

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-402
HOUSE BILL 267**

AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE BEVERAGE CONTAINERS, AND TO AUTHORIZE WINEMAKING ON PREMISES BY AN UNFORTIFIED WINERY PERMIT HOLDER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-603(d)(3) reads as rewritten:

"(3) The Commission may issue off-premises malt beverage permits to any establishment that meets the requirements under G.S. 18B-1001(2) in any township or incorporated municipality which has voted to permit the sale of mixed beverages, regardless of any other local act concerning sales of those kinds of alcoholic beverages. The Commission may also issue off-premises unfortified wine permits to any establishment that meets the requirements under G.S. 18B-1001(4) in any township or incorporated municipality which has voted to permit the sale of mixed beverages, regardless of any other local act concerning sales of those kinds of alcoholic beverages."

SECTION 2.(a) G.S. 18B-1006.1 reads as rewritten:

"§ 18B-1006.1. (Effective January 1, 2008) Additional requirement for certain permittees to recycle beverage containers.

Holders of on-premises malt beverage permits, on-premises unfortified wine permits, on-premises fortified wine permits, and mixed beverages permits shall separate, store, and provide for the collection for recycling of all recyclable beverage containers of all beverages sold at retail on the premises. A permittee has satisfied the requirements of this ~~subsection~~ section if it implements a recycling program that meets the minimum standards of the model recycling program developed by the Commission pursuant to G.S. 130A-309.14(m). Failure to comply with the requirements of this section shall not be grounds for revocation of a permit."

SECTION 2.(b) G.S. 18B-902 is amended by adding a new subsection to read:

"(h) Each applicant for an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit shall prepare and submit with the application a plan for the collection and recycling of all recyclable beverage containers of all beverages to be sold at retail on the premises."

SECTION 2.(c) G.S. 18B-903 is amended by adding a new subsection to read:

"(b2) Each person holding an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit shall submit, along with the annual registration or renewal application, a current plan for the collection and recycling of all recyclable beverage containers of all beverages sold at retail on the premises."

SECTION 2.(d) A permittee who is not able to find a recycler for its beverage containers by January 1, 2008, may apply to the Alcoholic Beverage Control Commission for a one-year stay of the requirement to implement a recycling program in compliance with G.S. 18B-1006.1, as enacted by Section 1 of S.L. 2005-348. The application shall be made in a form specified by the Commission and shall detail the efforts made by the permittee to provide for the collection and recycling of beverage containers and specify the impediments to implementation of a recycling plan. The Commission shall submit all such applications to the Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources for review and certification. The Division of Pollution Prevention and Environmental Assistance shall investigate each application and shall prepare a summary of its investigation and submit the summary to the Commission along with a notation indicating certification or denial of the application. A permittee whose application for a stay is certified by the Division of Pollution Prevention and Environmental Assistance shall not be required to comply with alcoholic beverage laws and regulations concerning recycling requirements before January 1, 2009.

SECTION 3. G.S. 18B-1101 is amended by adding a new subdivision to read:

"§ 18B-1101. Authorization of unfortified winery permit.

The holder of an unfortified winery permit may:

(8) Allow winemaking on premises as allowed by a permit issued pursuant to G.S. 18B-1001(17)."

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:15 a.m. this 21st day of August, 2007