

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

**TITLE 14B – DEPARTMENT OF PUBLIC SAFETY**

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rules cited as 14B NCAC 15C .0102-.0104, .0201-.0206, and .0301-.0308.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.abc.nc.gov>

**Proposed Effective Date:** December 1, 2025

**Public Hearing:**

**Date:** September 9, 2025

**Time:** 10:00 a.m.

**Location:** ABC Commission Hearing Room, 400 East Tryon Road, Raleigh, 27610

**Reason for Proposed Action:** Mandatory review and readoption pursuant to G.S. 150B-21.3A.

**Comments may be submitted to:** Renee Metz, 400 East Tryon Road, Raleigh, NC 27610; phone (919) 948-7919; email [rules@abc.nc.gov](mailto:rules@abc.nc.gov)

**Comment period ends:** October 1, 2025

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq$  \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

**CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION**

**SUBCHAPTER 15C - INDUSTRY MEMBERS:  
RETAIL/INDUSTRY MEMBER RELATIONSHIPS: SHIP  
CHANDLERS: AIR CARRIERS: FUEL ALCOHOL**

**SECTION .0100 - DEFINITIONS: APPLICATION  
PROCEDURES**

**14B NCAC 15C .0102 APPLICATION PROCEDURES**

(a) Who Files. ~~Before any~~ A winery, brewery, distiller, distillery, wholesaler, importer, bottler, vendor, distiller distillery representative, brokerage representative, salesman, supplier representative, or vendor representative sells, solicits orders for, ~~or manufactures, bottles, or imports any alcoholic beverage in this State, that person shall first shall~~ file written application for the appropriate a permit and pay any required fees, as described in G.S. 18B-902, and as set forth in this Rule. in compliance with Chapter 18B, Article 9 of the General Statutes before selling, soliciting orders, manufacturing, bottling, or importing alcoholic beverages in this State. Applications for permits for businesses shall be filed by those individuals listed in G.S. 18B-900(c).

(b) Application. ~~Application~~ Applicants may obtain forms for all ABC permits may be obtained from the North Carolina Alcoholic Beverage Control Commission's office or website as set forth in 14B NCAC 15A .0102. ~~Each person~~ An applicant shall provide in the application, under oath, the following information, ~~as applicable:~~ information:

- (1) the name, address, email address, last four digits of social security number, and telephone ~~number(s)~~ numbers of the applicant;
- (2) the mailing address and location address of the business for which ~~a permit is desired;~~ an application is submitted, including and the county and state where the business is located;
- (3) the name of the business and whether the business is a sole proprietorship, corporation, limited liability company, or partnership;
- (4) the trade name of ~~the~~ business;
- (5) the applicant's date of birth;
- (6) if the business is a corporation or limited liability company, the name and address of the person authorized to accept service of process of Commission notices or orders ~~under G.S. 1A,~~ pursuant to G.S. 1A, Rule 4(j);
- (7) if the applicant is a ~~non-resident~~ nonresident intending to operate a business in the State, the name and address of a resident of the State appointed as the applicant's attorney-in-fact in accordance with Chapter 32C of the General



Statutes for purposes of in compliance with G.S. 18B-900(a)(2)b.;

- (8) if the application is for a vendor representative, brokerage representative, ~~distiller~~ distillery representative, or supplier representative permit, authorization from the commercial permittee, brokerage, ~~distiller~~ or distillery, or spirituous liquor supplier to represent it; and for the applicant to be its representative; and,

- (9) that the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

(c) Additional documentation. The following documents applicant shall submit the following completed, signed, notarized, and recorded, as applicable, recorded documents shall be attached to and submitted with an application, and shall be to be incorporated as part of the application:

