

**NORTH CAROLINA
ALCOHOL BEVERAGE
COMMISSION**

**QUICK GUIDE
for Retail Permittees**

*An overview of North Carolina's
Alcoholic Beverage Control Laws,
Rules and Information*



ABC
COMMISSION
NORTH CAROLINA

<https://www.abc.nc.gov>



NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
LAWS, RULES AND INFORMATION

ABC Retail Guide for North Carolina Permittees for Responsible Sales of Alcohol

Edition: April 2024

Disclaimer: This guide provides a general overview of North Carolina's ABC laws, rules, and best practices for serving alcohol legally and responsibly. This guide is intended to serve as general information, not legal advice. Every ABC permit holder is responsible for following North Carolina General Statutes and ABC regulations.

NC ABC Commission
Physical: 400 East Tryon Road, Raleigh NC 27610
Mail: 4307 Mail Service Center, Raleigh NC 27699-4307
919-779-0700-main | 919-662-3583-fax
<https://abc.nc.gov>

*North Carolina's alcoholic beverage control laws are found in Chapter 18B of the North Carolina General Statutes. The ABC Commission's rules are found within the North Carolina Administrative Code, Title 14B, Chapter 15. The laws and rules are available online on the Commission's website, <https://www.abc.nc.gov/legal/laws-rules-and-resources> or by purchasing a copy of the *Alcoholic Beverage Control Laws and Rules of North Carolina* from the Commission, link found here <https://www.abc.nc.gov/education/educational-materials>.*

In general, alcoholic beverage laws and rules control activities that take place in bars, restaurants, stores, and other locations where alcoholic beverages are sold. They are designed for the safety and welfare of your customers. The ABC Commission is responsible for making sure permittees comply with permit requirements.

As an ABC permit holder, you play an important role in keeping the public safe. It is your responsibility to ensure that employees and patrons are complying with NC laws and rules regarding the sale, possession, storage, and consumption of all alcoholic beverages on the licensed premises.

The ABC Commission is responsible for making sure permittees comply with permit requirements. The ABC Commission strives to provide helpful information to assist permitted establishments to operate within North Carolina's laws. This guide is designed to help you better understand some of North Carolina's laws and rules regarding running a business that sells alcoholic beverages. Please remember the laws and rules are the final authority regarding selling and serving alcoholic beverages in North Carolina.

If you have additional questions, you may contact the ABC Commission or your local ALE District office for additional information. Contact information is in this guide.

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ABC Commission

The ABC Commission is an independent state agency administratively housed in the NC Department of Public Safety with the ABC Chairman reporting directly to the Office of the Governor. The Commission provides uniform control over the sale, purchase, transportation, manufacture, consumption, and possession of all alcoholic beverages in the state. Nationally, North Carolina is one of 17 control states/jurisdictions and is a member of the National Alcohol Beverage Control Association.

The 171 local ABC boards in North Carolina are established and operated with no state funds and the board members are appointed by local governing authorities. The sale of spirituous liquor and fortified wine by the local ABC boards generates millions of dollars in recurring revenue for both the state's General Fund and the local cities and counties where the alcohol is sold. The ABC revenue makes a meaningful difference in communities large and small across North Carolina.

The Commission is made up of the following sections dedicated to serving the needs of the public and permitted businesses:

Contact Information:

- Commission Email: Contact@abc.nc.gov
- Permit Section | Permits@abc.nc.gov | 919-948-7941
 - Permit Audit Compliance | 919-948-7942
- Pricing & ABC Board Audit Section | Product@abc.nc.gov
 - Products | 919-948-7952
 - Boards/Pricing | 919-948-7944
- Legal Section 919-948-7943 | Legal@abc.nc.gov
- Education Community Outreach Section | ABC.Education@abc.nc.gov
 - Education Outreach | 919-948-7945
 - Public Affairs/Media | 919-948-7946
 - **FREE training:** Responsible Alcohol Seller/Server Programs (RASP), go to <https://abc.nc.gov/Education/RASP>
- Finance Section | Cash.Management@abc.nc.gov | 919-948-7957

Please feel free to contact the Commission with your questions.

Alcohol Law Enforcement

The enforcement of ABC laws and rules are carried out by the Alcohol Law Enforcement (ALE)-division of the Department of Public Safety, ABC officers (local ABC board enforcement), and local law-enforcement agencies. <https://www.ncdps.gov/our-organization/law-enforcement/alcohol-law-enforcement>

These agents have the authority to:

- **Inspect licensed premises**, or any premises that are in any way connected, physically or otherwise, to the licensed premises.
- **Examine** your books and records.
- **Take enforcement action** that is necessary (criminal or administrative through the ABC Commission) for unlawful activities on the premises.

ALE consists of eight (8) districts and the Garner headquarters office. ALE agents provide up-to-date information on the ABC laws and rules and can assist you with questions you may have about your permits(s).

It's a good idea to become acquainted with your local ALE Special Agent or local alcohol law enforcement officer when you receive an ABC permit. They will be able to help you understand the ABC laws and rules. They can also provide materials that further cover important laws and rules for you to be able to identify fraudulent identifications at the point of sale. <http://www.ncdps.gov/ale>

If you have any questions or concerns, feel free to contact your local ALE District Office directly.

