

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 1156
May 20, 2014
HOUSE PRINCIPAL CLERK

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HOUSE DRH10530-ML-208 (05/09)

Short Title: Spirituous Liquor Tastings/City of Asheville. (Local)

Sponsors: Representatives Moffitt, Ramsey, Fisher, and McGrady (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW SPIRITUOUS LIQUOR TASTINGS AT ABC STORES IN THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definition. – The definitions contained in Chapter 18B of the General Statutes apply to this act. For purposes of this section, the term "permit holder" means the holder of a distillery permit issued under G.S. 18B-1105, a distiller broker representative permit, or a distiller representative permit.

SECTION 1.(b) Spirituous Liquor Tasting at ABC Stores. – A local board may allow a permit holder to conduct a consumer tasting event at any ABC store within the local board's system subject to the following conditions:

- (1) The permit holder shall conduct the consumer tasting event and shall be solely responsible for any violations of Chapter 18B of the General Statutes occurring in connection with the consumer tasting event.
- (2) The spirituous liquor shall be poured only by either (i) an employee of the permit holder conducting the consumer tasting event who is at least 21 years of age or (ii) the permit holder conducting the consumer tasting event.
- (3) The size of each tasting sample shall be no greater than one-quarter ounce, and each consumer is limited to tasting samples which total no more than one-half ounce of spirituous liquor in any calendar day.
- (4) The permit holder shall not offer, or allow consumption of, tasting samples by any consumer who is visibly intoxicated.
- (5) The permit holder shall not offer, or allow consumption of, tasting samples by any consumer under the legal age for consuming spirituous liquor. The person pouring the spirituous liquor shall be responsible for verifying the age of the consumer being served by checking the identification of the consumer.
- (6) The permit holder shall not charge a consumer for any tasting sample.
- (7) The spirituous liquor used in the consumer tasting event shall be purchased by the permit holder at the price set by the Commission from any ABC store. The permit holder shall remove any remaining spirituous liquor used in the consumer tasting event at the conclusion of the consumer tasting event.
- (8) A local board shall allow consumer tasting events to be conducted only between the hours of 1:00 p.m. and 7:00 p.m. on any day the ABC store where the consumer tasting event is being held is authorized by law to sell



1 spirituous liquor, and no consumer tasting event shall be conducted for more
2 than three hours.

3 (9) The local board shall not allow more than three consumer tasting events per
4 calendar week, and the local board shall not allow more than two different
5 permit holders to conduct a consumer tasting event at one time.

6 (10) The local board shall designate a tasting area within the ABC store that
7 enables the permit holder to ensure that the consumer tasting event is being
8 conducted in compliance with this section. Consumers shall only be allowed
9 to consume tasting samples within the designated tasting area. The local
10 board shall maintain a floor plan at each ABC store within its system that
11 identifies the designated tasting area.

12 (11) A consumer tasting event shall not be allowed unless the local board is
13 located in a municipality that has approved the sale of mixed beverages.

14 (12) The permit holder conducting the event may provide point-of-sale
15 advertising materials and advertising specialties to consumers at the
16 consumer tasting event.

17 (13) The local board may post notice of the consumer tasting event at the local
18 board's administrative offices and at any of the ABC stores within the local
19 board's system, and the local board may provide notice of the consumer
20 tasting event to any mixed beverage permittee that purchases spirituous
21 liquor from an ABC store within the local board's system.

22 (14) The permit holder shall provide written notice of the consumer tasting event
23 to the ABC Commission at least 48 hours before the consumer tasting event.
24 The notice shall include the date of the consumer tasting event, the time of
25 the consumer tasting event, the ABC store at which the consumer tasting
26 event will be held, and the spirituous liquor that will be provided for tasting
27 at the consumer tasting event.

28 (15) The permit holder shall maintain for a period of at least one year a record of
29 each consumer tasting event conducted. The record shall include the date of
30 the consumer tasting event, the time of the consumer tasting event, an
31 identification of the ABC store at which the consumer tasting event was
32 held, an identification of the spirituous liquor that was provided for tasting at
33 the consumer tasting event, and the name of any person who poured
34 spirituous liquor at the consumer tasting event. The permit holder shall allow
35 the ABC Commission to inspect those records at any time.

36 (16) Any additional conditions imposed by the local board. Any additional
37 conditions shall be in writing, and the local board shall post notice of the
38 additional conditions at the local board's administrative offices and at all of
39 the ABC stores within the local board's system.

40 **SECTION 1.(c)** Consideration Prohibited. – Except as otherwise provided under
41 this section, a permit holder conducting a consumer tasting event under this section shall not
42 provide any consideration to the local board, its board members, or its employees for any
43 purpose related to the consumer tasting event. A consumer tasting event shall not be used by
44 permit holders for unlawful inducements to a local board.

45 **SECTION 2.** G.S. 18B-301 reads as rewritten:

46 **"§ 18B-301. Possession and consumption of fortified wine and spirituous liquor.**

47 ...

48 (e) Incident to Sale. – It shall be lawful to possess fortified wine and spirituous liquor at
49 any place, such as an ABC store, where possession is a necessary incident to lawful sale.
50 Consumption at such a place shall be unlawful unless the establishment has a permit

1 authorizing consumption on the premises as well as ~~sale~~ sale or a consumer tasting event
2 authorized by law is being conducted at the ABC store.

3 (f) Unlawful Possession or Use. – As illustration, but not limitation, of the general
4 prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

5 (1) Any person to consume fortified wine, spirituous liquor, or mixed beverages
6 or to offer such beverages to another ~~person~~ person at any of the following
7 places:

8 a. On the premises of an ABC ~~store, or store,~~ unless a consumer tasting
9 event authorized by law is being conducted at the ABC store.

10 b. Upon any property used or occupied by a local ~~board, or board.~~

11 c. On any public road, street, highway, or sidewalk.

12"

13 **SECTION 3.** G.S. 18B-1105(a) reads as rewritten:

14 "(a) Authorized Acts. – The holder of a distillery permit ~~may~~ may do any of the
15 following:

16 (1) Manufacture, purchase, import, possess and transport ingredients and
17 equipment used in the distillation of spirituous ~~liquor~~ liquor.

18 (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to
19 exporters and local boards within the State, and, subject to the laws of other
20 jurisdictions, at wholesale or retail to private or public agencies or
21 establishments of other states or ~~nations~~ nations.

22 (3) Transport into or out of the distillery the maximum amount of liquor allowed
23 under federal law, if the transportation is related to the distilling process.

24 (4) Conduct consumer tasting events at ABC stores located in jurisdictions
25 where consumer tasting events are authorized by law."

26 **SECTION 4.** This act applies to the City of Asheville only.

27 **SECTION 5.** This act is effective when it becomes law.