

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

S

1

SENATE BILL 236

Short Title: Spirituous Liquor Tastings/ABC Stores. (Public)

Sponsors: Senators Gunn, Tarte (Primary Sponsors); Rabin and Woodard.

Referred to: Rules and Operations of the Senate.

March 11, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW SPIRITUOUS LIQUOR TASTINGS AT ABC STORES.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 8 of Chapter 18B of the General Statutes is amended by  
5 adding a new section to read:

6 "§ 18B-800.1. Spirituous liquor tastings at ABC stores.

7 (a) Definition. – For purposes of this section, the term "permit holder" means the holder  
8 of a distillery permit issued under G.S. 18B-1105, a distiller broker representative permit, or a  
9 distiller representative permit.

10 (b) Authorization. – A local board may allow a permit holder to conduct a consumer  
11 tasting event at any ABC store within the local board's system subject to the following  
12 conditions:

- 13 (1) The permit holder shall conduct the consumer tasting event and shall be  
14 solely responsible for any violations of this Chapter occurring in connection  
15 with the consumer tasting event.
- 16 (2) The spirituous liquor shall be poured only by either (i) an employee of the  
17 permit holder conducting the consumer tasting event who is at least 21 years  
18 of age or (ii) the permit holder conducting the consumer tasting event.
- 19 (3) Each consumer shall be limited to one one-quarter ounce tasting sample of  
20 any product made available for sampling at the consumer tasting event, and  
21 the total amount of the tasting samples offered to and consumed by each  
22 consumer shall not exceed one-half ounce of spirituous liquor in any  
23 calendar day.
- 24 (4) The permit holder shall not offer, or allow consumption of, tasting samples  
25 by any consumer who is visibly intoxicated.
- 26 (5) The permit holder shall not offer, or allow consumption of, tasting samples  
27 by any consumer under the legal age for consuming spirituous liquor. The  
28 person pouring the spirituous liquor shall be responsible for verifying the  
29 age of the consumer being served by checking the identification of the  
30 consumer.
- 31 (6) The permit holder shall not charge a consumer for any tasting sample.
- 32 (7) The spirituous liquor used in the consumer tasting event shall be purchased  
33 by the permit holder at the price set by the Commission from any ABC store.  
34 The permit holder shall remove any remaining spirituous liquor used in the  
35 consumer tasting event at the conclusion of the consumer tasting event.



\* S 2 3 6 - V - 1 \*

- 1           (8)    A local board shall allow consumer tasting events to be conducted only  
2           between the hours of 1:00 p.m. and 7:00 p.m. on any day the ABC store  
3           where the consumer tasting event is being held is authorized by law to sell  
4           spirituous liquor, and no consumer tasting event shall be conducted for more  
5           than three hours.
- 6           (9)    The local board shall not allow more than three consumer tasting events per  
7           calendar week, and the local board shall not allow more than two different  
8           permit holders to conduct a consumer tasting event at one time.
- 9           (10)   The local board shall designate a tasting area within the ABC store that  
10          enables the permit holder to ensure that the consumer tasting event is being  
11          conducted in compliance with this section. Consumers shall only be allowed  
12          to consume tasting samples within the designated tasting area. The local  
13          board shall maintain a floor plan at each ABC store within its system that  
14          identifies the designated tasting area.
- 15          (11)   A consumer tasting event shall not be allowed unless the local board is  
16          located in a municipality that has approved the sale of mixed beverages.
- 17          (12)   The permit holder conducting the event may provide point-of-sale  
18          advertising materials and advertising specialties to consumers at the  
19          consumer tasting event.
- 20          (13)   The local board may post notice of the consumer tasting event at the local  
21          board's administrative offices and at any of the ABC stores within the local  
22          board's system, and the local board may provide notice of the consumer  
23          tasting event to any mixed beverage permittee that purchases spirituous  
24          liquor from an ABC store within the local board's system.
- 25          (14)   The permit holder shall provide written notice of the consumer tasting event  
26          to the ABC Commission at least 48 hours before the consumer tasting event.  
27          The notice shall include the date of the consumer tasting event, the time of  
28          the consumer tasting event, the ABC store at which the consumer tasting  
29          event will be held, and the spirituous liquor that will be provided for tasting  
30          at the consumer tasting event.
- 31          (15)   The permit holder shall maintain for a period of at least one year a record of  
32          each consumer tasting event conducted. The record shall include the date of  
33          the consumer tasting event, the time of the consumer tasting event, an  
34          identification of the ABC store at which the consumer tasting event was  
35          held, an identification of the spirituous liquor that was provided for tasting at  
36          the consumer tasting event, and the name of any person who poured  
37          spirituous liquor at the consumer tasting event. The permit holder shall allow  
38          the ABC Commission to inspect those records at any time.
- 39          (16)   Any additional conditions imposed by the local board. Any additional  
40          conditions shall be in writing, and the local board shall post notice of the  
41          additional conditions at the local board's administrative offices and at all of  
42          the ABC stores within the local board's system.

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

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

49        **"§ 18B-301. Possession and consumption of fortified wine and spirituous liquor.**

50        ...

1 (e) Incident to Sale. – It shall be lawful to possess fortified wine and spirituous liquor at  
2 any place, such as an ABC store, where possession is a necessary incident to lawful sale.  
3 Consumption at such a place shall be unlawful unless the establishment has a permit  
4 authorizing consumption on the premises as well as ~~sale~~ sale or a consumer tasting event  
5 authorized by G.S. 18B-800.1 is being conducted at the ABC store.

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

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

11 a. On the premises of an ABC ~~store, or store,~~ unless a consumer tasting  
12 event authorized by G.S. 18B-800.1 is being conducted at the ABC  
13 store.

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

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

16 ...."

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

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

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

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

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

28 (4) Conduct consumer tasting events at ABC stores in accordance with  
29 G.S. 18B-800.1."

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