Headquarters:

Director: _____

Assistant Director for Operations: _____

Assistant Director for Administration: _____

Physical: 525 N. Greenfield Parkway, Suite 140 Garner, NC 27529
919-733-4060 main | 919-715-7077 fax
Mailing: 4233 Mail Service Center Raleigh, NC 27699-4233

Alcohol Law Enforcement

Gaming Special Agent in Charge _____
120 Baker Road
Archdale, NC 27263 919-418-9956

District I - Jacksonville

Serving counties: Brunswick, Carteret, Columbus, Craven, Duplin, Jones, New Hanover, Onslow, Pamlico, and Pender.

Special Agent in Charge _____
200 Williamsburg Parkway, Unit 1
Jacksonville, NC 28456 910-939-6167 | 910-3219-0442 fax

District II - Greenville

Serving counties: Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Greene, Halifax, Hertford, Hyde, Lenoir, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Wayne, Wilson, and Washington.

Special Agent in Charge _____
4660 North Creek Drive, Suite 110
Greenville, NC 27834 252-347-0578 | 252-7561-7218 fax

District III - Hope Mills

Serving counties: Bladen, Cumberland, Hoke, Lee, Moore, Richmond, Robeson, Sampson, and Scotland.

Special Agent in Charge _____
3800 South Main Street
Hope Mills, NC 28348 910-778-5732 | 910-425-0235 fax

District IV - Garner

Serving counties: Chatham, Durham, Franklin, Granville, Harnett, Johnston, Orange, Person, Warren, Vance, and Wake.

Special Agent in Charge _____
505 North Greenfield Parkway, Suite 130
Garner, NC 27529 919-779-8188 | 919-779-8139 fax

Alcohol Law Enforcement

District V - Greensboro

Serving counties: Alamance, Caswell, Davidson, Guilford, Montgomery, Randolph, Rockingham, and Stokes.

Special Agent in Charge _____
10-B Wendy Court
Greensboro, NC 27409 336-303-4887 | 336-256-1360 fax

District VI - Harrisburg

Serving counties: Anson, Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Rowan, Stanly, and Union.

Special Agent in Charge _____
56 McCachern Blvd, SE
Concord, NC 28025 980-781-3031 |

District VII - Conover

Serving counties: Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Forsyth, Iredell, Surry, Watauga, Wilkes, and Yadkin.

Special Agent in Charge _____
301 10th Street, NW, Suite E102
Conover, NC 28613 828-330-4318 | 828-466-5677 fax

District VIII - Asheville

Serving counties: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey.

Special Agent in Charge _____
300 Ridgefield Court, Suite 302
Asheville, NC 28806 828-670-5055 | 828-654-7332 fax

Contact ALE by e-mail: alehq.headquarters@ncdps.gov

To report anonymously, call 1-877-ALE-AGENT

QUICK GLANCE

Alcoholic Beverage Sales and Consumption:

- Alcoholic beverages may not be sold or served to persons less than 21 years old.
- Alcoholic beverages may not be possessed or consumed by persons less than 21 years old, regardless of where the alcohol is purchased. If a parent provides a minor alcohol, it is illegal and not allowed in your establishment.
Exception: NCGS §18B-103 (11).
- Alcoholic beverages may not be sold or served to any person who is visibly intoxicated.
- Intoxicated persons are not allowed to consume alcoholic beverages on the licensed premises.
- Alcoholic beverages may not be purchased with the federal Supplemental Nutrition Assistance food allotment program.
- Free or reduced drink prices cannot be offered during limited hours. (i.e., happy hour specials). Special drink prices must be offered to all customers for the entire business day and in all areas of the business.
- Certain drink specials or promotions are not allowed. For example: “2 for 1”; “buy 1, get 1”; “buy 1, get 1 for a nickel”; “buy a meal (or anything), get a free drink” specials are prohibited.

Hours of Sale: § 18B-1004

- Alcohol products can only be sold or served Monday – Saturday between 7 a.m. and 2 a.m. On Sundays, alcohol can only be sold, served, and consumed after 12:00 pm. However, some local ordinances (cities and/or counties) allow Sunday sales to begin at 10:00 am. There is a list of Legal Sales Areas or Local Government Authority on our web site at <https://abc2.nc.gov/Search/PermitLegalSalesArea>. Also, please check with your local city council or county commission.
- If you hold an on-premises permit, alcohol sales must end at 2 a.m., but customers may consume until 2:30 a.m. All tables, counters and bars are to be cleared of alcohol products by 2:30 a.m.
- No alcoholic beverage may be removed from the licensed premises at any time that alcohol sales are not allowed by law.

Section One

Regulations for All ABC Permit Holders

We are partners in ensuring the responsible sales and service of alcoholic beverages and preventing sales to underage and intoxicated persons.

Thank you for taking this responsibility seriously.

Employee Age Requirements: 14B NCAC 15B .0203

- Businesses with any type of malt beverage or wine permit must have an employee who is always at **least 18 years old** in charge..
- Businesses with any type of spirituous liquor permit must have an employee who is always at **least 21 years old** in charge.
- Permit holders with a Brown Bagging or Special Occasion permit must always have a person in charge who is at **least 21 years old**.

Annual permit renewal payments are due April 30 each year § 18B-903.

If you need to update your business mailing address before then, the permittee or site manager on file should send an email to permits@abc.nc.gov or scan the QR code email link. This will ensure you receive updated information regarding the renewal and registration process.



