

General Frequently Asked Questions

Q: If I run out of alcoholic beverages at one business, can I transfer it to my other permitted business? No.

Rule 2S.0236 states, “A permittee owning more than one licensed retail establishment shall not transfer alcoholic beverages from one business location to another except upon written request and approval from the Commission.”

Q: I own my own business, is it against the law to have an alcoholic drink while in my office updating my books? Yes.

Rule 2S.0212(a) states, “No permittee or his employees shall consume alcoholic beverages on the licensed premises except under the following conditions:

- (1) The permittee or employee shall be off duty for the remainder of that day or night during which he consumes any alcoholic beverage;
 - (2) The permittee or employee shall be out of uniform when uniforms are required to be worn while performing services; and
 - (3) The permittee or employee shall not perform services of any nature while or after consuming alcoholic beverages.
- (b) No permittee or his agents or employees shall be or become intoxicated on the licensed premises.”

Q: Can we have an end of shift drink after we get off work, even though it is 3:30 am? No.

NCGS 18B-1004 (a) states, “It shall be unlawful to sell it shall be unlawful to sell malt beverages, unfortified wine, or mixed beverages between the hours of 2:00 am and 7:00 am., or to consume any of those alcoholic beverages between the hours of 2:30 am and 7:00 am in any place that has been issued a permit under G.S. 18B-1001.” This regulation applies to everyone, including permittees and employees.

Q: We use some wine in our recipes at our restaurant, are we required to obtain a culinary permit? Yes.

NCGS 18B-1001 (11) states, “A culinary permit authorizes a permittee to possess up to 12 liters of either fortified wine or spirituous liquor, or 12 liters of the two combined, in the kitchen of a business and to use those alcoholic beverages for culinary purposes. The permit may be issued for either of the following:

- a. restaurants;
- b. hotels
- c. cooking schools

A culinary permit may also be issued to a catering service to allow the possession of the amount of fortified wine and spirituous liquor stated above at the business location of that service and at the cooking site. The permit shall also authorize the caterer to transport those alcoholic beverages to and from the business location and the cooking site and use them in cooking.”

Q: Can I accept a Driver’s License from France or another country? Yes, if you can read and understand the information contained on the driver’s license. NCGS 18B-302 (d) states “Defense – It shall be a defense to a violation of subsection (a) of this section if the seller: 1) Shows that the purchaser produced a driver’s license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing his age to be at least the required age for purchase and bearing physical description of the person named on the card reasonably describing the purchaser.”

– It shall be a defense to a violation of subsection (a) of this section if the seller: 1) Shows that the purchaser produced a driver’s license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing his age to be at least the required age for purchase and bearing physical description of the person named on the card reasonably describing the purchaser.”

Q: Can I sell alcohol to someone on their 21st birthday? Yes.

NCGS 18B-302 A person must be 21 years of age to purchase alcohol in North Carolina.



Page 2: General Frequently Asked Questions

Q: If I am having a party and providing free alcohol but collecting donations at the door, do I need an ABC permit? Yes.

NCGS 18B-304 states, "It is against the law to sell or possess any alcoholic beverage for sale, without first getting the appropriate ABC permit such as a Special One-Time or Limited Special Occasion Permit."

Q: Do I have to buy my wine and malt beverage through a distributor/wholesaler? Yes.

NCGS 18B 1006 (h), states, "A retail permittee may purchase malt beverage, unfortified wine, or fortified wine only from a wholesaler who maintains a place of business in this State and has the proper permit."

Q: What should I do if my tax stamp washes off while cleaning the bottles of spirituous liquor?

You should contact your local ABC Store to notify them of the problem – at that time (depending on where you are located within the state), an ABC Officer or ALE Officer will look at the records of the ABC Store, and then come to your business to replace the tax stamp pending all records are correct regarding spirituous liquor bottle in question.

Q: What do we do with a fake ID once we confiscate it?

Turn it in to your local Alcohol Law Enforcement Agency, local ABC Officer, or your local police or sheriff department; NCGS 18B-129 allows employees to confiscate fake or altered ID's for the purpose of turning them over to law enforcement.

Q: Do I need to display my ABC Permit? Yes.

NCGS 18B-904 (b) Posting Permit states that each ABC permit that is held by an establishment shall be posted in a prominent place on the premises.

Q: Can someone take a to-go cup with alcoholic beverages onto the beach? It depends on the local ordinance.

NCGS 18B-300., states, "Purchase, possession and consumption of malt beverages and unfortified wine.

(a) Generally – Except as otherwise provided in this Chapter, the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.

(c) Local Ordinance – A city or county may by ordinance:

- (1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county;
- (2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county; and
- (3) Regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC law."

Page 3: General Frequently Asked Questions

Q: How do I properly dispose of an empty liquor bottle? According to NC Administrative Rule 2S.0512(e), you must immediately and permanently deface the tax stamp and dispose of/recycle the bottle.

Q: Where does the money go that I send to the Commission for permit fees or administrative penalties?

All fees collected or fines for administrative penalties are deposited to the State Treasurer.

Q: What is a Special Occasion Permit?

A special occasion permit authorizes the host of a reception, party or other special occasion, with the permission of the permittee, to bring fortified wine and spirituous liquor onto the premises of the business and to serve the same to his/her guests. The permit fee is \$400.00 and may be issued for any of the following: Restaurants, Hotels, Eating Establishments, Private Clubs, and Convention Centers.

Q: What records do I need to keep regarding spirituous liquor and for how long?

According to Rule 2S. 0512(f), "During the first year of operation, the permittee shall maintain on a daily basis, an accurate inventory reflecting additions to and withdrawals from stock that specifies:

- (1) brand and container size of each item withdrawn;
- (2) date of withdrawal; and
- (3) date partially used containers are returned to storage.

This inventory shall be kept on a form approved by the Commission."

Recordkeeping specific to restaurants, hotels and tour boats are also found in Administrative Rule 2S.0520.

Q: Who can come to inspect my premises?

According to NCGS 18B- 502, NC ABC Commission employees, Alcohol Law Enforcement (ALE) officers, and ABC officers have the authority to inspect permittees. The inspections can include viewing the entire premises and examining the books and records of the permittee. The inspection may be made at any time it reasonably appears that someone is on the premises. Refusing to allow an authorized person to enter the premises can result in revocation, suspension or other actions against the permit; it is also a Class 2 misdemeanor to resist or obstruct an officer attempting to make a lawful inspection under this section.

Q: Is it really true that I can refuse sell to anyone?

Yes; however, you may not discriminate against a person solely based on that person's race, religion, color, national origin, sex, or disability.

Q: The liquor bottle is almost empty and does not have enough for a shot, can I pour it into the new bottle? No, according to NC Administrative Rule 2S.0224, you cannot fill or refill any original container of alcoholic beverage with the same or a different alcoholic beverage.

Q: My establishment serves a specialty drink that follows an in-house recipe. Do drink recipes have to be approved?

Yes. The NC ABC Commission must approve premixed drink recipes. The Premixing Request Form is available online, <http://abc.nc.gov> under the Audit Division.