

SECTION .2300 – HOMEMADE WINE AND MALT BEVERAGE EVENTS

14B NCAC 15A .2301 DEFINITIONS

As used in this Section:

- (1) "Competition" means, as the term is used in G.S. 18B-306, a gathering or activity organized by homemakers at which homemade product is entered to be judged, that is either:
 - (a) sanctioned by a national or international beer or wine judging program; or
 - (b) judged by individuals of whom at least 50% are currently certified as judges by a national or international beer or wine judging program.National or international beer or wine judging programs include the American Homebrew Association/Beer Judge Certification Program, the Cicerone Certification Program, the International Wine and Spirits Guild Certification Program, the American Wine Society Certification Program, and the National Wine School Sommelier Certification Program.
- (2) "Contest" means, as the term is used in G.S. 18B-306, a gathering or activity organized by a homemaker club at which homemade product of members of the club is entered to be judged.
- (3) "Exhibition" means, as the term is used in G.S. 18B-306, a gathering or activity at which homemade product produced by multiple homemakers is displayed or shown but is not consumed or judged.
- (4) "Event" includes an organized affair, exhibition, or competition.
- (5) "Family" means a spouse, lineal descendant, ancestor, sibling, spouse's lineal descendant, spouse's ancestor, and spouse's sibling of the homemaker, and the spouse of any of these individuals.
- (6) "General public" means any individual not a homemaker, a homemaker's family, or a guest.
- (7) "Guest" means an individual known to the homemaker or the homemaker's family who is invited to the event by direct contact, including in person or by telephone, mail, or electronic mail, between the individual and the homemaker or the homemaker's family, and that person's guest.
- (8) "Homemade product" means wine or malt beverages produced pursuant to G.S. 18B-306.
- (9) "Homemaker" means a person who makes homemade product.
- (10) "Homemaker club" means an organization devoted to homemade product that:
 - (a) has a defined membership with a stated common purpose;
 - (b) has a written policy for granting membership that includes a written application submitted by each member, both of which may be produced or maintained electronically; and
 - (c) maintains a list of all active members and their addresses that is present at all organized affairs of the club and is open to inspection by alcohol law-enforcement agents upon request.
- (11) "Organized affair" means, as the term is used in G.S. 18B-306, a gathering or activity, other than a competition or exhibition, organized in whole or part by homemakers that includes as one of its purposes tasting or judging of homemade product. An organized affair includes meetings of a homemaker club, and a home product production educational meeting that meets the requirements of Rule .2305 of this Section, if tasting of homemade product is included as part of the meeting.
- (12) "Tasting" means, as the term is used in G.S. 18B-306, a gathering or activity at which samples of one or more home products are given for immediate consumption by a homemaker to another homemaker, that homemaker's family, or that homemaker's guest or to registered attendees at a home product production education meeting in accordance with the requirements of Rule .2305 of this Section.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-306;
Eff. January 1, 2019.*

14B NCAC 15A .2302 COMPETITIONS

(a) Consumption of homemade products at a competition, other than at a private residence, shall be limited to judges and stewards of the competition, as defined by a national or international beer or wine judging program, who are identified in advance of the competition by the competition organizer. Judges may enter their homemade product in competitions in which they judge provided they do not judge any competition category in which they have entries. A competition may be limited to invitees or open to the general public, except as prohibited in Paragraph (c) of this Rule.

(b) A competition may be held on a premise holding a retail ABC permit if the following conditions are met:

- (1) the competition shall be segregated from the remainder of the premises in a separate space with closable doors, or by a barrier that may include curtains, partitions or other structures, that separates the competition area and makes the competition not visible from the portion of the premises where food or beverages are served to the general public during the time of the event;
- (2) no homemade product shall be consumed outside of the homemade product consumption area designated pursuant to Subparagraph (1) of this Paragraph during the times any portion of the retail premises is open to the general public;
- (3) the retail permittee shall only provide or offer commercial alcoholic products to participants in the competition at the same rate and method as offered to the general public at any other times of that business day that the permittee is authorized to sell; and
- (4) homemade product for the competition shall not be stored on permitted premises for more than 48 hours prior to the competition, provided the homemade product is sealed, labeled as "homemade product for competition entry," and segregated from other alcoholic beverages located on the premises. No homemade product shall remain on the permitted premises the day after the conclusion of the competition. All containers of homemade product left on the permitted premises contrary to the provisions of this Rule shall be disposed of by the permittee or the permittee's employee by making the homemade product unsuitable for, or incapable of, being consumed.

(c) A competition may be held on a premise holding a commercial ABC permit if the following conditions are met:

- (1) the area for consumption of homemade product during a competition shall only be in the areas of the permitted premises without active production;
- (2) the competition shall only be held on those portions of permitted premises that are not open to the public;
- (3) no homemade product shall be consumed on the commercial permitted premises, except for judges and stewards, during the times any portion of the commercial premises is open to the general public; and
- (4) homemade product for the competition shall not be stored on permitted commercial premises for more than 30 days prior to the competition, provided the homemade product is sealed, labeled as "homemade product for competition entry," stored only in post-production areas that may also contained sealed alcoholic beverages produced by the commercial permittee, and segregated from other alcoholic beverages located on the premises. No homemade product shall remain on the permitted premises the day after the conclusion of the competition. All containers of homemade product left on the permitted premises contrary to the provisions of this Rule shall be disposed of by the permittee or the permittee's employee by making the homemade product unsuitable for, or incapable of, being consumed.