- (1) for applicants applying on behalf of a business pursuant to G.S. 18B-900(c), the fingerprint card, Authority for Release of Information Form, and certified check, cashier check, money order, electronic payment, or credit card payment made payable to the North "North Carolina ABC Commission Commission" in the amount of thirty-eight dollars (\$38.00) for payment of a state and national fingerprint-based criminal history record check pursuant to ~~14B NCAC 18B .0405~~; G.S. 18B-902(b);
- (2) for applicants applying for brokerage representative, ~~distiller~~ distillery representative, or supplier representative permits, a certified copy of the applicant's State criminal history record check;
- (3) payment of applicable permit fees as authorized in 14B NCAC 15A .0104;
- (4) for businesses located in this State, a certified copy of ~~any~~ a recorded power of attorney registered in the county where the proposed licensed premises is located;
- (5) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation and a notarized corporate certification of shareholders holding 25 percent or more of the shares of the corporation;
- (6) for limited liability companies not already holding a permit in this State, a copy of Articles of Organization and a notarized organizational certification of members owning 25 percent or more interest in the company. ~~Additionally, if~~ If the limited liability company is manager-managed, the application shall include a copy of the Operating Agreement;
- (7) a black and white copy of applicant's current photo identification;
- (8) for a business located in this State, a copy or memorandum of the lease showing the applicant as tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management agreement with the owner or lessee of the permitted property showing the

applicant has the authority to operate the business at the permitted location; and

- (9) a Federal Employer Identification/ Identification or Social Security Number Verification Form.

(d) Salesmen, Representatives, Vendors To State Companies. All ~~salesmen~~, Salesmen, vendor representatives, ~~distiller~~ distillery representatives, brokerage representatives, supplier representatives, and vendors shall further state on the permit application the name of every manufacturer, importer, wholesaler, ~~distiller~~, distillery, brokerage, spirituous liquor supplier, or vendor that the applicant will represent represents in the State. The persons listed in this Paragraph shall notify the Commission ~~when~~ of the termination of their authorization to represent an industry member ceases, represent an industry member. The manufacturer, importer, wholesaler, ~~distiller~~, distillery, brokerage, spirituous liquor supplier, or vendor shall notify the Commission ~~whenever~~ any of the persons listed in this Paragraph ~~are~~ no longer ~~their~~ being an authorized representative. Persons required to provide notification ~~Notification required~~ pursuant to this Paragraph shall ~~be made to~~ notify the Commission in writing within 30 days of the termination of the authorization to represent.

(e) Wholesalers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, before a wholesaler receives, possesses, transports, sells, delivers, or ships wine or malt beverages in the State, the vendor shall file with the Commission a separate distribution agreement filing form for each brand authorized to be sold by the wholesaler and the specific territory where the product may be sold for each wholesaler location. The distribution agreement filing form shall contain the ~~vendor's and wholesaler's~~ vendor and wholesaler names, ~~trade names if applicable~~, trade names, addresses, telephone numbers, ~~ABC Commission~~ permit numbers, and the name of the ~~brand~~ brand, and the territory where the sales may take place in the State, by county or parts of counties. For wine vendors, the form shall also state whether the vendor ships ~~shipped~~ 1,250 cases or more of wine in the State ~~each year~~, during the preceding calendar year. The ~~form shall be signed and dated~~ by the vendor and the wholesaler shall sign and date the form. If ~~any~~ changes in the distribution agreement affect the information on the distribution agreement filing form filed with the Commission, the wholesaler shall amend the form and file it with the Commission on a revised distribution agreement filing form before the changes become effective.

(f) Liquor Importer/Bottler. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a liquor importer/bottler applying for a permit shall submit a description of the operations of its business, ~~which shall include~~ the location address of ~~any~~ a storage facility or bottling plant, if different than the address shown on the permit application, and ~~any~~ associated federal alcoholic beverage permit numbers.

(g) Nonresident Vendors. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a nonresident malt beverage ~~vendor or vendor~~, a nonresident wine ~~vendor~~ vendor, or a nonresident spirituous liquor vendor applying for a permit shall submit the following:

- (1) a copy of the Federal Basic Permit or Brewers Notice;



- (2) a statement of whether the business is a malt ~~beverage vendor or a wine beverage, wine, or spirituous liquor vendor~~;
- (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any an~~ application to manufacture, use, store, rectify, bottle, distribute, sell, import, or transport distilled spirits, ~~beer~~, malt beverages, or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~ a violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic beverages; and
- (5) certification of understanding that the applicant ~~can~~ shall only engage in activities authorized by the ~~ABC~~ laws of this State for the permit issued, and that ~~before any wine or malt beverage no alcoholic beverages product may~~ can be offered for sale in the State, ~~the product and label must be approved by the Commission. State unless the Commission has approved the product and label.~~

