

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-462
SENATE BILL 607

AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL
COMMISSION TO ISSUE CERTAIN PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101 is amended by adding a new subdivision to read:

"(7a) 'Historic ABC establishment' means a restaurant or hotel that meets all of the following requirements:

- a. Is on the national register of historic places.
- b. Is a property designed to attract local, State, national, and international tourists located on a State Route (SR) and with a property line located within 1.5 miles of the intersection of a designated North Carolina scenic byway as defined in G.S. 136-18(31).
- c. Is located within 15 miles of a national scenic highway.
- d. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in two or more cities in the county."

Section 2. G.S. 18B-1006 is amended by adding a new subsection to read:

"(n) National Historic Landmark District. – The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4) and (6) located within a National Historical Landmark as defined in 16 U.S.C. § 470a(a)(1)(B) located in a county that meets all of the following requirements:

- (1) Has approved the sale of malt beverages and unfortified wine but not mixed beverages.
- (2) Has at least one city that has approved the operation of an ABC store and the sale of mixed beverages.
- (3) Has at least 150,000 population based on the last federal census."

Section 3. G.S. 18B-603(f) reads as rewritten:

"(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

- (1) Special occasion permits;
- (2) Limited special occasion permits;
- (3) Brown-bagging permits for private clubs and congressionally chartered veterans organizations;

- (4) Culinary permits, except as restricted by subdivision (d)(5);
- (5) Special one-time permits issued under G.S. 18B-1002;
- (6) All permits listed in G.S. 18B-1100;
- (7) On-premises malt beverage permits and on-premises unfortified wine permits for a tourism ABC establishment. ~~establishment~~;
- (8) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for historic ABC establishments."

Section 4. G.S. 18B-404(b) reads as rewritten:

"(b) Issuance. – If mixed beverages sales have been approved for an establishment under ~~the last paragraph of G.S. 18B-603(d)~~ G.S. 18B-603(d1) or under G.S. 18B-603(e), the purchase-transportation permit for that establishment may be issued by the local board of any city located in the same county as the establishment, provided the city has approved the sale of mixed beverages. Otherwise a licensed establishment may obtain a mixed beverages purchase-transportation permit only from the local board for the jurisdiction in which it is located. If there is no ABC store within the establishment's jurisdiction, then the mixed beverages permittee shall obtain a mixed beverages purchase-transportation permit from the nearest and most convenient ABC store."

Section 5. G.S. 18B-305 is amended by adding a new subsection to read:

"(c) Notwithstanding subsection (b) of this section, no permittee may refuse to sell alcoholic beverages to a person solely based on that person's race, religion, color, national origin, sex, or disability."

Section 6. G.S. 18B-603(d) reads as rewritten:

"(d) Mixed Beverage Elections. – If a mixed beverage election is held under G.S. 18B-602(h) and the sale of mixed beverages is approved, the Commission may issue permits to qualified persons and establishments in the jurisdiction that held the election as follows:

- (1) The Commission may issue mixed beverage permits.
- (2) The Commission may issue on-premises malt beverage, unfortified wine, and fortified wine permits for establishments with mixed beverage permits, regardless of any other election or any local act concerning sales of those kinds of alcoholic beverages.
- (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 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 which has voted to permit the sale of mixed beverages, regardless of any other local act concerning sales of those kinds of alcoholic beverages.
- (4) The Commission may issue brown-bagging permits for private clubs and congressionally chartered veterans organizations but may no longer issue and may not renew brown-bagging permits for

restaurants, hotels, and community theatres. A restaurant, hotel, or community theatre may not be issued a mixed beverage permit under subdivision (1) until it surrenders its brown-bagging permit.

- (5) The Commission may continue to issue culinary permits for establishments that do not have mixed beverage permits. An establishment may not be issued a mixed beverage permit under subdivision (1) until it surrenders its culinary permit.

(d1) In any county in which the sale of mixed beverages has been approved in elections in at least three cities that, combined, contain more than two-thirds the total county population as of the most recent federal census, the county board of commissioners may by resolution approve the sale of mixed beverages throughout the county, and the Commission may issue permits as if mixed beverages had been approved in a county election.

(d2) If a county or city holds a mixed beverage election and an ABC store election at the same time and the voters do not approve the establishment of an ABC store, the Commission may not issue mixed beverages permits in that county or city."