SECTION 1: Regulations For All Permit Holders

Business Responsibilities: § 18B-900, § 18B-1003

- Prominently display your ABC permit(s) and the National Human Trafficking Resource awareness sign at your business at all times.
- *No* illegal drugs (any non-prescribed *controlled substances*) are allowed on the licensed premises.
- No alcoholic beverage is allowed, unless you have an appropriate ABC permit.
- Keep your permits active by notifying the Commission of changes to the mailing address, trade name, manager name, ownership, or if the business is no longer in operation.

• **Customer Conduct:** Permittees are responsible for monitoring the conduct of customers on their premises to include, parking lots and outdoor service areas. Customers who are fighting, become disorderly, or conducting other unlawful acts may not be allowed to remain on the premises. They may be escorted from the premises for any behavior deemed unruly by employees of the permitted business. Failure to supervise the business is an ABC violation.

• **Business Records:** All permittees are required to maintain alcohol invoices and receipts on the premises for *three years* and make them readily available for inspection. These alcohol invoices and receipts must be kept separate from invoices or receipts for other products and supplies.

• **Remodeling:** If any changes are made to the physical location, a form is available for permittees to complete and submit a new diagram.

• **Smoking:** Smoking, vaping or hookah is not allowed in enclosed areas of restaurants and bars. For more information on the NC Smoke-Free Restaurants and Bar law, visit <https://tpc.dph.ncdhhs.gov/smokefreenc/>.

SECTION 1: Regulations For All Permit Holders

Employee Requirements:

- **No drinking on the job:** Employees cannot drink alcoholic beverages on premises, before, while on duty or even if the business is closed to customers. For example, drinking a beer while sweeping the floors after closing time is not allowed. If an off-duty server comes into the business for drinks, they cannot assist in any job duties. Employees who are or have been drinking cannot effectively judge the age or sobriety of customers.
- Permittees are responsible for actions committed by their employee(s) during their hours of operation.
- Salesman permit holders are responsible for all sales and delivery made by their employee(s) during their hours of operation.

Hiring Restrictions:

You cannot hire an employee to sell, serve or distribute alcoholic beverages who has been:

- » convicted of a felony of any kind within the preceding 3 years;
- » convicted of a prior felony within the preceding 3 years with no restoration of citizenship;
- » convicted of an alcoholic beverage offense within 2 years;
- » convicted of a misdemeanor controlled substance offense within 2 years.

(DWI is a traffic violation, not an ABC violation)

- If you want to hire someone with one of these convictions, you may submit a waiver in writing to the Commission's Legal Section. Waivers are only available in cases of hardship, and the permittee must submit the request (not the potential employee).

SECTION 1: **Regulations For All Permit Holders**

Legal Drinking Age: Article 1A, § 18B-121

In North Carolina, you must be at *least 21 years old* to consume, possess, or purchase alcohol. It is illegal to sell or serve alcoholic beverages to anyone under 21 years old. *Parents can not provide alcohol to their children who are younger than 21 years old.*

The permittee and his employees are responsible for complying with ABC rules and laws. As a business permitted to sell alcohol, it's your job to help promote the responsible sale of alcohol by following alcohol regulations and by refusing to serve underage or intoxicated customers. Violating the laws and rules surrounding the sale of alcohol can result in fines, suspensions or even revocation of your permit(s).

Further, in some cases, permittees may face costly civil suits and penalties when they serve customers who are underage and/or intoxicated and later become involved in a serious accident. Developing sensible guidelines to protect yourself and your business will help prevent such incidents from occurring.

Some examples include:

- Does your business have *written rules* for dealing with intoxicated customers, checking identification cards, and other policies?
- Do you *provide training regularly* to your employees so they understand your policies, how they are to carry them out, and to whom they should report problems? All applicants applying for retail ABC permits will be required to provide proof of Responsible Alcohol Seller/Server training **PRIOR** to obtaining a temporary ABC permit. To complete our **FREE** Responsible Alcohol Seller/Server Programs (RASP), go to <https://abc.nc.gov/education>.
- Do you have your employees sign a copy of your written policies certifying that they have read and understand them? Provide answers to any questions the employee may have and always *encourage your employees to discuss problems* that may arise in their workday.
- Do you support your employee's decision to refuse service to an intoxicated customer and/or those presenting fraudulent identification?

Section Two

On-Premises Permit Holders

You are the first line of defense against underage drinking.

Employee Age Requirements for On-Premises Businesses: 14B NCAC 15B .0203

• *Mixed Beverage Permits*

Bartenders or other employees who mix drinks containing spirituous liquor must be at least *21 years old*.

• *Malt beverage & Wine Permits*

Servers who prepare, serve, sell, or deliver alcoholic beverages must be at least *18 years old*.

• *Minors (16 & 17 year olds)* can work at a permitted business as long as they do not serve, prepare, sell or deliver any kind of alcoholic beverages. Be sure to follow all other provisions of employment laws involving minor employees located in the Wage and Hour Act, Article 2A of Chapter 95.