(h) Wine Producers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine producer applying for a permit shall submit a copy of the recorded deed or lease for the farming establishment that meets the requirements set forth in G.S. 18B-1000(10), including the address of the farm and one of the following:

- (1) a survey or diagram of the farm, indicating the areas and acreage used in the production of grapes, berries, or other fruits for the manufacture of unfortified wine; or
- (2) an affidavit stating ~~that~~ the farm consists of at least five acres committed to the production of grapes, berries, or other fruits for the manufacture of unfortified wine, listing the acreage used for this purpose and its function.

(i) Wine Shippers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine shipper applying for a permit shall submit the following:

- (1) a description of the operation of the business;
- (2) a website address through which orders will be received;
- (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any an~~ application to manufacture, use, store, rectify, bottle, distribute, sell, import or transport distilled spirits, ~~beer~~, malt beverages, or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~ a violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic beverages;
- (5) a statement whether the business entity holds a valid Federal Basic Permit, either as a Bonded Wine Cellar or Bonded Winery, and a copy of the Federal Basic Permit; and

- (6) a wine shipper brand ~~listing consisting of all list identifying the~~ brands of fortified and unfortified wines ~~identified~~ to be shipped into the State by the wine shipper, including the names of the common carriers used for shipping. The permitted wine shipper may amend the brands of wine permitted to be shipped into the State by filing an amended wine shipper brand listing with the Commission prior to shipping. Only brands identified by the wine shipper to the Commission in writing ~~may be legally shipped~~ are legal to ship into the State.

*Authority G.S. 18B-100; 18B-109; 18B-207; 18B-900; 18B-902; 18B-1000; 18B-1001.1; 18B-1105.1; 18B-1113; 18B-1114; 18B-1114.3; 18B-1114.7; 18B-1203; 18B-1303.*

#### 14B NCAC 15C .0103 BEER FRANCHISE LAW; "BRAND" DEFINED

For purposes of Article 13 of Chapter 18B of the General Statutes, the Beer Franchise Law, a distribution agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand name. Different categories of products manufactured and marketed under a common identifying trade name are considered to be the same brand; e.g., the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would include "Old Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful Dry" and other products identified principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also manufactured by Yellowstone Brewery Co. brand. The Commission shall determine the brand. ~~Determination of a product's brand shall be made by the Commission at the time the product is approved for sale in North Carolina and Carolina. Later changes to advertising strategy or labeling shall not affect the brand. be affected by later changes in the manufacturer's advertising strategy or labeling. Differences in packaging, such as different style, type or size of container, Different packaging, style, font, or container do not establish different brands. The name of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.~~

*Authority G.S. 18B-100; 18B-207; 18B-1303(a).*

#### 14B NCAC 15C .0104 WINE PRODUCT BRAND

(a) ~~Determination of a product's brand shall be made by the Commission~~ The Commission shall determine a product brand at the time the product is approved for sale in North Carolina and Carolina. ~~shall not be affected by later~~ Later changes in the manufacturer's advertising strategy or labeling ~~shall not affect the brand. Differences in~~ Different packaging, ~~such as different~~ style, ~~type type~~, or size of container, do not establish different brands. The name of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.

(b) For purposes of Bordeaux Chateau wine brought into North Carolina under the French ~~negociant~~ negociant system only, "brand" as defined in 14B NCAC 15C .0104(1) 14B NCAC 15A .0103 shall be determined based on the nonresident wine vendor



or importer's name as reflected on the back of the product label. For purposes of Bordeaux Chateau wines only, wines manufactured and marketed under a common identifying trade name such as "Chateau Domaine," but which may be imported into the United States through multiple channels based on written authorizations from French ~~negociants~~, negociants would not be considered to be the same brand; brand, e.g., the "Chateau Domaine" brought into the United States by Importer A would be considered to be a different brand than the "Chateau Domaine" brought into the United States by Importer B. Such written authorization(s) authorization must be provided submitted to the Commission upon request on a form provided by the Commission prior to product approval or brand registration registration, on a form provided by the Commission.

