

# Alcoholic Beverage Control

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 19A.5: Expand Qualifications for ABC Permitting of Recreation Districts. (SL 2022-74)**

Section 19A.5 of S.L. 2022-74 allows the ABC Commission to issue permits for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages to qualified businesses in an area that is located in a county that has not approved the issuance of mixed beverages permits; has at least two cities that have approved the sale of malt beverages, wine, and the operation of an ABC store; and contains a facility of at least 90 acres where five or more motorsports-related events are held each year. The permits can only be issued to a facility where five or more motorsports-related events are held, or a qualified business contracting with or located at a facility where five or more motorsports-related events are held, and the sale and consumption of alcoholic beverages must only occur during a motorsports-related event held at the facility.

This section became effective July 11, 2022.

## **H211 - Social District/Common Area Clarifications. (SL 2022-49)**

S.L. 2022-49 recodifies and revises the statutes related to common area entertainment permits and social districts to make them more uniform and clarifies (i) the areas that can be included under a common area entertainment permit or a social district and (ii) the activities that may occur within a designated consumption area under a common area entertainment permit or a social district.

This act became effective July 7, 2022.

## **H661 - Age Requirement Modifications/Capital Projects Oversight/BEAD Corrections. (SL 2022-69)**

S.L. 2022-69 does the following:

- Clarifies that qualified youth 15 years of age and older can enroll in fire training courses at community colleges on or after January 1, 2021.
- Reduces the age requirement for malt beverage wholesaler salesmen from 21 to 18 years.
- Allows persons 15 years of age to work inside premises that serve alcohol until December 31, 2023.
- Eliminates a requirement that the State Building Commission and Director of the Budget approve guidelines adopted by the State Board of Community Colleges that must be met by community colleges in order to be delegated authority over capital improvement projects.
- Provides that the Department of Administration is not required to review and approve plans and specifications for a State-funded capital improvement project costing less than \$2 million that has been delegated to a community college unless requested to do so in writing by the State Board of Community Colleges.
- Eliminates an annual reporting obligation of the Community Colleges System Office for capital improvement projects estimated to require expenditure of less than \$2 million of public funds.

- Makes a technical correction to the 2022 Appropriations Act relating to the use of federal infrastructure funds by the Department of Information Technology for grants in the Broadband Equity, Access, and Deployment Program.

Except as otherwise provided, this act became effective July 8, 2022.

### **H768 - 2022 ABC Omnibus. (SL 2022-44)**

S.L. 2022-44 does all of the following:

- Repeals the limited winery permit.
- Establishes a new packaging and logistics permit for packagers who label and package alcoholic beverages from suppliers.
- Repeals the purchase-transportation permit and the commercial transportation permit.
- Allows a transition period for ABC permits after a change in ownership of a permitted establishment.
- Allows alcohol sales at professional sporting events occurring at a stadium on the campus of certain community colleges.
- Repeals the term "private bar" and creates a new definition for "bar" to eliminate the membership requirement.
- Allows a distillery to obtain mixed beverages catering permits and provide spirituous liquor for an event being catered by a hotel or restaurant.
- Allows a distillery to obtain a mixed beverages permit and sell mixed beverages containing the spirituous liquor owned by the distillery, regardless of the results of any local mixed beverages election.

Section 2 of this act became effective August 1, 2022. The remainder of this act became effective July 7, 2022.

### **S470 - ABC Technical and Other Changes. (SL 2022-51)**

S.L. 2022-51 does all of the following:

- Makes several technical and conforming changes to laws amended in the 2021 Regular Session by S.L. 2021-150 (House Bill 890).
- Removes the 25% cap on gross receipts from sales of alcoholic beverages on tour boats.
- Defines the term "supplier," for purposes of a supplier's financial interest in a wholesaler.
- Exempts the ABC Commission from rulemaking under the Administrative Procedure Act with respect to approval of alcoholic beverages to be sold in ABC stores and setting prices of alcoholic beverages.
- Allows the ABC Commission to conduct training classes for individuals delivering under a delivery service permit.
- Allows recyclable spirituous liquor containers to be used for display purposes.
- Reduces the indoor seating requirement for a restaurant from at least 36 people to at least 10 people for purposes of ABC permitting and clarifies that a restaurant is not required to have kitchen operations open at all times it is open to the public in order to qualify as a restaurant.
- Exempts bar areas and similar areas in establishments from health inspections.

- Allows industry members to give, lend or sell branded plug-in coolers to hold and display products in ABC stores, provided that the coolers are under the dollar limits set forth by the Commission for product displays.
- Amends the definition of a "bar", as enacted in House Bill 768, to be an establishment that is primarily engaged in the business of selling alcoholic beverages for consumption on the premises.
- Allows for the sale of malt beverages in containers as small as 50 milliliters.
- Updates the name of the North Carolina Propane Gas Association, Inc. to "Southeast Propane Alliance" and directs the Revisor of Statutes to make conforming changes.

This act has various effective dates, please see the full summary for more information.