SECTION 2: On-Premises Permit Holders

In addition to regulations for all permit holders (*Section 1*), on-premises permit holders have other requirements to follow. On-premises permitted businesses serve and sell alcoholic beverages for consumption on-site. These businesses may choose to apply for permits that allow for the sale of malt beverages, wine and/or mixed beverage drinks, if their local jurisdiction allows for the sale of these kinds of alcoholic beverages. A full list of alcohol permits is described at <https://abc.nc.gov> (under the Permits & Audit tab).

Types of Permits: § 18B-1001, § 18B-902

- **On-premises Malt Beverage Permit** allows for the sale of malt beverages, (0.5% -15% alcohol by volume), for consumption on the business' licensed premises. It also allows for off-premises sales of malt beverages as long as they are in the manufacturer's original container. The permit fee is \$400.
- **On-premises Unfortified Wine Permit** authorizes the sale of unfortified wine (16% or less alcohol by volume) for consumption at the business' licensed premises. It also allows for off-premises sales of unfortified wine provided it is in the manufacturer's original container. The permit fee is \$400.
- **On-premises Fortified Wine Permit** can be issued to the following types of businesses: restaurants, hotels, bars and private clubs, community theaters, wineries, convention centers and distilleries allowing for the sale of fortified wine (more than 16% alcohol by volume) for consumption on the business' licensed premises. It also allows for off-premises sales of fortified wine as long as it is in the original manufacturer's container. The permit fee is \$400.
- **Mixed Beverages Permit** can be issued to qualifying restaurants, hotels, bars, private clubs, convention centers, community theaters, nonprofit organizations, political organizations, sports and entertainment venues and distillery permit holders. It allows for the sale of mixed alcoholic beverages for consumption at the licensed premises. It also allows the use of spirituous liquor purchased under a mixed beverage permit to be used for culinary purposes. The permit fee is \$1,000.
- **Special Occasion Permit** allows an event host to bring fortified wine and spirituous liquor onto the licensed premises and serve to guests. The permit fee is \$400.

SECTION 2: On-Premises Permit Holders

- **Limited Special Occasion Permit** is used to serve fortified wine or spirituous liquor to guests for a wedding, birthday party or similar event. It is valid for 48 hours before and after the occasion. The permit fee is \$50.
- **Special One-Time Permit** can be issued only for a single, limited circumstance or activity subject to conditions specified by the Commission. It is only valid for the time period stated on the permit. The fee is \$50.
- For a full list of Retail Permit Types: <https://www.abc.nc.gov/permits-audit/general-permit-information/retail-permits/retail-permit-types>

General Requirements:

- Any location that holds permits for on-premises alcohol consumption must have at least two bathrooms in working order for public use. The permittee can request a waiver.
- On-premises permit holders must recycle all recyclable beverage containers emptied and/or used on the premises. The permittee can request a waiver.
- **No advertising bearing a specific alcoholic beverage brand name** may be displayed outside your business or in the window of your licensed premises. Some permissible words are "Beer," "Cold Beer," "Draft Beer," or "Wine."

Malt Beverages & Wine:

- Partial bottles of wine may be re-corked or re-capped and taken off the premises by the customer, if during legal hours for sale.

Mixed Beverages:

- Mixed Beverages permits are valid for one year, May 1 to April 30. The annual deadline for ABC permit renewals and registration is April 30th (of each year). The renewal fee is \$1,000.
- All spirituous liquor must be purchased from the permittee's assigned ABC Store in area where the business is located.
- Mixed Beverages permit holders must submit financial and liquor inventory reports to the ABC Commission on a schedule set by the Commission's Permit Audit Compliance section.
- Each spirituous liquor bottle on the premises must always have a mixed beverage tax stamp on it.

SECTION 2: On-Premises Permit Holders

- Mixed beverage tax stamps must be defaced as soon as the bottle has been emptied, and the bottle must be immediately disposed of for recycling. *(You can use a Sharpie marker to deface the stamp).*
- Refilling or combining multiple spirituous liquor bottles into one bottle is *not allowed, even of identical spirits (marrying bottles).*
- A mixed drink *must contain at least 1 oz.* of spirituous liquor, unless the customer is advised otherwise.
- All mixed beverages must be consumed on the licensed premises.
- Pre-mixing of mixed beverages is only allowed with the ABC Commission's prior approval. You must submit your pre-mixed beverage recipes online, at <https://www.abc.nc.gov/permits-audit/audit/audit-forms-and-instructions>.

Outdoor Seating:

- If approved by a local ordinance, a licensed premises may be extended to allow outdoor seating for the possession and consumption of alcoholic beverages.
- If a permittee extends the premises, the following documents must be provided to their local ALE District office and to the Commission: written notification of the extension, a diagram of the premises boundaries, and written permission by the owner for use of the property.
- The extended area must be visibly and vertically marked.
- The extended area must comply with laws governing accessibility.

Social Districts § 18B-300.1

- Allows customers to consume alcoholic beverages sold by a permittee in a designated area. The social district registration form can be found at: <https://www.abc.nc.gov/permits/social-district-registration-form/open>
- The consumption areas must be clearly defined on posted signs with hours of consumption, ALE jurisdiction and phone number, and a statement of consumption guidelines.
- Customers may have open containers and be allowed to exit the premises only when purchased from a permittee located in the social district.