Authority G.S. 18B-100; 18B-207; 18B-1203.

## SECTION .0200 - PRODUCT APPROVALS: LISTING PROCEDURES: PRODUCT LISTS

### 14B NCAC 15C .0201 MALT BEVERAGE PRODUCT APPROVAL: LISTING IN STATE

(a) ~~All malt beverage products offered for sale in this State shall first be approved by the Commission. The Commission shall approve malt beverage products prior to the products being offered for sale in this State. The Commission shall provide blank Label/Product Application Forms Application for Label Approval forms through the Commission's public website or upon request. request. Thereafter, any approved Approved malt beverage product products sold in this State shall conform to the analysis of the samples submitted, as submitted on the application form.~~

(b) The Commission shall approve malt beverage products if:

- (1) the procedure for approval is complied with as required in Paragraph (c) of this Rule;
- (2) the analysis is within the limits as required in Paragraph (d) of this Rule;
- (3) the malt beverage product meets or exceeds the packaging requirements ~~as required in 14B NCAC 15C .0301; and~~ of Rule .0301 of this Subchapter; and
- (4) at the time of consideration, the Commission does not have evidence ~~to suspect that~~ the product:
  - (A) contains harmful or impure substances;
  - (B) contains an improper balance of substances, based on studies by universities, laboratories, the Commission or other scientific studies;
  - (C) is a spurious or imitation product; or
  - (D) is unfit for human consumption.

(c) Procedure for Approval. To receive consideration for approval by the Commission for a new malt beverage product, an industry member shall comply with the following procedures:

- (1) submit a completed Label/Product Approval Form with a list of ~~all~~ container sizes being offered;

- (2) attach ~~all~~ malt beverage product labels that are specified on the Label/Product Approval Form to the Label/Product Approval Form;
- (3) upon request from the Commission, submit a sample of the product in a marketable container;
- (4) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Approval Form; and
- (5) submit required items to the Commission Product Section at products@abc.nc.gov, a non-refundable analysis fee in the form of a certified check, cashier's check or money order in the amount of twenty-five dollars (\$25.00) for each new malt beverage product submitted, except if an analysis certified by a laboratory of the product is submitted, submit a non-refundable administrative fee as set out in G.S. 18B-206(e) in the form of a certified check, cashier's check or money order; and
- (6) forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.

(d) ~~All malt~~ Malt beverage analyses shall be within the following limits:

- (1) a maximum 15 percent alcohol by volume;
- (2) a maximum 25 parts per million of total sulphur dioxide content; and
- (3) a maximum 100 parts per million of gallo tannins.

(e) ~~All analyses~~ Analyses of products submitted by industry members shall provide the following information in English:

- (1) the measured amounts listed in Paragraph (d) of this Rule;
- (2) the calories per 360 milliliters (12 ounces);
- (3) the specific gravity; and
- (4) the amount of ~~any~~ fortified stimulant per 360 milliliters (12 ounces).

(f) The Commission shall withdraw approval of a malt beverage product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

~~The malt beverage product shall not be reapproved until the Commission has evidence that proves otherwise. The Commission shall not re-approve a malt beverage product until receipt of evidence that the basis for withdrawal of approval was corrected.~~

(g) A person possessing malt beverage products ~~that have had the~~ with approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the malt beverage products.

Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207.



**14B NCAC 15C .0202 WINE APPROVALS; LISTING IN STATE**

(a) Except as provided in 14B NCAC 15B .0216 for special orders, ~~all wine products offered for sale in this State shall first be approved by the Commission. the Commission shall approve wine products prior to the wine products being offered for sale in the State.~~ The Commission shall provide blank Label/Product Application Forms through the Commission's website or upon request. Thereafter, ~~any~~ approved wine product sold in this State shall conform to the analysis ~~of the samples submitted. as submitted on the application form.~~

(b) The Commission shall approve a wine product if:

- (1) the procedure for approval is complied with as required in Paragraph (d) of this Rule;
- (2) it is a fortified wine product that the alcohol by volume is above 16 percent and no more than 24 percent;
- (3) it is an unfortified wine product that the alcohol by volume is 16 percent or less;
- (4) the wine product meets or exceeds the packaging requirements as required in 14B NCAC 15C .0301, and
- (5) at the time of consideration, the Commission does not have evidence to suspect that the product:
  - (A) contains harmful or impure substances;
  - (B) contains an improper balance of substances, based on studies by universities, laboratories, the Commission or other scientific studies;
  - (C) is a spurious or imitation product; or
  - (D) is unfit for human consumption.

