The permit
30 holder may host on the permittee's licensed premises an organized affair,
31 exhibition, or competition where the permittee, or the permittee's employee
32 or agent, may serve for consumption on the licensed premises homemade
33 alcoholic beverages, subject to all of the following conditions:
34 a. Any person pouring the homemade alcoholic beverage is at least 21
35 years of age and is responsible for checking the identification of
36 patrons being served at the event.
37 b. The consumer is not charged for any homemade alcoholic beverages
38 served.
39 c. The consumer may be charged a fee for admission to the organized
40 affair, exhibition, or competition, but proceeds from any fee charged
41 are not used to purchase, or cover the costs incurred from making,
42 the homemade alcoholic beverages.
43 d. Homemade alcoholic beverages are not to be offered to, or allowed
44 to be consumed by, any person under the legal age for consuming
45 alcoholic beverages.
46 The homemade alcoholic beverage competition and tasting permit holder is
47 solely liable for any violations of this Chapter occurring in connection with
48 the organized affair, exhibition, or competition. The Commission shall adopt
49 rules to assure that the tastings authorized under this subdivision are not a
50 subterfuge for the unlawful sale or distribution of alcoholic beverages. For
51 purposes of this subdivision, the term "organized affair, exhibition, or

1 competition" includes homemaker's contests, tastings, and judgments, and the
2 term "homemade alcoholic beverages" means homemade malt beverages,
3 meads, wines, and fermented fruit juices."

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

7 **SECTION 4.** This act becomes effective August 1, 2017.