SECTION 2: On-Premises Permit Holders

- Beverage containers must display the permittee's trade name where the alcoholic beverage was sold, social district logo, message "**Drink Responsibly-Be 21**", hold no more than 16 fluid ounces and not be made of glass.
- Non-permitted businesses located in the social district may allow customers with alcoholic beverage containers on its premises when displaying the social district uniform sign during hours the social district is open.
- Customers may not bring an alcoholic beverage into a non-permitted business that does not display the uniform sign.

Amounts Allowed to be Served: § 18B-1010

On-premises

- The permittee may sell or serve only one mixed beverage at a time to single customer for consumption or one shot and one beer together (depending on the type of boilermaker).
- The permittee may sell or serve not more than 2 alcoholic beverages (malt beverage, unfortified wine, or fortified wine) at a time to a single customer for consumption.
- A pitcher of alcoholic beverages must be served to two or more customers.
- A single carafe or bottle of wine is allowed to be sold to one person.
- Partial bottles of wine may be re-corked or re-capped and taken offsite by the customer during legal hours of sale.

In Stadium/Sporting Events Sales § 18B-1009

- Seating areas must be clearly designated as part of the licensed premises.
- Documentation of intent to sell malt beverages in seating areas must be provided to the Commission.
- Food and non-alcoholic beverages must be made available for service in addition to alcoholic beverages.
- The permittee must certify staff is trained on how to identify underage and intoxicated persons and how to refuse the sale of alcoholic beverages to those persons.
- Employees can not verbally shout out the availability to purchase malt beverages in the seating areas or stand.

SECTION 2: On-Premises Permit Holders

Private Clubs:

- A private club is open to members only and their valid guests.
- New members must submit a written membership application, and the business must keep it on file if the person is a member.
- A membership roster with all members' names and addresses in alphabetical order must always be kept on the premises. A roster may be electronic/digital or an approved membership app. The electronic roster must be accessible and made available to law enforcement during inspections and upon request.
- Proof of membership (a membership card) must be issued to the member and kept in their possession. A virtual copy is acceptable.
- Management and employees cannot solicit members to sponsor non-members who arrive at the door. House guests are not allowed.

Restaurants:

- Food sales must meet *or exceed 30%* of total food and alcoholic beverages gross sales sold for on-premises consumption. Malt beverage, wine and mixed beverage sales are included in the total alcoholic beverage sales.
- There must be a kitchen and an inside dining area with seating for 10 people at a minimum. Food sales must be always available at times alcoholic beverages are sold.

Hotels/Restaurants:

- Hotels must have a restaurant either on or closely associated with the premises.
- Receipts from lodging must be greater than the receipts from alcohol sales. (*for hotels only*).
- Lodging receipts do not apply if the restaurant is separately owned or operated.
- Room service may include mixed beverages, if the person(s) buying and consuming is at *least 21 years old*.

Section Three

Off-Premises Permit Holders

While connecting consumers to e-commerce, ensure prevention of unauthorized alcohol deliveries to underage i.e., in schools, homes, parks, etc.

Check ID's Before Selling!

Employee Age Requirements for Off-Premises Businesses:

Minors (*16 & 17 year olds*) may work at off-premises establishments (*malt beverage & wine permits*) in any capacity as long as the provision of employment laws involving minor employees are followed. The employment laws are located in the North Carolina General Statutes, Wage and Hour Act, Article 2A of Chapter 95.

SECTION 3: Off-Premises Permit Holders

In addition to regulations that all permittees (*Section 1*) must follow, off-premises permit holders have other requirements that apply to them. Off-premises permitted businesses sell alcoholic beverages for off premises consumption.

Types of Permits: § 18B-1001, § 18B-1002 § 18B-902

- **Off-premises Malt Beverage Permit** can be issued to retail businesses allowing the sale of malt beverages, (0.5% -15% alcohol by volume). It is sold in the manufacturer's original container, filled, or refilled in sanitized container sealed with identifying permittee and date filled/refilled, or in closed containers shipped to individual purchasers. The permit fee is \$400.
- **Off-premises Unfortified Wine Permit** allows the retail sale of any wine or alcohol consumable containing 16% or less alcohol by volume in manufacturer's original container, dispensed from tap into sanitized container sealed with identifying permittee and date filled/refilled, or in closed containers shipped to individual purchasers. The permit fee is \$400.
- **Off-premises Fortified Wine Permit** allows the retail sale of any wine or alcohol consumable containing more than 16% to 24% alcohol by volume in manufacturer's original container, or in closed containers shipped to individual purchasers. The permit fee is \$400.

General Requirements:

- Retail businesses may choose to apply for off-premises permits that allow for the sales of malt beverages, unfortified wine, and fortified wine, if their local jurisdiction allows for the sale of these kinds of beverages.
- Off-Premises Fortified Wine permits can be issued to food businesses and wineries. Food businesses are stores that sell or offer for sale staple food items including meat, poultry, fish, fruits, vegetables, breads, cereals, juices, and dairy products. **To qualify** as a food business, the store must maintain a **minimum** of \$1,500 of staple food items. The following foods are not considered staple food stock: coffee, tea, cocoa, carbonated and non-carbonated drinks, candy, condiments and spices.

SECTION 3: Off-Premises Permit Holders

- Food inventory must be maintained on the licensed premises and food may not be stored elsewhere.
- Off-premises malt beverage, unfortified wine and fortified wine, culinary permits are valid indefinitely. The **annual registration fee is \$400 and due by May 1st of each year.** § 18B-903.

