

**CHAPTER 15 – ALCOHOLIC BEVERAGE CONTROL COMMISSION**

**SUBCHAPTER 15A - ORGANIZATIONAL RULES: POLICIES AND PROCEDURES**

**SECTION .0100 - GENERAL PROVISIONS**

**14B NCAC 15A .0101 PURPOSE**

The Alcoholic Beverage Control System shall provide regulation and control of the manufacture, distribution, advertisement, sale, possession and consumption of alcoholic beverages to serve the public health, safety and welfare in accordance with this Chapter.

*History Note: Authority G.S. 18B-100; 18B-105; 18B-207;  
Eff. January 1, 1982;  
Amended Eff. May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0101 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**14B NCAC 15A .0102 LOCATION, ADDRESSES AND BUSINESS HOURS**

The principal office of the North Carolina Alcoholic Beverage Control Commission is located at 400 East Tryon Road, Raleigh, North Carolina 27610. The mailing address is 4307 Mail Service Center, Raleigh, North Carolina 27699-4307. The telephone number is (919) 779-0700. The Commission's email address is [contact@abc.nc.gov](mailto:contact@abc.nc.gov). The Commission's website address is <https://abc.nc.gov>. The principal office is open to the public during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday. Permit applications received after 3:00 p.m. shall not be processed until the following business day.

*History Note: Authority G.S. 18B-100; 18B-207;  
Eff. January 1, 1982;  
Amended Eff. December 1, 2012; January 1, 2011; August 1, 2010; May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0102 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019; February 1, 2019; April 1, 2018.*

#### 14B NCAC 15A .0103 DEFINITIONS

(a) The following definitions apply in this Chapter:

- (1) "Administrator" means the principal administrative officer of the Commission.
- (2) "Alcohol law enforcement agent" or "ALE agent" means an enforcement agent of the Alcohol Law Enforcement Branch, North Carolina Department of Public Safety.
- (3) "Applicant" means any person who requests the issuance of a permit from the Commission, unless the context clearly means otherwise.
- (4) "Brand," in relation to wines, means the name under which a wine is produced. A brand shall not be construed to mean a class or type of wine, but all classes and types of wines sold under the same brand label shall be considered a single brand. Differences in packaging such as a different style, type, or size of container shall not be considered different brands.
- (5) "Branded merchandise" means items, including glassware, cups, signs, t-shirts, hats, and other apparel, which bear the brand of the alcoholic beverage being served, or the brand of the brewery, winery, or distiller whose alcoholic beverages is being served, at a tasting conducted pursuant to G.S. 18B-1114.1, 18B-1114.5 or 18B-1114.7.
- (6) "Brokerage" means a business that brokers in the State the sale of spirituous liquor on behalf of a spirituous liquor supplier.
- (7) "Brokerage representative" means an individual who promotes spirituous liquor on behalf of a brokerage.
- (8) "Chairman" means the chairman of the Commission.
- (9) "Contractor" means the person or persons responsible for carrying out the storage and distribution of spirituous liquors at the State ABC warehouse.
- (10) "Distiller representative" means an individual who promotes spirituous liquor on behalf of a distiller, or otherwise represents a distiller.
- (11) "Distressed liquor" means liquor which is not saleable due to adulteration or damage to the bottle, label, or tax seal.
- (12) "Industry Member" means any wholesaler, salesman, brewery, winery, bottler, importer, liquor importer/bottler, distiller, distiller representative, brokerage, brokerage representative, supplier representative, rectifier, nonresident vendor, vendor representative, or affiliate thereof, that sells or solicits orders for alcoholic beverages, whether or not licensed in this State.
- (13) "Permittee" means a person to whom a permit has been issued by the Commission.
- (14) "Rectifier" means a permittee that processes spirituous liquor by cutting, blending, mixing, or infusing the spirituous liquor with any ingredient that reacts with the constituents of the distilled spirits and changes the character and nature, or standards of identity, of the distilled spirits. "Rectifier" does not include a person who extracts spirituous liquor by original or continuous distillation, or who mixes spirituous liquor with other ingredients for immediate consumption.
- (15) "Retail permittee" or "retailer" means any permittee holding a retail alcoholic beverage permit issued pursuant to the authority of G.S. 18B-1001 but does not include a non-profit or political organization that has been issued a special one-time permit pursuant to the provisions of G.S. 18B-1002(a)(2) or (5).
- (16) "State ABC warehouse" means the contractor-operated facility or facilities storing spirituous liquors on behalf of the Commission pursuant to G.S. 18B-204, or, in cases of emergency, the facility or facilities operated by the State for the purpose of storing spirituous liquors.
- (17) "Spirituous liquor supplier" means a distiller, liquor importer/bottler, or rectifier.
- (18) "Supplier representative" means, as the term is used in G.S. 18B-1114.7, an individual who promotes on behalf of a spirituous liquor supplier, or otherwise represents a spirituous liquor supplier.
- (19) "Vendor" means any brewery, winery, bottler, malt beverage or wine importer, or nonresident malt beverage vendor or nonresident wine vendor as those terms are used in G.S. 18B-1113 and 18B-1114.
- (20) "Vendor representative" means any person who holds a permit issued pursuant to G.S. 18B-1112.
- (21) "Wine" means both fortified wine and unfortified wine.

