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Alcoholic Beverage Control

In 2006 there were relatively few new laws affecting alcoholic beverage control (ABC). The impaired driving legislation, discussed in detail in Chapter 19, “Motor Vehicles,” made some significant amendments to the ABC laws, and a few other minor changes were enacted, as discussed below.

Keg Regulation

S.L. 2006-253 (H 1048) includes a wide-ranging set of amendments to the impaired driving statutes. It also contains three provisions amending G.S. Chapter 18B, the ABC laws. The most widely discussed of these is the new keg regulation, which defines a *keg* as a portable container designed to hold at least 7.75 gallons of beer or other malt beverage. The act requires a purchaser of a keg to obtain a purchase-transportation permit from the seller of the keg. The seller is authorized to issue the permit on behalf of the ABC system. The seller must retain a copy of the permit for at least ninety days or for as long as any person asks that it be retained as long as the request is made in the ninety-day period. Failure to obtain a permit is a violation of the unlawful purchase statute in G.S. 18B-303. Failure of the seller to comply with the statute is punishable by a warning for the first offense.

The original provisions recommended by various advocacy groups would have regulated kegs much more extensively. Those provisions would have required purchasers to register with a government agency before purchase, and that registration would have been retained permanently. The purpose of keg regulation is to deter abuses by people who purchase kegs and do not monitor their use and to provide accountability for those who use them. The provision requiring retention of the permit upon request of any person is presumably intended to prevent destruction of the record when there is potential litigation involved.

Rehiring of Former Permittees

In some instances a person who holds an ABC permit may have the permit revoked and later be hired to manage the same property involved in the revocation. S.L. 2006-253 makes that practice unlawful if the permit holder for the location had his or her permit to sell alcoholic beverages revoked in the preceding eighteen months.

Underage Consumption

G.S. 18B-302 makes it a misdemeanor for a person under twenty-one to purchase or possess alcoholic beverages. S.L. 2006-253 makes it a similar offense for an underage person to consume alcohol. A law enforcement officer with probable cause to believe a person has committed a violation may require the person to submit to alcohol screening by devices approved by the Department of Health and Human Services. Refusal to submit may be introduced as evidence, as may the screening results. The law exempts consumption for medical or sacramental purposes or for culinary school activities.

Permit Amendments

S.L. 2006-227 (H 1025) creates two new categories of wine permits, the Winemaking on Premises Permit and the Wine Shipper Packager Permit. The first permit allows businesses authorized to sell wine to allow customers to make wine on the premises for home consumption. The application fee is \$400. (A separate bill, S.L. 2006-222, S 2010, makes identical changes to the ABC statutes). The second permit allows the holder to provide services for warehousing, packaging, and shipping for a winery holding a wine shipper permit. The application fee is \$100.

S.L. 2006-227 also

- specifies that the holder of a wine importer permit may sell wine only to wholesalers for which the wine importer is a primary American source of supply. The importer must establish that it lawfully purchases wine from a winery or its agents.
- allows sales of wine and malt beverages by wholesalers or retailers to any rail line that carries at least 60,000 passengers annually.
- allows golf courses on UNC campuses to obtain beer or wine permits.
- specifies where wine wholesalers must obtain the wine they resell. Generally they must obtain the wine from a primary American source of supply or from a North Carolina wholesaler having a contractual arrangement with a primary American source.
- exempts wine-tasting permit holders from the sanitation inspection requirements of G.S. Chapter 130A.

S.L. 2006-264 (S 602) amends G.S. 18B-1006 to allow mixed beverage permittees in major league professional sports arenas to obtain special occasion permits. These permits would allow patrons owning or leasing a suite in the facility to make alcohol available in the suite as if they were hosting a party or reception. A mixed beverage permittee with this permit may also provide mixed beverage tax paid spirituous liquor to the patron for purposes of resale.

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