If you need to update your business mailing address before then, the permittee or site manager on file should send an email to permits@abc.nc.gov or scan the QR code email link. This will ensure you receive updated information regarding the renewal and registration process.



Alcohol Consumables:

- Any manufactured and packaged ice cream, ice pop, gum based, or gelatin based food product with at least 0.5 % alcohol.
- Wine based consumable producers require ABC permits to manufacture, distribute and to sell at retail to customers.
- Malt beverage based consumable producers require ABC permits to manufacture, distribute and to sell at retail to customers.
- Spirituous liquor based consumables must go through the listing process with the Commission for distribution through the state warehouse contractor to local ABC board stores. The ABC stores may only sell to customers or businesses with Mixed Beverages permits.

SECTION 3: Off-Premises Permit Holders

Delivery Service Permit: § 18B-1001.4

- May deliver malt beverages, unfortified wine, or fortified wine by an approved delivery service to a private customer. The delivery service permit fee is \$400.
- A delivery service employee must provide proof to the Commission that the individual has taken approved training prior to delivering alcoholic beverages.
- Customers must purchase the alcohol product from the retailer.
- A delivery service employee shall not carry or exchange funds for payment of alcoholic beverages.
- The delivery service employee must be 16 years or older.
- Delivery is made only:
 1. Directly to recipient who is at least 21 years old.
 2. If the delivery package hides the manufacturer's original label, the outside package shall contain the following (in 26 point or larger): **"CONTAINS ALCOHOLIC BEVERAGES; AGE VERIFICATION REQUIRED"**.
 3. During the lawful hours alcohol may be sold, served, and consumed.
 4. Within 50 miles from the authorized retailer's licensed location.
- Administrative penalties for sales to residence halls at colleges or universities range from \$1,000 to \$10,000, depending on frequency of occurrence.

Section Four

Retailers and Wholesalers

North Carolina laws are designed to protect fair commercial competition. Relationships between wholesalers and retailers that result in special prices, gifts, or agreements to sell only particular brands, are strictly prohibited. Retail permittees may not accept or request any discounts, gifts, loans, rebates or entertainment from any alcoholic beverage manufacturer or wholesaler at gratis.

SECTION 4: Retailers and Wholesalers

§ 14B NCAC 15C.0709, § 14B NCAC 15C.0711

- Retail permittees must buy malt beverages and wine only from *North Carolina licensed wholesalers*.
- Mixed Beverage permittees must buy all spirituous liquor from a *local ABC Store* so the mixed beverage tax can be charged on each container and the appropriate stamp affixed.
- Retail permittees must *keep* alcoholic beverage *invoices* for at least *three years*. These records must be kept separate from other invoices. Alcohol invoices shall be kept on the licensed premises, unless the permittee requests, and the Commission approves, for the invoices to be kept off site.
- Retail permittees may not buy alcoholic beverages on credit – they must *pay on delivery*.
- Retail permittees may *not have* any financial or wholesale *business association* with any spirituous liquor, beer, wine wholesaler, importer, or manufacturer, or vice versa.
- Retail permittees may not enter into *any agreement* to sell any brand(s) of alcoholic beverages to the exclusion of another brand.
- Malt beverage and wine wholesalers may *not give, lend, or rent* any fixtures, equipment or supplies to retail permittees. However, they may sell certain supplies on a cash basis at fair market value.
- Wholesalers may build, rotate, and restock displays and price products for the retailer of their *own brands only*.
- Manufacturers and wholesalers may not make any sale of an alcoholic beverage dependent upon the purchase of *any other product*.
- Retail permittees may sell or use novelties to advertise the trade name of an alcoholic beverage (such as T-shirts or hats), but must buy them at market price.
- Wholesalers may provide point of sale advertising materials or brand signs to the retailer, if they have *no value* other than advertising. *They cannot be customized for the retailer*. Industry representatives can give usable items, like coasters, to retailers who use them under drinks for customers.

Section Five

Preventing Underage Sales

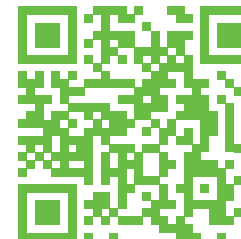
The NC community of responsible alcohol sellers and servers are the first line of defense against underage drinking.

<https://www.talkitoutnc.org>



Applicants are required to complete an approved alcohol beverage seller/server training course prior to receiving temporary permits. We offer free seller/server alcohol education training.

<https://abc.nc.gov/Education/RASP>



SECTION 5: Preventing Underage Sales

Acceptable Forms of Identification: §18B-302, 15B.0224

In North Carolina, there are **only four acceptable forms** of identification a permittee or employee can accept to sell alcoholic beverages. **Each includes date of birth for age calculation and physical description of the person named on the document.** Other forms of identification cannot be used as a defense when receiving an alcohol violation for selling to or serving alcoholic beverages to someone under 21 years of age. Photocopies are not permitted.

1. **Current driver's license** from North Carolina or other states. The 60 day-Temporary Driving Certificate received during renewal of NC driver license, may be used only for driving purposes. It cannot be used for identification. NC driver's license cards are coated in protective, bendable and waterproof synthetic Teslin material with high-resolution graphics, laser-etched verbiage and overlapping "ghost images" in various colors.
2. **U.S. Military/Common Access Card (CAC) Identification** are white plastic cardstock with embedded security features and physical description on front and back of card.
3. **State Identification Card** from a state Division of Motor Vehicle or similar agency authorized to issue official special identification cards for that state. NC State ID card holders are not permitted to operate a motor vehicle. The REAL ID Act allows only one driver's license or an ID card in one state, not both.
4. **Official passport** issued by any nation. Passports may be in the booklet or card form.



