

14B NCAC 15A .1303 TRANSPORTATION FROM STATE ABC WAREHOUSE

Except as authorized by statute or the rules of the Commission, no spirituous liquors or antique spirituous liquors shall be transported within, into, or through this State for delivery to a local board except from the State ABC warehouse.

*History Note: Authority G.S. 18B-100; 18B-101; 18B-204(a); 18B-207; 18B-701(a)(1); 18B-1001;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02R .1304 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. January 1, 2018.*

14B NCAC 15A .1304 DIRECT SHIPMENTS

- (a) A "direct shipment" means a shipment from the distiller or a warehouse of spirituous liquors, or from an antique spirituous liquor seller of antique spirituous liquor, directly to a local board without passing through the State ABC warehouse.
- (b) Direct shipments shall be allowed by the Commission in emergency situations when the State ABC warehouse is closed due to natural or other disasters or in a situation where for transportation reasons it is mutually advantageous to local boards, the Commission, or the operator of the State ABC warehouse.
- (c) Direct shipment shall have prior written approval from the Commission. Merchandise authorized to be shipped by direct shipment shall be consigned by the State ABC warehouse to the distiller's account in care of the local board. The local board shall acknowledge receipt of the merchandise on the shipping documents and forward them to the Contractor for processing through the accounting system as though the merchandise were shipped from the State ABC warehouse.
- (d) Upon compliance with 14B NCAC 15A .1403 and obtaining a transportation permit as required by G.S. 18B-403, an antique spirituous liquor seller may deliver antique spirituous liquor listed in its inventory directly to the local board that placed the special order for that inventory.

*History Note: Authority G.S. 18B-100; 18B-109(a); 18B-204; 18B-207; 18B-403; 18B-701(1); 18B-1001; Eff. January 1, 1982;
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. January 1, 2018.*

14B NCAC 15A .1402 PERMIT REQUIRED TO SELL ALCOHOLIC BEVERAGES

No purchase of any spirituous liquor, antique spirituous liquor, or fortified wine for resale in ABC stores shall be made by any local board from any person that does not hold a permit from the Commission authorizing the sale of those beverages to the local boards. However, brands approved for sale in North Carolina on which all taxes have been paid may be purchased for resale in a sale ordered pursuant to G.S. 18B-503. A local board shall purchase fortified wine only from a North Carolina wholesaler who holds an active wine wholesaler permit.

*History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-304(a); 18B-503(e); 18B-1107(a)(2);
Eff. January 1, 1982;
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2015;
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14B NCAC 15A .1403 SPECIAL ORDERS