(b) The definitions in Chapter 18B apply to the rules in this Chapter.

*History Note: Authority G.S. 18B-100; 18B-207;  
Eff. January 1, 1982;*

*Amended Eff. November 1, 2010; May 1, 1984;*  
*Transferred and Recodified from 04 NCAC 02R .0103 Eff. August 1, 2015;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
*2015;*  
*Amended Eff. September 1, 2019.*

**SECTION .0300 - PUBLICATIONS: RECORDS: COPIES**

**14B NCAC 15A .0301 DISTRIBUTION, INSPECTION AND COPIES OF ABC LAWS**

(a) Distribution of Rules and Statutes. The Commission shall distribute at no charge one copy of Chapter 18B of the General Statutes and the Commission's Rules to each local ABC board, each ALE agent, ABC officer and local law enforcement officer employed by a contracting agency pursuant to G.S. 18B-501(f).

(b) Purchasing Copies of Documents. Copies of the following documents are available from the Commission:

- (1) Chapter 18B of the General Statutes and the Commission's Rules;
- (2) ABC Retail Guide; and
- (3) Public records retained by the Commission.

Copies of the above documents are available at the "actual cost" as defined in G.S. 132-6.2(b) for making the copies and the mailing cost, if applicable. The Commission shall provide its "actual cost" of documents specified under Subparagraphs (b)(1) and (2) of this Rule on the Commission's website. Persons requesting copies of the above documents shall make payment by certified check, cashier's check, money order, or credit card to the Commission prior to receiving any copies of the above documents.

(c) Online Documents. Copies of Chapter 18B of the General Statutes and Commission rules, forms, minutes and reports shall be made accessible online on the Commission's website without charge at <https://abc.nc.gov/>.

*History Note: Authority G.S. 12-3.1; 18B-100; 18B-207;  
Eff. July 1, 1992;  
Amended Eff. November 1, 2010;  
Transferred and Recodified from 04 NCAC 02R .0303 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**14B NCAC 15A .0302 FEE FOR COMPUTER SERVICES**

Fees for data processing services shall be determined by the Commission in accordance with G.S. 132-6.2(b) and shall be paid in advance by certified check, cashier's check, money order, or credit card. The requester shall request and receive a quote from the Commission prior to payment of requested services.

*History Note: Authority 18B-100; 18B-207; 132.6.2; 150B-19(5)(e);  
Eff. July 1, 1992;  
Amended Eff. November 1, 2010;  
Transferred and Recodified from 04 NCAC 02R .0304 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,  
2015;  
Amended Eff. September 1, 2019.*

## SECTION .0400 - RULE-MAKING

### 14B NCAC 15A .0401 PETITION FOR ADOPTION OF RULES

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule by the Commission shall address the petition to the North Carolina Alcoholic Beverage Control Commission, Chief Counsel, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.