Section 7. G.S. 18B-603(h) reads as rewritten:

"(h) Permits Based on Existing Permits. – In any county in which the sale of malt beverage on and off premises, the sale of unfortified wine on and off premises, the sale of mixed beverages, and the operation of an ABC system has been allowed in at least six cities in the county, or in any county adjacent to that county in which an ABC system has been allowed and which borders on the Atlantic Ocean, the Commission may issue permits to sports clubs as defined in G.S. 18B-1000(8) throughout the county. The Commission may issue the following permits:

- (1) On and Off Premises Malt Beverage;
- (2) On and Off Premises Unfortified Wine;
- (3) On and Off Premises Fortified Wine; or
- (4) Mixed Beverages.

The Commission may also issue on-premises malt beverage, unfortified wine, fortified wine and mixed beverages permits to a sports club located in a county adjacent to any county that has approved the sale of mixed beverages pursuant to ~~the last paragraph of G.S. 18B-603(d)~~, G.S. 18B-603(d1), if the county in which the sports club is located borders another state and has at least one city that has approved the sale of mixed beverages. Sports clubs holding mixed beverages permits shall purchase their spirituous liquor at the nearest ABC system store that is located in the county.

The Commission may further issue on-premises malt beverage and on-premises unfortified wine permits to a sports club located in a county bordering on another state that is adjacent to any county in which permits were issued pursuant to this subsection prior to August 1, 1993. The sports clubs must be located in the unincorporated areas of a county, in which the sale of malt beverages and unfortified wine is not permitted, and where there are six or more municipalities in that county where the sale of malt beverages and unfortified wine is permitted."

Section 8. G.S. 18B-805(f) reads as rewritten:

"(f) ~~Surcharge Profit Shared. – When, pursuant to the last paragraph of G.S. 18B-603(d),~~ G.S. 18B-603(d1), spirituous liquor is bought at a city ABC store by a mixed beverages permittee for premises located outside the city, the local board operating the store at which the sale is made shall retain seventy-five percent (75%) of the local share of both the mixed beverages surcharge required by G.S. 18B-804(b)(8) and the guest room cabinet surcharge required by G.S. 18B-804(b)(9) and the remaining twenty-five percent (25%) shall be divided equally among the local ABC boards for all other cities in the county that have authorized the sale of mixed beverages.

When, pursuant to G.S. 18B-603(e), spirituous liquor is bought at a city ABC store by a mixed beverages permittee for premises located at an airport outside the city, the local share of both the mixed beverages surcharge required by G.S. 18B-804(b)(8) and the guest room cabinet surcharge required by G.S. 18B-804(b)(9) shall be divided equally among the local ABC boards for all cities in the county that have authorized the sale of mixed beverages."

Section 9. G.S. 18B-603(h) reads as rewritten:

"(h) Permits Based on Existing Permits. – In any county in ~~which~~ borders on the Atlantic Ocean and where:

- (1) ~~the~~ The sale of malt beverage on and off premises, the sale of unfortified wine on and off premises, the sale of mixed beverages, and the operation of an ABC system has been allowed in at least six cities in the county, or in any county adjacent to that county in which an ABC system has been allowed ~~and which borders on the Atlantic Ocean,~~ allowed; or
- (2) The sale of malt beverage on and off premises, the sale of unfortified wine on and off premises, the sale of mixed beverages, and the operation of an ABC system has been allowed in at least eight cities in the county,

the Commission may issue permits to sports clubs as defined in G.S. 18B-1000(8) throughout the county.

The Commission may issue the following permits:

- (1) On and Off Premises Malt Beverage;
- (2) On and Off Premises Unfortified Wine;
- (3) On and Off Premises Fortified Wine; or
- (4) Mixed Beverages.

The Commission may also issue on-premises malt beverage, unfortified wine, fortified wine and mixed beverages permits to a sports club located in a county adjacent to any county that has approved the sale of mixed beverages pursuant to ~~the last paragraph of G.S. 18B-603(d),~~ G.S. 18B-603(d1), if the county in which the sports club is located borders another state and has at least one city that has approved the sale of mixed beverages. Sports clubs holding mixed beverages permits shall purchase their spirituous liquor at the nearest ABC system store that is located in the county.

The Commission may further issue on-premises malt beverage and on-premises unfortified wine permits to a sports club located in a county bordering on another state that is adjacent to any county in which permits were issued pursuant to this subsection

prior to August 1, 1993. The sports clubs must be located in the unincorporated areas of a county, in which the sale of malt beverages and unfortified wine is not permitted, and where there are six or more municipalities in that county where the sale of malt beverages and unfortified wine is permitted."

Section 10. G.S. 18B-1006(j) reads as rewritten:

"(j) Recreation Districts. – Notwithstanding the provisions of Article 6 of this Chapter, the Commission may issue permits for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages to qualified businesses in a recreation district.