(c) Procedure for Approval. To receive consideration for approval by the Commission for a new wine product, an industry member shall comply with the following procedures:

- (1) submit a completed Label/Product Application Form;
- (2) submit separate Label/Product Application Forms for fortified and unfortified wine products;
- (3) attach all wine product labels that are specified on the Label/Product Application Form to the Label/Product Application Form;
- (4) upon request from the Commission, submit a 500 milliliter (or a larger size if 500 milliliter is not available) bottle of each product offered; and
- (5) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Application Form; Form.
- (6) ~~submit a non-refundable analysis fee in the form of a certified check, cashier's check or money order in the amount of twenty-five dollars (\$25.00) for each new wine product submitted, except if an analysis certified by a laboratory of the product is submitted, submit a non-refundable administrative fee as set out in~~

~~G.S. 18B-206(e) in the form of a certified check, cashier's check or money order; and forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.~~

(7)

(d) If an analysis of a product is submitted, it shall provide at least the following information in English:

- (1) alcohol by volume (percent);
- (2) total acidity (g/100 cc as tartaric acid);
- (3) total sulphur dioxide content (ppm);
- (4) volatile acidity, exclusive of sulphur dioxide (g/100 cc as acetic acid);
- (5) alcohol-free soluble solids (degrees/Brix degrees/Balling);
- (6) identity and quantity of any added chemical preservative; and
- (7) the amount of any fortified stimulant per container.

(e) The Commission shall withdraw approval of a wine product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

The wine product shall not be reapproved until the Commission has evidence that proves otherwise.

(f) A person possessing wine products that have had the approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the wine products.

*Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207.*

**14B NCAC 15C .0203 SPIRITUOUS LIQUOR PRODUCT APPROVALS**

(a) ~~All brands of spirituous liquor sold in this State shall have first been approved for listing and resale by the Commission. The Commission shall first approve spirituous liquor brands sold in this state for listing and resale.~~

(b) Listing Policy. In view of the fact ~~that~~ North Carolina is a monopoly state, the Commission is responsible for maintaining a wide range of spirituous liquor products and prices and a balanced selection between the various types of products. It is the Commission's responsibility to ensure ~~that~~ the various types of products, including specialty items and imports, are available to the North Carolina consumer, as well as the more popular products. ~~To this end, the Commission shall, at least once a year~~ Once a year, the Commission shall consider new spirituous liquor products for placement on the state's approved list. ~~Listings shall be in the discretion of the Commission~~ The Commission shall have discretion of listings after considering sales trends of the type of product, sales trends of the product in other states, and the need for the product in the North Carolina market. ~~The Commission shall also, at least once a year, Once a year, the Commission shall~~ consider delisting items from the approved list. Items maintaining adequate sales histories for type and price range will not be considered for delisting unless the delisting is part of a penalty invoked after hearing, pursuant to this Chapter.



(c) ~~Items shall be submitted to the Commission for consideration for listing, and will be considered only if they are offered on the prescribed forms by the distiller, rectifier, bottler or importer. The distillery, rectifier, bottler or importer shall submit items to the Commission for consideration for listing on the prescribed forms.~~

*Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207.*

#### **14B NCAC 15C .0204 SPIRITUOUS LIQUOR PRODUCT LISTS**

The Commission ~~shall print~~ prints a list of all brands of spirituous liquor ~~that have been approved for sale in the state.~~ The list, which includes container sizes and prices of all spirituous liquor products, is printed four times each per year, on February 1, May 1, August 1 and November 1, and is available at no cost.