SECTION 5: Preventing Underage Sales

NC Driver's Licenses: § GS 20-7

North Carolina driver's licenses and state identification cards are printed vertically to make it easier to identify persons under age 21. The border under the holder's photo shows the date that the person turns 18 years old and/or 21 years old. The NC REAL ID's (with gold star) may provide access to federal facilities and/or airlines without additional documentation requirements.

Vertical-Red and Yellow bar

- Underage (ages 15-17) Do not sell tobacco or alcohol.

Vertical-Yellow bar

- Underage (ages 18-20) Legal for tobacco sale. Do not sell alcohol.
- DL issued to a person under the age of 18 expires 60 days following the person's twenty-first birthday. Calculate and confirm the age for those who have turned 21 and have not yet renewed their DL or State ID.

Horizontal

- Legal for tobacco and alcohol (ages 21 and over).



Fraudulent Identification: 'Fake ID is Illegal ID'

The most common form of ID that you will see is a driver's license. Be aware there are sophisticated productions of ILLEGAL identifications. Take extra care when checking the identification presented to you. If you see a violation and you want to report it anonymously, contact Alcohol Law Enforcement at: (877)-ALE-AGENT.

- *Altered driver's license*
- *Altered identification document*
- *Driver's license issued to another person*
- *Identification document issued to another person*

Using a Fake ID, allowing an underage to use your DL to attempt to purchase or to purchase alcoholic beverages or attempt to enter a business that serves alcoholic beverages can result in a criminal conviction and revocation of the driver's license. Informing employers and schools of a criminal record is requirement.

SECTION 5: Preventing Underage Sales

How to Check ID's:

FEEL: Have customer remove ID from wallet. Is there another ID left in the wallet? Inspect edges for smooth, uniform edges. Rough, differing smoothness or thickness or flimsy material are Fake ID indicators.

LOOK: Compare the photograph and physical description to the person standing in front of you. Are they the same person? People may gain or lose weight, change their hairstyle, and even wear different color contacts on their eyes, but their height will stay the same. Compare the larger picture with the ghost image/watermark of the picture in the bottom corner. Do they match? Check for inconsistent fonts. Are the fonts aligned, meaning that the first letter in each row lines up with the row above it? Is the magnetic strip transparent under light? These are some Fake ID indicators.

ASK: How old are you? What is your birthdate? What is the apartment or house number? In what state was the ID issued?

GIVE: If the ID passes your screening process, return it to the customer and complete the transaction. If it does NOT pass, follow your company policy.

Items, such as wrist bands or ink stamps, are not considered reasonable indicators of age for the sale of alcoholic beverages.

Right to Refuse: §18B-305

• The Customer Isn't Always Right! No one under 21 is allowed to purchase, receive, or consume alcohol at your bar, restaurant, or store. It doesn't matter if a parent gives their child alcohol or the child sneaks it; whether a minor drinks in their own home or at your business, ***it is illegal for someone under 21 to consume, purchase or in possession of alcohol.***

• ***Employees can lawfully refuse to sell alcoholic beverages to any person.*** If you're unsure of their age or level of intoxication, you do not have to sell.

• Does your business have ***written rules*** for dealing with underage and intoxicated customers, for checking identification cards, and other policies?

Section Six

Preventing Sales to the Intoxicated

It is unlawful to knowingly serve/give or sell an alcoholic beverage to anyone who is already drunk, intoxicated, or impaired.

Everyone's driving is impaired at a blood alcohol concentration, or BAC, of 0.08 percent, but many people are affected at much lower levels. Research shows that the risk of being involved in a crash increase when the alcohol level is 0.05 percent, and at 0.08 percent, the risk of causing a fatal crash is even greater. (Source: NCDOT.GOV)

Historically, "dramshop" referred to a pub that sold alcoholic beverages by a unit of liquid measure-dram. 'Dram Shop Liability' laws hold permitted businesses accountable and liable for serving or selling alcohol to minors or intoxicated persons resulting in death, injuries, or property damage caused by intoxication.

'Social Host Liability' laws hold the host of a private function where alcohol is provided at fault for injuries or death caused by a minor or an observably intoxicated person to whom they were the host.

SECTION 6: **Preventing Sales to Intoxicated Customers**

How can you tell if a customer has had too much to drink? It is important to know the signs of impairment, regardless of where you work.

Alcohol affects everyone differently. The same customer can even react differently at different times to the same number of drinks. A customer's reactions to alcohol can depend on how fast they are drinking, the amount of food they have consumed, their mood, or even the type of mixer used.

It may be difficult to decide when to refuse service and even more difficult to carry out your decision, especially when you are turning away a good customer. Many times, you will have to rely on your own good judgment. The key is to observe each customer carefully.

Signs of Impairment:

Physical Coordination

The Drink Spiller: Swaying or drowsy, less muscle control. Spilling drinks can be a sign of impairment, especially if it happens more than once. This may show that your customer has lost muscle control. Watch to see if the customer's mouth misses the glass.

