

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 267
Committee Substitute Favorable 4/11/07
Senate Commerce, Small Business and Entrepreneurship Committee Substitute
Adopted 8/1/07

Short Title: ABC Law Changes.

(Public)

Sponsors:

Referred to:

February 20, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE
AND UNFORTIFIED WINE PERMITS TO INCORPORATED
MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED
BEVERAGES, TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008,
REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE
BEVERAGE CONTAINERS, AND TO AUTHORIZE WINEMAKING ON
PREMISES BY AN UNFORTIFIED WINERY PERMIT HOLDER.

The General Assembly of North Carolina enacts:

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

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

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

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

Holders of on-premises malt beverage permits, on-premises unfortified wine permits, on-premises fortified wine permits, and mixed beverages permits shall separate, store, and provide for the collection for recycling of all recyclable beverage containers of all beverages sold at retail on the premises. A permittee has satisfied the

1 requirements of this ~~subsection~~ section if it implements a recycling program that meets
2 the minimum standards of the model recycling program developed by the Commission
3 pursuant to G.S. 130A-309.14(m). Failure to comply with the requirements of this
4 section shall not be grounds for revocation of a permit."

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

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

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

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

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

34 **SECTION 3.** G.S. 18B-1101 is amended by adding a new subdivision to
35 read:

36 **"§ 18B-1101. Authorization of unfortified winery permit.**

37 The holder of an unfortified winery permit may:

38 ...

39 (8) Allow winemaking on premises as allowed by a permit issued pursuant
40 to G.S. 18B-1001(17)."

41 **SECTION 4.** This act is effective when it becomes law.