(b) Contents. In addition to the proposed text of the requested rule change, a statement of the effect of the change, and the name and address of each petitioner, the petition may also contain the following information:

- (1) summary of the proposed rule's contents;
- (2) reasons for the adoption, amendment or repeal of the proposed rule;
- (3) citation of authorities showing the legality of the proposed adoption, amendment or repeal of the rule;
- (4) effect of existing rules or orders;
- (5) any data supporting the proposal; and
- (6) effect of existing rules on existing practices in the area involved.

*History Note: Authority G.S. 18B-100; 18B-207; 150B-20(a);  
Filed November 24, 1981;  
Legislative Delay Eff. December 31, 1981;  
Eff. January 12, 1982;  
Amended Eff. August 1, 2010; May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0402 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**14B NCAC 15A .0402 ADMINISTRATIVE ACTION**

Based on a study of the petition and other supporting material submitted in accordance with Rule .0401(b) of this Section, the Commission shall deny the petition or initiate rule-making proceedings within a reasonable time following submission of the petition.

*History Note: Authority G.S. 18B-100; 18B-207; 150B-20;  
Eff. January 1, 1982;  
Amended Eff. May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0403 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*



**14B NCAC 15A .0403 NOTICE OF RULE-MAKING HEARINGS; MAILING LIST**

Mailing List. Any person desiring to be placed on the mailing list in accordance with G.S. 150B-21.2(d) for the rule-making notices may file a request in writing, furnishing the person's name, email and mailing address to the Commission.

*History Note: Authority G.S. 18B-100; 18B-207; 150B-21.2;  
Eff. January 1, 1982;  
Amended Eff. July 1, 1992; August 1, 1988; May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0404 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**14B NCAC 15A .0404 RULE-MAKING HEARING**

(a) Location. Unless otherwise stated in a particular rule-making notice, rule-making hearings shall be held in the administrative hearing room of the Commission's principal office.

(b) Oral Presentations. Any person desiring to present oral data, views or arguments on the proposed rule shall file a written notice of that desire with the Legal Division of the Commission. The notice of the oral presentation may contain a brief summary of the individual's or organization's views with respect to the proposed adoption, amendment or repeal of a rule, and a statement of the length of time the speaker would like to speak.

(c) The Chairman shall preside at the rule-making hearing and shall ensure that each person participating is given an opportunity to present oral arguments, comments and data supporting the person's position. The Chairman in open session may set the time limits on oral presentations during the hearing based on the number of people wishing to speak and the amount of time allocated to the public hearing.

*History Note: Authority G.S. 18B-100; 18B-207; 150B-21.2(e);  
Eff. January 1, 1982;  
Amended Eff. July 1, 1992; May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0405 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,  
2015;  
Amended Eff. September 1, 2019.*

## SECTION .0500 – DECLARED EMERGENCY

### 14B NCAC 15A .0501 REVOCATION OR SUSPENSION OF PERMIT

The Commission may revoke or suspend the permit of any person who violates any order of the Governor issued pursuant to G.S. 18B-110 when the sale of alcoholic beverages is suspended in any area of the State pursuant to a state of emergency as declared by the Governor in accordance with Article 1A of Chapter 166A of the General Statutes.

*History Note: Authority G.S. 18B-110; 18B-104; 18B-207;  
Eff. January 1, 1982;  
Amended Eff. May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0502 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**14B NCAC 15A .0605 WITHDRAWAL OF REQUEST FOR DECLARATORY RULING**

A petitioner may ask for a withdrawal of that person's request for a declaratory ruling by filing a written request with the Commission at any time prior to the issuance of a ruling. Upon this request, the Commission shall permit an aggrieved party to withdraw the request for a declaratory except when the Commission determines that other persons regulated by this Rule would benefit from the ruling.

