

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 892*
Committee Substitute Favorable 5/25/05

Short Title: Regulate Sale of Malt Beverage Kegs.

(Public)

Sponsors:

Referred to:

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT REGULATING THE SALE OF KEGS CONTAINING MALT
3 BEVERAGES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 18B of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 18B-310. Keg sales of malt beverages.**

8 (a) As used in this section, the term 'keg' means a container capable of holding at
9 least seven and three-quarters gallons of malt beverage.

10 (b) The sale of malt beverages in kegs is subject to all of the following:

11 (1) Every keg of malt beverages resold by a retail seller, while outside the
12 retail seller's possession or control, shall be tagged with a uniquely
13 numbered and coded tag or adhesive label that meets all of the
14 following requirements:

15 a. It shall be issued by the Alcoholic Beverage Control
16 Commission to the malt beverage retailer.

17 b. It shall be used for a single sale of the marked keg.

18 (2) The retail seller of the keg shall require the retail purchaser of the keg
19 to complete a form that is provided to the retail seller by the Alcoholic
20 Beverage Control Commission. The form shall include all of the
21 following:

22 a. The retail purchaser's name.

23 b. The retail purchaser's address.

24 c. The retail purchaser's telephone number.

25 d. The retail purchaser's date of birth, verified by viewing a valid
26 drivers license, a special identification card issued under
27 G.S. 20-37.7, a military identification card, or a passport,
28 showing his age to be at least the required age for purchase and

1 bearing a physical description of the person named on the card
2 reasonably describing the purchaser.

3 e. The keg's unique tag number or code.

4 f. The specific address or location where the malt beverage in the
5 keg will be consumed and the date or dates on which it will be
6 consumed.

7 g. The form will summarize all of the following information:

8 1. The requirements of this section.

9 2. The penalties for violating any provision of this section.

10 3. The penalties for providing malt beverages to underage
11 persons.

12 h. The signature of the retail purchaser.

13 (3) The retail purchaser shall return the coded tag or adhesive label along
14 with the keg to the retail seller. The retail seller shall remove the coded
15 tag or adhesive label and return the keg to the beverage wholesaler.
16 The retail seller shall maintain a copy of the signed form required by
17 subdivision (2) of this subsection for a period of three years from the
18 date of purchase. The form and the information contained on it are
19 public records.

20 (c) The Alcoholic Beverage Control Commission may charge fees to the malt
21 beverage retailer to cover the cost of producing the coded tag or adhesive label and the
22 forms required under subdivisions (b)(1) and (b)(2) of this section.

23 (d) The following penalties shall apply to violations of the provisions of this
24 section:

25 (1) Any person, other than an ABC permittee or law enforcement officer
26 or agent, who defaces or removes the coded tag or adhesive label
27 provided by the Alcoholic Beverage Control Commission on a keg or
28 who possesses an unlabeled or untagged keg containing or having
29 contained malt beverages shall be guilty of a Class 1 misdemeanor and
30 shall be fined not less than fifty dollars (\$50.00).

31 (2) Any retail purchaser who fails either to return a keg or to provide the
32 retail seller with the reason for the failure for the return of the keg
33 within 30 days after purchase shall be guilty of a Class 1 misdemeanor
34 and shall be fined not less than fifty dollars (\$50.00)."

35 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
36 offenses committed on or after that date.