

- 1 (3) The consumer shall not be charged for any individual homemade beverage tasting
2 sample.
- 3 (4) The consumer may be charged for admission to the event where the licensed
4 homemade beverage tasting is occurring as long as the proceeds from admission
5 do not pay for the homemade alcoholic beverages.
- 6 (5) Tasting samples are not to be offered to, or allowed to be consumed by, any person
7 under the legal age for consuming alcohol.

8 The homemade beverage tasting permit holder shall be solely liable for any violations
9 of this Chapter occurring in connection with the tasting. The Commission shall adopt
10 rules to assure that the tastings are limited to samplings and not a subterfuge for the
11 unlawful sale or distribution of homemade beverages as prohibited in G.S. 18B-102
12 and 306.

13 **SECTION 3.** G.S. 18B-1001(8) is rewritten to read:

- 14 (8) Special Occasion Permit. - A special occasion permit authorizes the host of a
15 reception, party or other special occasion, with the permission of the permittee, to
16 bring fortified wine, ~~and~~ spirituous liquor, and donated homemade malt beverages,
17 meads, wines or fermented fruit juices onto the premises of the business and to serve
18 the same to his guests. The permit may be issued for any of the following:
19 a. Restaurants;
20 b. Hotels;
21 c. Eating establishments;
22 d. Private clubs;
23 e. Convention centers;
24 f. Events run by non-profits.

25 **SECTION 4.** G.S. 18B-1001(9) is rewritten to read:

- 26 (8) Limited Special Occasion Permit. - A limited special occasion permit authorizes the
27 permittee to bring fortified wine, ~~and~~ spirituous liquor, and donated homemade malt
28 beverages, meads, wines or fermented fruit juices onto the premises of a business,
29 with the permission of the owner of that property, and to serve those alcoholic
30 beverages to the permittee's guests at a reception, party, or other special occasion
31 being held there. The permit may be issued to any individual other than the owner or
32 possessor of the premises. An applicant for a limited special occasion permit shall
33 have the written permission of the owner or possessor of the property on which the
34 special occasion is to be held. The permittee may exercise the rights of a Homemade
35 Alcoholic Beverage Competition and Sampling Permit holder under Section
36 G.S. 18B-1001(21) without obtaining the additional permit.

37 **SECTION 5.** G.S. 18B-902 is rewritten to read:

38 **§ 18B-902. Application for permit; fees.**

- 39 (a) Form. - An application for an ABC permit shall be on a form prescribed by the
40 Commission and shall be notarized. Each person required to qualify under G.S. 18B-
41 900(c) shall sign and swear to the application and shall submit a full set of fingerprints
42 with the application.
- 43 (b) Investigation. - Before issuing a new permit, the Commission, with the assistance of
44 the ALE Branch, shall investigate the applicant and the premises for which the permit
45 is requested. The Commission may request the assistance of local ABC officers in
46 investigating applications. An applicant shall cooperate fully with the investigation.
47 The Department of Public Safety may provide a criminal record check to the ALE
48 Branch for a person who has applied for a permit through the Commission. The ALE
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1 Branch shall provide to the Department of Public Safety, along with the request, the
2 fingerprints of the applicant, any additional information required by the Department
3 of Public Safety, and a form signed by the applicant consenting to the check of the
4 criminal record and to the use of the fingerprints and other identifying information
5 required by the State or national repositories. The applicant's fingerprints shall be
6 forwarded to the State Bureau of Investigation for a search of the State's criminal
7 history record file, and the State Bureau of Investigation shall forward a set of the
8 fingerprints to the Federal Bureau of Investigation for a national criminal history
9 check. The ALE Branch and the Commission shall keep all information pursuant to
10 this subsection privileged, in accordance with applicable State law and federal
11 guidelines, and the information shall be confidential and shall not be a public record
12 under Chapter 132 of the General Statutes.

13 The Department of Public Safety may charge each applicant a fee for conducting
14 the checks of criminal history records authorized by this subsection.

15 (c) False Information. - Knowingly making a false statement in an application for an
16 ABC permit shall be grounds for denying, suspending, revoking or taking other action
17 against the permit as provided in G.S. 18B-104 and shall also be unlawful.