*Authority G.S. 18B-100; 18B-207.*

#### **14B NCAC 15C .0205 SAMPLES REQUIRED ON REQUEST**

~~Every industry member shall, upon~~ Upon demand of the Commission, an industry member shall furnish samples at no cost to the Commission of ~~any~~ alcoholic beverage products manufactured, sold, or offered for sale in this State, for the purpose of analysis.

*Authority G.S. 18B-100; 18B-206(c); 18B-207.*

#### **14B NCAC 15C .0206 NEW FILING REQUIRED UPON TRANSFER OF BRAND**

When ~~any~~ a malt beverage or wine brand ~~or product~~ is transferred from one nonresident vendor, manufacturer or importer to another, the new vendor, manufacturer or importer shall, within 30 days of the acquisition of the brand or product, submit the following items to the Commission:

- (1) label approval application form ~~forms~~ ~~(BWL008)~~, with labels attached;
- (2) copies of Federal Label Approval forms;
- (3) a certified laboratory analysis of the product, in English, showing alcohol content by volume, ~~with a non-refundable administrative fee as set out in G.S. 18B-206(c) in the form of a certified check, cashier's check or money order;~~ and
- (4) the wholesaler territorial designations for the brand and product that were in effect on the date the product was acquired by the vendor, manufacturer or importer.

Compliance with this Rule is mandatory notwithstanding ~~the fact that~~ the product has been previously approved by the Commission.

*Authority G.S. 18B-100; 18B-203(a); 18B-206; 18B-207; 18B-1203; 18B-1303(a); 18B-1305(d).*

### **SECTION .0300 - PACKAGING AND LABELING OF MALT BEVERAGES AND WINE**

#### **14B NCAC 15C .0301 PACKAGING REQUIREMENTS**

No industry member shall sell, offer for sale, or possess for the purpose of sale in this State wine or malt beverages shall be sold, offered for sale, or possessed for the purpose of sale in this State unless:

- (1) The alcoholic beverage product is packaged, marked, branded, ~~sealed~~ sealed, and labeled in conformity with these ~~Rules~~ Rules; and
- (2) The label on ~~each~~ a product ~~truthfully~~ describes the contents of the container in accordance with standards of ~~identity~~ identity, ~~and the industry member responsible for labeling or product approval furnishes the Commission with adequate proof that a valid certificate of label approval for the label has been obtained from the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department.~~
- (3) The industry member responsible for label or product approval provides the Commission with a valid certificate of label approval from Alcohol and Tobacco Tax and Trade Bureau of the US Department of the Treasury.

*Authority G.S. 18B-100; 18B-206(a); 18B-207.*

#### **14B NCAC 15C .0302 LABELS TO BE SUBMITTED TO COMMISSION**

(a) ~~All Industry members shall submit labels for malt beverage and wine products shall be submitted in duplicate to the Commission on an "Application for Label Approval Form," as required by Rule .0201 or .0202 of this Subchapter.~~

(b) ~~Each person requesting label approval application shall furnish, in the application for label approval, contain the names and addresses of the manufacturer, bottler, and importer of the product.~~

(c) Notwithstanding Paragraphs (a) and (b) of this Rule, holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16)(16), or (16a)~~ that fill or refill growlers on demand ~~shall not be required do not need~~ to submit the labels required by Rules ~~.0303(b) or (c) or .0304(d) or (e) .0303(b)-(c) or .0304(d)-(e)~~ of this Section.

*Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001.*

#### **14B NCAC 15C .0303 LABEL CONTENTS: MALT BEVERAGES**

~~(a) Containers that are prefilled by the manufacturer shall be affixed with Breweries that prefill containers with malt beverage labels that beverages shall affix labels that contain the following information in a form legible to the consumer; in compliance with Subpart D of 27 CFR Part 7:~~

- (1) brand name of product;
- (2) name and address of brewer or bottler;
- (3) class of product ~~(e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage); as identified in Subpart I of 27 CFR Part 7;~~
- (4) net contents;



- (5) if the malt beverage is fortified with any stimulants, the amount of each (~~milligrams~~) stimulant by milligrams per container; and
- (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22. Subpart C of 27 CFR Part 16.

