

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

2

HOUSE BILL 1139
Committee Substitute Favorable 7/28/07

Short Title: ABC Law Changes.

(Public)

Sponsors:

Referred to:

March 28, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE
2 AND UNFORTIFIED WINE PERMITS TO INCORPORATED
3 MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED
4 BEVERAGES, AND TO AMEND THE LAW CONCERNING THE JANUARY 1,
5 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE
6 BEVERAGE CONTAINERS.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 18B-603(d)(3) reads as rewritten:

10 "(3) The Commission may issue off-premises malt beverage permits to any
11 establishment that meets the requirements under G.S. 18B-1001(2) in
12 any township or incorporated municipality which has voted to permit
13 the sale of mixed beverages, regardless of any other local act
14 concerning sales of those kinds of alcoholic beverages. The
15 Commission may also issue off-premises unfortified wine permits to
16 any establishment that meets the requirements under G.S. 18B-1001(4)
17 in any township or incorporated municipality which has voted to
18 permit the sale of mixed beverages, regardless of any other local act
19 concerning sales of those kinds of alcoholic beverages."

20 **SECTION 2.(a)** G.S. 18B-1006.1 reads as rewritten:

21 **"§ 18B-1006.1. (Effective January 1, 2008) Additional requirement for certain**
22 **permittees to recycle beverage containers.**

23 Holders of on-premises malt beverage permits, on-premises unfortified wine
24 permits, on-premises fortified wine permits, and mixed beverages permits shall
25 separate, store, and provide for the collection for recycling of all recyclable beverage
26 containers of all beverages sold at retail on the premises. A permittee has satisfied the
27 requirements of this ~~subsection~~ section if it implements a recycling program that meets
28 the minimum standards of the model recycling program developed by the Commission

1 pursuant to G.S. 130A-309.14(m). Failure to comply with the requirements of this
2 section shall not be grounds for revocation of a permit."

3 **SECTION 2.(b)** G.S. 18B-902 is amended by adding a new subsection to
4 read:

5 "(h) Each applicant for an on-premises malt beverage permit, on-premises
6 unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit
7 shall prepare and submit with the application a plan for the collection and recycling of
8 all recyclable beverage containers of all beverages to be sold at retail on the premises."

9 **SECTION 2.(c)** G.S. 18B-903 is amended by adding a new subsection to
10 read:

11 "(b2) Each person holding an on-premises malt beverage permit, on-premises
12 unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit
13 shall submit, along with the annual registration or renewal application, a current plan for
14 the collection and recycling of all recyclable beverage containers of all beverages sold
15 at retail on the premises."

16 **SECTION 2.(d)** A permittee who is not able to find a recycler for its
17 beverage containers by January 1, 2008, may apply to the Alcoholic Beverage Control
18 Commission for a one-year stay of the requirement to implement a recycling program in
19 compliance with G.S. 18B-1006.1 as enacted by Section 1 of S.L. 2005-348. The
20 application shall be made in a form specified by the Commission and shall detail the
21 efforts made by the permittee to provide for the collection and recycling of beverage
22 containers and specify the impediments to implementation of a recycling plan. The
23 Commission shall submit all such applications to the Division of Pollution Prevention
24 and Environmental Assistance of the Department of Environment and Natural
25 Resources for review and certification. The Division of Pollution Prevention and
26 Environmental Assistance shall investigate each application and shall prepare a
27 summary of its investigation and submit the summary to the Commission along with a
28 notation indicating certification or denial of the application. A permittee whose
29 application for a stay is certified by The Division of Pollution Prevention and
30 Environmental Assistance shall not be required to comply with alcoholic beverage laws
31 and regulations concerning recycling requirements before January 1, 2009.

32 **SECTION 3.** This act is effective when it becomes law.