

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1082
PROPOSED COMMITTEE SUBSTITUTE H1082-PCS30595-SA-66

Short Title: ABC Administrative Penalties/PED Study. (Public)

Sponsors:

Referred to:

May 14, 2020

A BILL TO BE ENTITLED

AN ACT DIRECTING THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO (I) CREATE A POLICY THAT ESTABLISHES A RATIONALE FOR ADMINISTRATIVE PENALTIES AND IMPROVES TRANSPARENCY FOR PERMITTEES AND (II) INCLUDE EFFECTIVENESS CRITERIA ON ITS WEB SITE TO EVALUATE THE EFFECTIVENESS OF ADMINISTRATIVE PENALTIES AT REDUCING THE NUMBER OF REPEAT OFFENDERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-104 reads as rewritten:

"§ 18B-104. **Administrative penalties.**

(a) Penalties. – For any violation of the ABC laws, the Commission may take any of the following actions against a permittee:

...

(4) Suspend the permittee's permit under subdivision (1) of this subsection and impose a fine under subdivision (3) or ~~(3a)~~ (3a) of this subsection.

...

(f) Policy. – The Commission shall develop a written policy detailing (i) the guidelines followed by the Commission in determining which action authorized under this section the Commission will take against a permittee for a first or repeat violation of the ABC laws, (ii) when it is appropriate for the Commission to deviate from the guidelines described in this subsection, (iii) the justification for any differences between the severity of the action taken by the Commission for similar violations of the ABC laws, and (iv) the justification for the Commission dismissing a case in which a violation of the ABC laws was alleged to have occurred. The policy required under this subsection shall be posted by the Commission on the Commission's Web site. At least 30 days prior to revising the policy required under this subsection, the Commission shall post on the Commission's Web site notice of the revision and justification for making the revision.

(g) Report. – By July 1 of each year, the Commission shall post the following information on its Web site:

(1) The total percentage of active or pending permittees for which the Commission received a report of alleged violation of the ABC laws during the prior fiscal year.

(2) The total percentage of active or pending permittees for which the Commission received a report of a second or subsequent alleged violation of the ABC laws during the prior fiscal year.



- 1 (3) The total percentage of reported ABC law violations during the fiscal year that
2 are considered consumption-related by the Commission.
3 (4) The total number of reported ABC violations during the prior fiscal year that
4 were dismissed by the Commission, including the justification for each
5 dismissal."

6 **SECTION 2.** This act is effective when it becomes law. The Commission shall post
7 the policy required under G.S. 18B-104(f), as enacted in Section 1 of this act, no later than
8 October 1, 2020. Notwithstanding the date provided in G.S. 18B-104(g), for the 2020 reporting
9 requirement the Commission shall post the information required under G.S. 18B-104(g), as
10 enacted in Section 1 of this act, no later than 30 days after this act becomes law.