*History Note: Authority G.S. 18B-100; 18B-207; 150B-4;  
Eff. January 1, 1982;  
Transferred and Recodified from 04 NCAC 02R .0607 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**SECTION .0700 - PERSONNEL POLICIES: COMMISSION**

**14B NCAC 15A .0701 DISCIPLINARY ACTION OF EMPLOYEE**

*History Note: Authority G.S. 18B-100; 18B-202; 18B-207;  
Eff. January 1, 1982;  
Amended Eff. May 1, 1984;  
RRC Objection due to lack of authority and lack of necessity Eff. May 21, 1992;  
Amended Eff. July 6, 1992;  
Transferred and Recodified from 04 NCAC 02R .0702 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,  
2015;  
Repealed Eff. September 1, 2019.*

## SECTION .0800 - ADJUDICATION: CONTESTED CASES

### 14B NCAC 15A .0801 NOTICE OF ALLEGED VIOLATION

If facts reported by a law enforcement officer indicate a violation of the ABC laws, the Commission shall send a notice of alleged violation to the permittee. Service of the notice of alleged violation shall be deemed complete in accordance with G.S. 1A-1, Rule 5(b). The permittee's address as stated on the permit shall be considered the permittee's last known address.

*History Note: Authority G.S. 18B-100; 18B-203(a)(12); 18B-207;  
Eff. January 1, 1982;  
Amended Eff. February 1, 2012; July 1, 1992; May 1, 1984;  
Transferred and Recodified from 04 NCAC 02R .0802 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**14B NCAC 15A .0805 ARTICLE 12 HEARINGS; FINAL ADMINISTRATIVE DECISION; ORDER**

(a) Right to Submit Proposed Findings. The parties in a hearing conducted under Article 12 of Chapter 18B of the General Statutes shall have an opportunity to file proposed findings of fact and conclusions of law within 30 days of the conclusion of the initial hearing.

(b) Recommended Decision. If a hearing conducted under Article 12 is presided over by a hearing officer, the hearing officer shall issue a recommended decision that contains proposed findings of fact and conclusions of law. The hearing officer shall serve a copy of the recommended decision upon all parties and the members of the Commission who will make the final administrative decision. Service shall be in the manner prescribed in Rule .0803(c) of this Section.

(c) Exceptions. The parties to a case heard under Article 12 shall have the right to file written exceptions to a recommended decision by the hearing officer. Exceptions shall be filed with the Commission within 30 days of receipt of the recommended decision.

(d) Hearing Conducted by Commission. In lieu of assigning a hearing officer to preside over the initial hearing, the Commission may conduct the initial hearing. After the time for the filing of proposed findings of fact and conclusions of law by the parties has expired, the Commission will issue a final administrative decision and order that determines the issues set forth in any pre-hearing order.

(e) Petition to Office of Administrative Hearings. In any case heard by the Commission under Article 12 of Chapter 18B of the General Statutes, if the Commission finds evidence of violations of Article 12 of Chapter 18B, or any other ABC law, it may commence proceedings in accordance with the provisions of Rule .0801 of this Section.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1205; 18B-1207(c);  
Eff. July 1, 1992;  
Transferred and Recodified from 04 NCAC 02R .0823 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. September 1, 2019.*

**SUBCHAPTER 15C - INDUSTRY MEMBERS: RETAIL/INDUSTRY MEMBER RELATIONSHIPS: SHIP  
CHANDLERS: AIR CARRIERS: FUEL ALCOHOL**

**SECTION .0100 - DEFINITIONS: APPLICATION PROCEDURES**

**14B NCAC 15C .0101 DEFINITIONS**

*History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-1112; 18B-1113; 18B-1114; 18B-1116;  
Eff. January 1, 1982;  
Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;  
Transferred and Recodified from 04 NCAC 02T .0101 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,  
2017;  
Repealed Eff. September 1, 2019.*