A "recreation district" ~~is~~ is an area that meets any of the following requirements:

- (1) An area that is located in a county that has not approved the issuance of permits, has at least two cities that have approved the sale of malt beverages, wine, and the operation of an ABC store, and contains a facility of at least 450 acres where five or more public auto racing events are held each ~~year~~; or year.
- (2) An area that is located in a county that borders a county which has held elections pursuant to G.S. 18B-600(f) and borders on another state and which (i) contains a facility of at least 225 acres where four or more public auto racing events are held each year or (ii) contains a facility of at least 140 acres where 80 or more motor sports events are held each year.
- (3) ~~The~~ A recreation district includes the area within a half-mile radius of the a racing facility. facility that meets the requirements of subdivision (1) or (2) of this subsection.
- (4) An area of at least 150 acres that offers any of the following facilities or services: Lodging, retail outlets, meeting facilities, restaurants, a white water rafting training facility, or other outdoor recreation activities and is located in a county that meets all of the following requirements:
 - a. Borders another state.
 - b. Contains part of the only National Park located in North Carolina.
 - c. Has only one city that has a local ABC system and has authorized the off-premises sale of malt beverages and the on-premises sale of unfortified wine, fortified wine, and mixed alcoholic beverages."

Section 11. Section 4 of Chapter 629 of the 1989 Session Laws reads as rewritten:

"Sec. 4. This act shall not include Columbus, Caswell, Person, Granville, Vance, Warren, Halifax, Robeson, Cleveland, Rutherford, ~~Macon~~, Polk, Davidson, and Davie Counties."

Section 12. G.S. 18B-1006(m) reads as rewritten:

"(m) Interstate Interchange Economic Development Zones. –

- (1) The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in

G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that:

- (1) a. Has approved the sale of malt beverages, unfortified wine, and fortified wine, but not mixed beverages;
 - (2) b. Operates ABC stores;
 - (3) c. Borders on another state; and
 - (4) d. Lies north and east of the Roanoke River.
- (2) The Commission may issue permits listed in G.S. 18B-1001(1), (3), (5), and (10) to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) and may issue permits listed in G.S. 18B-1001(2) and (4) to qualified establishments defined in G.S. 18B-1000(3) in any county that qualifies for issuance of permits pursuant to G.S. 18B-1006(k)(5). These permits may be issued without approval at an election and shall be issued only to qualified establishments that meet any of the following requirements:
- a. Located within one mile of any interstate highway interchange in that county.
 - b. Located within one mile of an establishment issued a permit under G.S. 18B-1006(k)(5).
- (3) The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that meets all of the following requirements:
- a. Has approved the sale of malt beverages, unfortified wine, fortified wine, but not mixed beverages.
 - b. Contains one city that has approved the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages.
 - c. Operates ABC stores.
 - d. Lies south and west of the Roanoke River and shares a common border with a county qualifying in subdivision (1) of this subsection.

This subsection shall also apply to an establishment in a county included in subdivision (3) of this subsection if the establishment is located within two miles of an interstate highway interchange that is within three miles of the common border described in sub-subdivision (3)d. of this subsection."

Section 13. G.S. 18B-101(14a) reads as rewritten:

"(14a) "Tourism ABC establishment" means a restaurant or hotel that meets both of the following requirements:

- a. Is located on property, a property line of which is located within 1.5 miles of the end of an entrance or exit ramp of a junction on a national scenic parkway designed to attract local, State, national, and international tourists between ~~Milepost 305 and~~ the State line and Milepost 460.

- b. Is located in a county in which the on-premises or off-premises sale of malt beverages or unfortified wine is authorized in at least one city."

Section 14. G.S. 18B-1006(k) reads as rewritten:

"(k) Residential Private Club and Sports Club Permits. – The Commission may issue the permits listed in G.S. 18B-1001, without approval at an election, to a residential private club or a sports club that is located in a county that meets the requirements set in any of the following subdivisions:

- ...
- (8) Has an 18-hole golf course; is in the coastal area as defined in G.S. 113A-103, but only because it is adjacent to, adjoining, intersected by, or bounded by a coastal sound; which does not allow countywide sales of mixed beverages; which does not border another state; with a population of less than 15,000 according to the most recent decennial federal census; which does not have a city which has authorized the sale of mixed beverages; and which has least two cities with ABC systems.
- ...

The mixed beverages purchase-transportation permit authorized by G.S. 18B-404(b) shall be issued by a local board operating a store operated in the county."

Section 15. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of July, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

This bill having been presented to the Governor for his signature on the 19th day of July, 1999 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law.

This 21st day of August, 1999
s/ William P. Harrill III, Enrolling Clerk