(d) Cash prizes may be paid to entrants in a competition from the registration fees collected so long as not all homemakers participating in the event share in the proceeds from the registration fees.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-306;
Eff. January 1, 2019.*

14B NCAC 15A .2303 EXHIBITIONS

- (a) An exhibition may be open to the general public.
- (b) An exhibition shall not be held at a private residence.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-306;
Eff. January 1, 2019.*

14B NCAC 15A .2304 ORGANIZED AFFAIRS

- (a) Homemade product may be consumed at organized affairs provided that, if the affair is a contest, it is not sanctioned by a national or international beer or wine judging program and no fee is charged to attend or participate, except for fees as authorized pursuant to Rule .2305 of this Section. Consumption at organized affairs shall be limited to homemakers, their families, and their guests.
- (b) All judges of a contest shall be members of the homemaker club or their guests. Prizes shall not be awarded as a result of the contest, but homemakers may be recognized for their homemade products.
- (c) An organized affair may be held on a premise holding a retail ABC permit if the following conditions are met:
- (1) the area for consumption of homemade product during an organized affair shall be segregated from the portion of the premises open to the general public during the time of the event by vertical boundaries that separate the private event from areas open for public consumption;
 - (2) no homemade product shall be consumed outside of the homemade product consumption area designated pursuant to Subparagraph (1) of this Paragraph during the times any portion of the retail premises is open to the general public;
 - (3) the retail permittee may sell or offer commercial alcoholic products the permittee is authorized to sell to persons attending the organized affair on the retail permittee's premises, provided that all alcoholic beverages offered to participants in the organized affair shall be at the same price and method as offered to the general public at any other times of that business day; and
 - (4) for an organized affair, homemade product may be stored on permitted premises for no more than 48 hours prior to the organized affair, provided that the homemade product shall be sealed, labeled as "homemade product for contest entry," and segregated from other alcoholic beverages located on the premises. No homemade product shall remain on the permitted premises the day after the conclusion of the organized affair. All containers of homemade product left on the permitted premises contrary to the provisions of this Rule shall be disposed of by the permittee or the permittee's employee, by making the homemade product unsuitable for, or incapable of, being consumed.
- (d) An organized affair may not be held on a premise holding a commercial ABC permit.
- (e) There shall be no admission or entrance fee charged for an organized affair occurring at a private residence.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-306;
Eff. January 1, 2019.*

14B NCAC 15A .2305 HOME PRODUCT PRODUCTION EDUCATION MEETING

A home product production education meeting shall be an organized affair of a state, regional, national, or international homemade beer or wine organization that requires payment of dues for membership, that includes programs to educate and inform homemakers concerning the production of homemade products. Registration may be charged to participate in the educational portions of the program. In addition to educational programs, the home product production education meeting may include homemade product tastings by registered attendees of homemade product brought to the meeting by registered attendees. Commercial alcoholic products may be sold or offered at home product education meetings by a retail permittee, in addition to home products, provided that all commercial alcoholic products offered by the retail permittee to participants at the meeting shall be at the same price and method as offered to the general public at any other times of that business day.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-306;
Eff. January 1, 2019.*

14B NCAC 15A .2306 POSSESSION, CONSUMPTION, TRANSPORTATION, AND DISPOSITION OF HOMEMADE PRODUCT

- (a) Possession and consumption of homemade product shall be limited to persons who are 21 years of age or older. Homemade product shall not be offered, given to, or consumed by the general public.
- (b) Except as limited by this Section, events may be held at locations where possession and consumption of malt beverages and unfortified wine are otherwise authorized by law.
- (c) Homemade product shall remain in possession of the homemaker, except:
- (1) at an exhibition;
 - (2) when the homemade product is under the control of a retail permittee or a commercial permittee in accordance with Rules .2302 and .2304 of this Section; or
 - (3) when transfer of possession is acknowledged and custody, control and liability is assumed in writing by an individual acting on behalf of the organizer or sponsor of a competition held in accordance with Rule .2302 of this Section.

Only a homemaker shall deliver that person's homemade product to the location of an event.

- (d) A homemaker may transport quantities of homemade product up to the limits set forth in G.S. 18B-303(a), provided that the maximum aggregate amount of all homemade product transported by an individual homemaker at any one time for any one event shall not exceed 80 liters.
- (e) All containers of homemade product remaining on non-permitted premises after the conclusion of an event, other than events held at a private residence, shall be removed from the premises or the contents of the container shall be disposed of by being made unsuitable for, or incapable of, being consumed at the conclusion of the event.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-306;
Eff. January 1, 2019.*

14B NCAC 15A .2307 ALLOWABLE FEES

- (a) No admission fee shall be charged to persons consuming homemade product.
- (b) A fee required to enter into the site of a competition may be charged for a competition, except that no fees shall be charged for a competition occurring at a private residence.
- (c) An admission or entrance fee may be charged by the organizer of an exhibition.
- (d) A registration or entry fee may be charged to a homemaker for entering a homemade product to be judged in a competition, or for participating in a home product production education meeting.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-306;
Eff. January 1, 2019.*