The Money Fumbler: Carelessness or clumsiness with money also can be a warning sign. Watch to see if your customer is dropping cash on the floor, has trouble picking it up, or can't count out the right amount to pay for a drink.

The Stumbler: Loss of balance or coordination, slow and deliberate movement. Unsteady gait/walking is an obvious sign that your customer has had too much to drink. Watch for customers who are bumping into tables or into other customers.

Physical Appearance

Red, watery eyes	Disheveled clothing
Sweating	Droopy eyelids
Lack of eye focus	Flushed (red) face

SECTION 6: **Preventing Sales to Intoxicated Customers**

Behavior & Personality Changes

The Agitator: Aggressive, obnoxious, or emotional behavior. You don't have to watch closely to recognize loud and angry behavior as a sign of impairment. Some customers who have had too much to drink will become loud, pick fights, and use foul language. Some will become argumentative about service, the cost of drinks, or the way the drinks were mixed.

The Entertainer: Overly friendly behavior. Some customers become very friendly when they are drinking. A person who becomes unusually entertaining and boisterous can be just as intoxicated as someone who is causing trouble. Watch for customers who are buying rounds of drinks for strangers. Excessive bragging may also be a giveaway.

The Loner: Drinking more or faster than usual. Too many drinks can make some people sullen and withdrawn. Keep an eye out for customers who lose their concentration and train of thought during conversation. They will also often avoid eye contact. Look for signs of depression or fatigue, such as a bobbing head or drooping eyelids. This could signal illness or that the customer is on medication.

Speech Patterns

Talk with your customers. If you don't already know them, it will help you to recognize any changes in their speech as they are consuming alcoholic beverages. Watch for these changes in their speech pattern.

- Loud or changes in the volume of their speech,
- Slurred Speech,
- Changing pace of speech (quick, slow),
- More talkative,
- Irrational statements or spoken thoughts,
- Losing train of thought,
- Belligerent.

SECTION 6: Preventing Sales to Intoxicated Customers

Remember, NC laws say you cannot serve alcohol to anyone who is obviously intoxicated or impaired. *However, you can allow an intoxicated customer to remain on the permitted premises* if they are not consuming alcoholic beverages or being disorderly. Offer them some food or other beverages if you'd like them to stay.

Refusing to serve a customer can be very difficult. Even your regular customers, whose business is important to you, might become intoxicated. It is important to remember that an intoxicated customer can become a liability – either inside or outside your business. It's your job as a responsible seller and local business to protect your customers and the community. You don't want a customer to drive under the influence – your actions could save a life.

Delaying Tactics:

Early action on your part may prevent the customer from becoming a problem. Keep note of how many drinks your customers have consumed. Generally, it takes about an hour for the body to process a standard drink. Always be on the lookout for early signs of intoxication. Try these delaying tactics to help alcohol work its way through the customer's system.

- **Slow Service Down.** Casually avoid the customer's table. Delay ordering and serving drinks by busying yourself with other tasks.
- **Suggest Food.** Encourage the customer to eat food. Food may slow down the absorption of alcohol and takes up time that the customer isn't drinking.
- **Suggest Non-alcoholic Drinks.** Encourage the customer to drink a soft drink, water, or coffee. Be friendly and try not to offend your customer. Serving a watered-down drink is not a good "compromise".

It is illegal to serve alcohol to an intoxicated person.

- **Gather Support from Others.** Talk with others who may be with the customer to gather support and cooperation. If the customer is alone, you may wish to inform your manager or fellow server to assist with the customer.

SECTION 6: Preventing Sales to Intoxicated Customers

Stopping Service to a Customer:

Refusing service to a customer who may be impaired or intoxicated can be a delicate issue. When you've tried everything to get the person to stop drinking, it's time to completely refuse service to the customer.

Establish a management policy and support your staff. Train staff to notify management before cutting someone off. Make sure all your servers know the policy and work together when dealing with an intoxicated and unruly customer. Most importantly, have a policy in place before an incident occurs.

Be courteous and friendly but firm when refusing service.

Don't back down once you decide to lawfully refuse service to the customer.

Be honest with the customer. Let the customer know immediately that your permit to sell alcoholic beverages and even your job is at risk. Don't provoke or embarrass them by making statements which may offend them, like, "you're drunk" or "you've had way too much to drink."

Provide safe transportation home. Ask the customer's friends to provide a ride home or offer a free cab/car share ride home. Don't let the customer drive home if he or she is intoxicated. If the customer becomes unruly, call the local ALE, police, or sheriff.

Driving under the influence is against the law. A blood alcohol level of 0.08 or higher can result in a Driving Under the Influence (DUI) citation.

Consider a blood alcohol level of (*approximately*):

0.7 for 1 mixed drink = 1.5 oz. of 80 proof liquor,

12 oz. of 5% beer, or 5 oz. of 12% wine.

Subtract .01% for each 60 minutes that lapses between drinks.

Remember that different people process alcohol differently. Factors such as age, gender, weight, physical condition, amount of food consumed, medications, drugs, etc. affects how a person's body tolerates and processes alcohol.

Permittees and their employees have the discretion to refuse to sell to alcoholic beverages to anyone when not based on person's race, religion, color, national origin, sex, or disability.

**SECTION 7:
NOTES**

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