

14B NCAC 15A .1304 DIRECT SHIPMENTS

- (a) A "direct shipment" means a shipment from the distiller or a warehouse of spirituous liquors, or from an antique spirituous liquor seller, directly to a local board without passing through the State ABC warehouse.
- (b) In addition to direct shipments authorized pursuant to G.S. 18B-800(c2), direct shipments shall be allowed by the Commission in emergency situations when the State ABC warehouse is closed or in a situation where, for transportation reasons, it is mutually advantageous to local boards and the operator of the State ABC warehouse.
- (c) Direct shipment shall have prior written approval from the Commission. Merchandise authorized to be shipped by direct shipment shall be consigned by the State ABC warehouse to the distiller's account in care of the local board. The local board shall acknowledge receipt of the merchandise on the shipping documents and forward them to the Contractor for processing through the accounting system as though the merchandise were shipped from the State ABC warehouse.
- (d) Upon compliance with 14B NCAC 15A .1403, an antique spirituous liquor seller may deliver antique spirituous liquor listed in its inventory directly to the local board that placed the special order for that inventory.

History Note: Authority G.S. 18B-100; 18B-204; 18B-207; 18B-403; 18B-701(a)(1);
Eff. January 1, 1982;
Amended Eff. January 1, 2011; May 1, 1984;
Transferred and Recodified from 04 NCAC 02R .1305 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. February 1, 2021; January 1, 2018.

14B NCAC 15A .1305 TRANSPORTATION BETWEEN ABC BOARDS

- (a) A local board may authorize a distiller representative, brokerage representative, or supplier representative, on its behalf, to transport spirituous liquor owned by the local board to another local board that has purchased, exchanged, or otherwise obtained the spirituous liquor pursuant to Rule 14B NCAC 15A .1301(e). The authorization shall be in writing and shall be accompanied by an invoice for the spirituous liquor being transported.
- (b) A copy of the authorization to transport the spirituous liquor and the invoice for the spirituous liquor shall be in the possession of the distiller representative, brokerage representative, or supplier representative during the transportation.
- (c) The transferring local board shall be responsible for any damage, breakage, or theft of the spirituous liquor being transferred until receipt of the delivery is acknowledged in writing by the receiving local board.
- (d) A copy of the acknowledgement of receipt signed by the receiving local board shall be sent by the receiving local board to the transferring local board together with any applicable payment in accordance with Rule 14B NCAC 15A .1406.
- (e) A distiller representative, brokerage representative, or supplier representative transporting spirituous liquor pursuant to this Rule shall be exempt from the provisions of G.S. 18B-1115 pursuant to G.S. 18B-1115(g).

*History Note: Authority G.S. 18B-100; 18B-204; 18B-207; 18B-1115(g);
Eff. February 1, 2021.*

14B NCAC 15A .1403 SPECIAL ORDERS

- (a) Spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:
- (1) When requested by a customer, a local board shall request that the Commission consider approval for inclusion on the Special Orders Price List any spirituous liquor brand or container size that is not otherwise approved.
 - (2) The Commission shall consider the local board's request, and approve, in accordance with 14B NCAC 15C .0203 and .0204, any brand or product for special order and the addition to the Special Orders Price List, including the special item case size requirement as established by the vendor.
- (b) When requested by a customer, a local board shall place an order with the Commission for any special item case on the Special Orders Price List. A local board is not required to place an order on behalf of a customer for a quantity less than the case size requirement established by the vendor. If a customer desires to purchase a quantity less than the special item case size of any product, a local board may purchase any unsold bottles in the special item case for public sale. Any bottles purchased by the local board in excess of the quantity ordered by customers shall not be eligible to be sold below the uniform price pursuant to Rule 14B NCAC 15A .1702.
- (c) All customer orders shall be prepaid by the customer prior to the order being placed with the Commission. However, a local board may waive the requirement for the customer to prepay for the order if the local board elects to purchase the portion of the special item case in excess of the quantity ordered by the customer.
- (d) Upon receipt of the special order from the local board, the Commission shall place the order with the vendor for shipment to the State ABC warehouse for delivery to the local board by the Contractor with the Contractor's next regularly scheduled shipment to the local board.
- (e) For purposes of this Section and implementation of G.S. 18B-800(c1), the following terms mean:
- (1) "Special item case" means the vendor's minimum bottle case size for special item products.
 - (2) "Special item list" means Special Order Price List.
 - (3) "Special Order Price List" means the list of spirituous liquor products approved by the Commission for sale in the State that are not available through the State ABC warehouse, but are available by special order in accordance with this Rule and Rule 14B NCAC 15A .1407.

*History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-800(c); 18B-804; 18B-807;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02R .1404 Eff. August 1, 2015;
Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of May 31, 2017;
Eff. January 1, 2018 (Codifier approved request from agency to reuse rule number);
Amended Eff. February 1, 2021.*

14B NCAC 15A .1407 ANTIQUE SPIRITUOUS LIQUOR SPECIAL ORDERS

(a) In addition to the provisions set forth in Paragraph (a) of Rule .1403 of this Section, antique spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:

- (1) Upon receipt of a request for inclusion of an antique spirituous liquor on the Special Orders Price List from either the owner of antique spirituous liquor, a local board at the request of the owner of antique spirituous liquor, or a mixed beverages permittee, the Commission shall consider the request.
- (2) The seller of the antique spirituous liquor shall provide to the Commission an inventory of each product to be sold, the seller's selling price per bottle, and a picture or copy of the label of each product legible to the Commission that allows it to identify the product to be sold.
- (3) Any antique spirituous liquor brand or product approved by the Commission for sale shall be added to the Special Orders Price List, listed by seller. The Commission shall determine the retail price for each product based on the markup formula pursuant to G.S. 18B-804, set up each product in its pricing system, assign code numbers for each product, and notify the local board and the State ABC warehouse of the price and product code number of each product.

(b) An owner of antique spirituous liquor who wants to sell antique spirituous liquor shall obtain a special one-time permit pursuant to G.S. 18B-1002(a)(4) prior to the sale.

(c) A mixed beverages permittee who wants to order antique spirituous liquor from the Special Orders Price List from an antique spirituous liquor seller shall first obtain an antique spirituous liquor permit pursuant to G.S. 18B-1001(20).

(d) When requested by an antique spirituous liquor permittee, a local board shall place an order from the antique spirituous liquor seller for spirituous liquor on the Special Orders Price list.

(e) Upon delivery of the antique spirituous liquor to the local board by the antique spirituous liquor seller, the local board shall notify the antique spirituous liquor permittee the order is available for pickup and the location where it may be picked up. The local board shall collect payment for the antique spirituous liquor from the antique spirituous liquor permittee at the time of the pickup and shall pay the seller's price to the antique spirituous liquor seller from the proceeds of the sale.

(f) Once the local board has possession of the antique spirituous liquor to be sold, the local board shall notify the Commission and the State ABC warehouse and forward the invoice bill of lading for the product to the State ABC warehouse. The State ABC warehouse shall bill the local board for the bailment and bailment surcharge for the product. The local board shall pay the bailment and bailment surcharge to the Commission.

History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-800(c); 18B-804; 18B-807; 18B-1001; 18B-1002(a)(4); Recodified from 14B NCAC 15A .1403(e) through (j) Eff. February 1, 2021; Eff. February 1, 2021.