

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 453
Commerce and Insurance Committee Substitute Adopted 5/11/21

Short Title: Modernize ABC Controls.

(Public)

Sponsors:

Referred to:

April 5, 2021

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A SPIRITUOUS LIQUOR SPECIAL EVENT PERMIT FOR A CONSUMER TASTING IN AN ABC STORE SHALL BE ISSUED IN THE NAME OF THE BUSINESS LISTED ON THE APPLICATION FOR THE PERMIT; TO ALLOW, SUBJECT TO THE ADOPTION OF AN ORDINANCE, ONLINE ORDERS OF ALCOHOLIC BEVERAGES FROM ABC STORES; TO ALLOW THE PURCHASE OF SPIRITUOUS LIQUOR IN BOTTLES WITH PERSONALIZED LABELING; AND TO AUTHORIZE CERTAIN EVENT CENTERS TO SEEK A MIXED BEVERAGE PERMIT.

The General Assembly of North Carolina enacts:

PART I. PERMIT FOR ABC STORE TASTINGS/CLARIFICATION

SECTION 1. G.S. 18B-1114.7(c) is amended by adding a new subdivision to read:

"(1a) The permit shall be issued in the name of the business listed on the application for the permit."

PART II. ALLOW ONLINE ORDERS FROM ABC STORES

SECTION 2.(a) G.S. 18B-800(a) reads as rewritten:

"(a) Spirituous Liquor. – Except as provided in Articles 10 and 11 of this Chapter, spirituous liquor may be sold only in ABC stores operated by local boards. For purposes of this subsection, the term "sold only in ABC stores operated by local boards" includes online orders placed in accordance with subsection (c3) of this section."

SECTION 2.(b) G.S. 18B-800 is amended by adding a new subsection to read:

"(c3) Online Orders. – Subject to the adoption of an ordinance in accordance with G.S. 153A-145.9 for a county ABC store or G.S. 160A-205.5 for a city ABC store, an ABC store may accept an online order, including payment, for alcoholic beverages sold in its store. An order placed online pursuant to this subsection shall be picked up in person at the store by a person who is 21 years of age or older. A person shall not be prosecuted for a violation of G.S. 18B-302(a)(2) for an online sale under this subsection of fortified wine or spirituous liquor to a person less than 21 years old unless the person knew the purchaser was less than 21 years old at the time the online order was placed."

SECTION 2.(c) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-145.9. Online orders from ABC stores.

A county may adopt an ordinance authorizing its ABC stores to accept an online order for alcoholic beverages sold in the stores."



1 **SECTION 2.(d)** Article 8 of Chapter 160A of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 160A-205.5. Online orders from ABC stores.**

4 A city may adopt an ordinance authorizing its ABC stores to accept an online order for
5 alcoholic beverages sold in the stores."

6 **SECTION 2.(e)** The ABC Commission shall develop, implement, and maintain an
7 internet-based system, or adjust and utilize any current internet-based system it operates, to
8 facilitate the online order of alcoholic beverages sold in participating ABC stores.

9 **SECTION 2.(f)** This section becomes effective July 1, 2021, and applies to sales on
10 or after that date.

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12 **PART III. ALLOW PERSONALIZED LABEL ON SPIRITUOUS LIQUOR PURCHASE**

13 **SECTION 3.(a)** G.S. 18B-800(c1) reads as rewritten:

14 "(c1) Special Orders of Special Items. – Through the process established by rule of the
15 Commission for special orders of spirituous liquor that are on the special item list approved by
16 the Commission, ABC stores shall allow the purchase of individual bottles of spirituous liquor.
17 ABC stores may sell in store any bottles it receives from a special item case in excess of what
18 was purchased by the requesting customer. Bottles purchased pursuant to this subsection may be
19 affixed with personalized labeling that includes any other labeling requirements set by law. For
20 purposes of this subsection, the term "personalized labeling" means the inclusion of the name of
21 the purchaser on the label."

22 **SECTION 3.(b)** G.S. 18B-1105(a)(4) reads as rewritten:

23 "(4) Sell spirituous liquor distilled at the distillery in closed containers to visitors
24 who tour the distillery for consumption off the premises. Sales under this
25 subdivision are allowed only in a county where the establishment of a county
26 or municipal ABC store has been approved pursuant to G.S. 18B-602(g) and
27 are subject to the time and day restrictions in G.S. 18B-802. Spirituous liquor
28 sold under this subdivision shall (i) be listed as a code item for sale in the
29 State, (ii) be sold at the price set by the Commission for the code item pursuant
30 to G.S. 18B-804(b), and (iii) have affixed to its bottle any labeling
31 requirements set by law. A bottle of spirituous liquor sold under this
32 subdivision may have personalized labeling affixed to it that includes any
33 other labeling requirements set by law. For purposes of this subdivision, the
34 term "personalized labeling" means the inclusion of the name of the purchaser
35 on the label."

36 **SECTION 3.(c)** This section becomes effective July 1, 2021, and applies to
37 spirituous liquor sold on or after that date.

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39 **PART IV. MIXED BEVERAGE PERMIT FOR CERTAIN EVENT CENTERS**

40 **SECTION 4.(a)** G.S. 18B-1006 is amended by adding a new subsection to read:

41 "(n2) Event Centers. – The Commission may issue permits listed in G.S. 18B-1001(10) and
42 (12), without approval at an election, to qualified establishments defined in G.S. 18B-1000(2),
43 (4), and (6) that meet all of the following requirements:

- 44 (1) The establishment is located in a county that has more than two man-made
45 lakes.
46 (2) The establishment is located in a county that has approved the sale of malt
47 beverages and unfortified wine but not mixed beverages.
48 (3) The establishment is open to the public and includes on its premises a hotel
49 with accommodations for 20 or more overnight guests, agritourism activities
50 as defined in G.S. 99E-30, and firearm sports."

51 **SECTION 4.(b)** This section is effective when it becomes law.

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PART V. RULEMAKING AND EFFECTIVE DATE

SECTION 5.(a) The Alcoholic Beverage Control Commission shall amend its rules consistent with the provisions of this act. The Commission may use the procedure set forth in G.S. 150B-21.1 to amend any rules as required under this section.

SECTION 5.(b) Section 1 of this act becomes effective July 1, 2021, and applies to permits issued or renewed on or after that date. Except as otherwise provided, this act is effective when it becomes law.