18 (d) Fees. - An application for an ABC permit shall be accompanied by payment of the
19 following application fee:

- 20 (1) On-premises malt beverage permit - \$400.00.
- 21 (2) Off-premises malt beverage permit - \$400.00.
- 22 (3) On-premises unfortified wine permit - \$400.00.
- 23 (4) Off-premises unfortified wine permit - \$400.00.
- 24 (5) On-premises fortified wine permit - \$400.00.
- 25 (6) Off-premises fortified wine permit - \$400.00.
- 26 (7) Brown-bagging permit - \$400.00, unless the application is for a restaurant
27 seating less than 50, in which case the fee shall be \$200.00.
- 28 (8) Special occasion permit - \$400.00.
- 29 (9) Limited special occasion permit - \$50.00.
- 30 (10) Mixed beverages permit - \$1,000.
- 31 (11) Culinary permit - \$200.00.
- 32 (12) Unfortified winery permit - \$300.00.
- 33 (13) Fortified winery permit - \$300.00.
- 34 (14) Limited winery permit - \$300.00.
- 35 (15) Brewery permit - \$300.00.
- 36 (16) Distillery permit - \$300.00.
- 37 (17) Fuel alcohol permit - \$100.00.
- 38 (18) Wine importer permit - \$300.00.
- 39 (19) Wine wholesaler permit - \$300.00.
- 40 (20) Malt beverage importer permit - \$300.00.
- 41 (21) Malt beverage wholesaler permit - \$300.00.
- 42 (22) Bottler permit - \$300.00.
- 43 (23) Salesman permit - \$100.00.
- 44 (24) Vendor representative permit - \$50.00.
- 45 (25) Nonresident malt beverage vendor permit - \$100.00.
- 46 (26) Nonresident wine vendor permit - \$100.00.
- 47 (27) Any special one-time permit under G.S. 18B-1002 - \$50.00.
- 48 (28) Winery special event permit - \$200.00.
- 49 (29) Mixed beverages catering permit - \$200.00.
- 50 (30) Guest room cabinet permit - \$1,000.
- 51 (31) Liquor importer/bottler permit - \$500.00.

- 1 (32) Cider and vinegar manufacturer permit - \$200.00.
2 (33) Brew on premises permit - \$400.00.
3 (34) Wine producer permit - \$300.00.
4 (35) Wine tasting permit - \$100.00.
5 (36) Repealed by Session Laws 2005-380, s. 1, effective September 8, 2005, and
6 applicable to wine shipper permit applications submitted on or after that date.
7 (37) Wine shop permit - \$100.00.
8 (38) Winemaking on premises permit - \$400.00.
9 (39) Wine shipper packager permit - \$100.00.
10 (40) Malt beverage special event permit - \$200.00.
11 (41) Malt beverage tasting permit - \$100.00.
12 (42) Spirituous liquor tasting permit - \$100.00.
13 (43) Homemade alcoholic beverage competition and sampling permit - \$50.00.
14 (e) Repealed by Session Laws 1998-95, s. 29, effective May 1, 1999.
15 (f) Fee Not Refundable. - The fee required by subsection (d) shall not be refunded.
16 (g) Fees to Treasurer. - All fees collected by the Commission under this or any other
17 section of this Chapter shall be remitted to the State Treasurer for the General Fund.
18 (h) Recycling Plan Required. - Each applicant for an on-premises malt beverage permit,
19 on-premises unfortified wine permit, on-premises fortified wine permit, or a mixed
20 beverages permit shall prepare and submit with the application a plan for the
21 collection and recycling of all recyclable beverage containers of all beverages to be
22 sold at retail on the premises. A permittee who is not able to find a recycler for its
23 beverage containers may apply to the Alcoholic Beverage Control Commission for a
24 one-year stay of the requirement to implement a recycling program in compliance
25 with G.S. 18B-1006.1. The application shall be made in a form specified by the
26 Commission, shall detail the efforts made by the permittee to provide for the
27 collection and recycling of beverage containers, and shall specify the impediments to
28 implementation of a recycling plan. The Commission shall submit all such
29 applications to the Division of Environmental Assistance and Outreach of the
30 Department of Environment and Natural Resources for review and certification. The
31 Division of Environmental Assistance and Outreach shall investigate each application
32 and prepare a summary of its investigation and shall submit the summary to the
33 Commission along with a notation indicating certification or denial of the application.
34 A permittee whose application for a stay is certified by the Division of Environmental
35 Assistance and Outreach shall not be required to comply with the recycling
36 requirement of the alcoholic beverage laws and regulations during the one-year stay
37 period so certified.