

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1108  
Committee Substitute Favorable 5/22/97  
Committee Substitute #2 Favorable 6/12/97  
Senate Finance Committee Substitute Adopted 7/17/97  
Senate Committee Substitute #2 Adopted 7/24/97  
Sixth Edition Engrossed 7/29/97

Short Title: B.O.P./Sports Club Permits.

(Public)

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Sponsors:

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Referred to:

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April 21, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION  
3 TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES AND TO  
4 CLARIFY THE APPLICABILITY OF CERTAIN REGULATIONS TO SOME  
5 SPORTS CLUBS.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 18B-307, as amended by S.L. 1997-134, reads as rewritten:

8 "§ 18B-307. Manufacturing offenses.

9 (a) Offenses. – It shall be unlawful for any person, except as authorized by this  
10 Chapter, to:

11 (1) Sell or possess equipment or ingredients intended for use in the  
12 manufacture of any alcoholic ~~beverage; beverage, except equipment and~~  
13 ingredients provided under a Brew on Premises permit; or

1 (2) Knowingly allow real or personal property owned or possessed by him  
2 to be used by another person for the manufacture of any alcoholic  
3 ~~beverage.~~ beverage, except pursuant to a Brew on Premises permit.

4 (b) Unlawful Manufacturing. – Except as provided in G.S. 18B-306, it shall be  
5 unlawful for any person to manufacture any alcoholic ~~beverage~~ beverage, except at an  
6 establishment with a Brew on Premises permit, without first obtaining the applicable  
7 ABC permit and revenue licenses.

8 (c) Second Offense of Manufacturing. – A second offense of unlawful  
9 manufacturing of alcoholic beverage shall be a Class I felony."

10 Section 2. G.S. 18B-902(d) reads as rewritten:

11 "(d) Fees. – An application for an ABC permit shall be accompanied by payment of  
12 the following application fee:

13 (1) On-premises malt beverage permit – \$200.00.

14 (2) Off-premises malt beverage permit – \$200.00.

15 (3) On-premises unfortified wine permit – \$200.00.

16 (4) Off-premises unfortified wine permit – \$200.00.

17 (5) On-premises fortified wine permit – \$200.00.

18 (6) Off-premises fortified wine permit – \$200.00.

19 (7) Brown-bagging permit – \$200.00, unless the application is for a  
20 restaurant seating less than 50, in which case the fee shall be \$100.00.

21 (8) Special occasion permit – \$200.00.

22 (9) Limited special occasion permit – \$25.00.

23 (10) Mixed beverages permit – \$750.00.

24 (11) Culinary permit – \$100.00.

25 (12) Unfortified winery permit – \$150.00.

26 (13) Fortified winery permit – \$150.00.

27 (14) Limited winery permit – \$150.00.

28 (15) Brewery permit – \$150.00.

29 (16) Distillery permit – \$150.00.

30 (17) Fuel alcohol permit – \$50.00.

31 (18) Wine importer permit – \$150.00.

32 (19) Wine wholesaler permit – \$150.00.

33 (20) Malt beverage importer permit – \$150.00.

34 (21) Malt beverage wholesaler permit – \$150.00.

35 (22) Bottler permit – \$150.00.

36 (23) Salesman permit – \$25.00.

37 (24) Vendor representative permit – \$25.00.

38 (25) Nonresident malt beverage vendor permit – \$50.00.

39 (26) Nonresident wine vendor permit – \$50.00.

40 (27) Any special one-time permit under G.S. 18B-1002 – \$25.00.

41 (28) Winery special event permit – \$100.00.

42 (29) Mixed beverages catering permit – \$100.00.

43 (30) Guest room cabinet permit – \$750.00.

- 1 (31) Liquor importer/bottler permit – \$250.00.  
2 (32) Cider and vinegar manufacturer permit – \$100.00.  
3 (33) Brew on premises permit – \$200.00."

4 Section 3. G.S. 18B-1001 is amended by adding a new subdivision to read:

5 "(14) Brew on Premises Permit. – A permit may be issued to a business,  
6 located in a jurisdiction where the sale of malt beverages is allowed,  
7 where individual customers who are 21 years old or older may  
8 purchase ingredients and rent the equipment, time, and space to brew  
9 malt beverages for personal use in amounts set forth in 27 C.F.R. §  
10 25.205. The customer must do all of the following:

- 11 a. Select a recipe and kettle.  
12 b. Weigh out the proper ingredients and add them to the kettle.  
13 c. Transfer the wort to the fermenter.  
14 d. Add the yeast.  
15 e. Place the ingredients in a fermentation room.  
16 f. Filter, carbonate, and bottle the malt beverage.

17 A permittee may transfer the ingredients from the fermentation room to  
18 the cold room and may assist the customer in all the steps involved in  
19 brewing a malt beverage except adding the yeast. A malt beverage  
20 produced under this subdivision may not contain more than six percent  
21 (6%) alcohol by volume."

22 Section 4. G.S. 18B-904 is amended by adding a new subsection to read:

23 "(g) Regulations issued by the Commission interpreting G.S. 18B-1000(8) shall not  
24 apply to any sports club that was issued any permits prior to July 1, 1997, and that is  
25 located in any county that borders on: (i) the geographically largest county in the State,  
26 (ii) another state, and (iii) a county where 10 or more municipal ABC systems and a  
27 county-wide ABC system have been approved."

28 Section 5. This act is effective when it becomes law.