- (a) Spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:
- (1) When requested by a customer, a local board shall request that the Commission consider approval for inclusion on the Special Orders Price List any spirituous liquor brand or container size that is not otherwise approved.
 - (2) The Commission shall consider the local board's request, and approve, in accordance with 14B NCAC 15C .0203 and .0204, any brand or product for special order and the addition to the Special Orders Price List, including the minimum order size requirement as required by the vendor of at least one case.
- (b) When requested by a customer, a local board may place an order with the Commission for any product on the Special Orders Price List. All customer orders shall be prepaid by the customer prior to the order being placed with the Commission. Any order must meet the minimum order quantity requirements set by the Commission.
- (c) Upon receipt of the special order from the local board, the Commission shall place the order with the vendor for shipment to the State ABC warehouse for delivery to the local board by the State ABC warehouse with the next regularly scheduled shipment to the local board.
- (d) After completing the special order transaction with the customer, the local board shall report the sale of merchandise sold pursuant to this Rule on its next monthly report to the Commission.
- (e) In addition to the provisions set forth in Paragraph (a) of this Rule, antique spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:
- (1) Upon receipt of a request for inclusion of an antique spirituous liquor on the Special Orders Price List from either a local board at the request of the owner of antique spirituous liquor, the owner of antique spirituous liquor, or a mixed beverages permittee, the Commission shall consider the request. Any antique spirituous liquor brand or product approved by the Commission for sale pursuant to 14B NCAC 15C .0203 and .0204 shall be added to the Special Orders Price List. The Commission shall determine the retail price for each product based on the markup formula pursuant to G.S. 18B-804, set up each product in its pricing system, assign code numbers for each product, and notify the local board and the State ABC warehouse of the price and product code number of each product.
 - (2) The seller of the antique spirituous liquor shall provide to the Commission an inventory of each product to be sold, the seller's selling price per bottle, and a picture or copy of the label of each product legible to the Commission sufficient to identify the product to be sold.
- (f) An owner of antique spirituous liquor who desires to sell antique spirituous liquor shall obtain a special one-time permit pursuant to G.S. 18B-1002(a)(4) prior to the sale.
- (g) A mixed beverages permittee who wants to order antique spirituous liquor from the Special Orders Price List from a permittee authorized to sell antique spirituous liquor pursuant to G.S. 18B-1002(a)(4) shall first obtain an antique spirituous liquor permit pursuant to G.S. 18B-1001(20).
- (h) When requested by an antique spirituous liquor permittee, a local board shall place an order from the special one-time permittee selling the antique spirituous liquor on the Special Orders Price list. All orders shall be prepaid by the antique spirituous liquor permittee to the local board prior to the order being placed with the special one-time permittee.
- (i) Upon delivery of the antique spirituous liquor to the local board by the special one-time permittee, the local board shall pay the seller's price to the special one-time permittee and notify the antique spirituous liquor permittee the order is available for pick up, and the location where it may be picked up.
- (j) Once the local board has possession of the antique spirituous liquor to be sold, the local board shall notify the Commission and the State ABC warehouse, and forward the invoice bill of lading for the product to the State ABC warehouse. The State ABC warehouse shall bill the local board for the bailment and bailment surcharge for the product. The local board shall pay the bailment and bailment surcharge to the Commission.

*History Note: Authority G.S. 18B-207; 18B-800(c); 18B-807;
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Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of May 31, 2017;
Eff. January 1, 2018 (Codifier approved request from agency to reuse rule number).*

SECTION .1900 - SALES OF LIQUOR TO MIXED BEVERAGES PERMITTEES

14B NCAC 15A .1901 MIXED BEVERAGES TAX STAMP

(a) Prior to the sale of any container of spirituous liquor or antique spirituous liquor to a permittee, the local board shall affix to the container a mixed beverages tax stamp that states the following:

- (1) the local board system of sale;
- (2) the permittee's transaction number; and
- (3) the permittee's Mixed Beverage Permit number.

(b) The mixed beverages tax stamp shall be affixed to the original paper labeling of each container, except that in the case of a container bearing no original label, the stamp shall be affixed to any vertical portion of the container. In no event shall the stamp be affixed to the cap or closure of a container. Where a case of one brand has been purchased, the mixed beverages tax stamp shall be affixed to each container in the case and it shall not be sufficient to stamp the exterior of the case.

(c) For sales of liquor to a guest room cabinet permittee, a local board may affix the mixed beverages tax stamp to any portion of the container other than the cap or closure. In lieu of affixing the stamp to each container purchased by a guest room cabinet permittee, a local board may choose to give to the guest room cabinet permittee one tax stamp for each container of liquor purchased for resale from a guest room cabinet, as authorized by Rule .1804 of this Subchapter.

(d) Mixed beverage permittees may transport no more than eight liters of opened containers of spirituous liquor without a purchase-transportation permit to and from a local board in the non-passenger area of a motor vehicle for the purpose of replacing mixed beverage tax stamps that are defaced or that have worn out numbers.

*History Note: Authority G.S. 18B-100; 18B-101; 18B-203(a)(1); 18B-207; 18B-807;
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14B NCAC 15B .0523 ANTIQUE SPIRITUOUS LIQUOR REGULATED

For the purposes of this Subchapter, antique spirituous liquor shall be regulated and treated the same as spirituous liquor for mixed beverages permittees.

*History Note: Authority G.S. 18B-101; 18B-207; 18B-1001;
Eff. January 1, 2018.*