(b) ~~Growlers that are filled or refilled on demand with malt beverages pursuant to Rule .0308 of this Section shall be affixed with a label or a tag~~ Permittees who fill growlers with malt beverages, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the following information in type not smaller than 3 millimeters in height and not more than 12 characters per inch:

- (1) brand name of the product dispensed;
- (2) name of brewer or bottler;
- (3) class of product (~~e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage~~); as identified in Subpart I of 27 CFR Part 7;
- (4) net contents;
- (5) if the malt beverage is fortified with any stimulants from the original manufacturer, the amount of each (~~milligrams~~) stimulant in milligrams per container;
- (6) name and address of business that filled or refilled the growler;
- (7) date of fill or refill;
- (8) if the malt beverage is more than six percent alcohol by volume, the amount of alcohol by volume pursuant to G.S. 18B-101(9); and
- (9) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

(c) ~~Growlers that are filled or refilled on demand pursuant to Rule .0308 of this Section shall be affixed with~~ Permittees who fill growlers with malt beverages, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22. The provisions of 27 C.F.R. Sections 16.20 through 16.22 referenced in this Section are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.gpo.gov>. as required by 27 CFR Part 16.

(d) All provisions of the CFR mentioned in this rule are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A>.

Authority G.S. 18B-100; 18B-101(9); 18B-206(a); 18B-207; 18B-1001.

#### 14B NCAC 15C .0304 LABEL CONTENTS: WINE

(a) All wine labels shall contain the following information, in a form legible to the consumer: Wineries that prefill containers with wine shall affix labels that contain the following information in compliance with Subpart D of 27 CFR Part 4;

- (1) brand name of product;

- (2) ~~class and type, in conformity with Section .0400 of this Subchapter; type;~~
- (3) name and address of manufacturer, or bottler, except as otherwise provided in these Rules;
- (4) ~~on for~~ blends consisting of foreign and domestic wine, if any a reference is made to the presence of foreign wine, must include the exact percentage by volume of the foreign wine;
- (5) ~~net contents (unless blown or otherwise permanently inscribed in the container); unless otherwise permanently blown or inscribed on the container; and~~
- (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22. Subpart C of 27 CFR Part 16.

(b) ~~Exception for Retailer's Private Brand. In the case of wine bottles~~ If wine is packaged for a retailer or other person under the person's private brand, the name and address of the bottler may be stated on another label affixed to the container, container if the name and address of the person for whom the wine was bottled or packed appears on the label. The net contents shall be stated on the brand label or on a separate label affixed thereto on the same side of the container in legible form, container unless otherwise permanently blown or otherwise permanently inscribed in on the container.

(c) Imported Wines. The name and address of the importer of a foreign wine need not be stated on the brand label if it is stated upon another label affixed to the container.

(d) ~~Growlers that are filled or refilled on demand with unfortified wine pursuant to Rule .0308 of this Section shall be affixed with a label or a tag~~ Permittees who fill growlers with unfortified wine, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the following information in type not smaller than 3 millimeters in height and not more than 12 characters per inch:

- (1) brand name of the product dispensed;
- (2) name of manufacturer or bottler;
- (3) class and type of product;
- (4) net contents;
- (5) name and address of business that filled or refilled the growler;
- (6) date of fill or refill; and
- (7) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

(e) ~~Growlers that are filled or refilled on demand pursuant to Rule .0308 of this Section shall be affixed with~~ Permittees who fill growlers with unfortified wine, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22, as required by 27 CFR Part 16.

(f) All provisions of the CFR cited in this rule are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-4/subpart-D>.



Authority G.S. 18B-100; 18B-206(a); 18A-207; 18B-1001.

**14B NCAC 15C .0305 ALL CONTAINERS TO HAVE LABEL**

~~Every container of wine or malt beverages, including bottles, Bottles, barrels, casks, kegs, cans cans, or other closed receptacles, containers, irrespective of size or of the material from which made, composition, that is sold or offered for sale in this State or that is used for the transportation, importation or sale of importation, or sale of malt beverages or wine shall bear a brand label (or a brand label and other permitted labels) containing the information required by Rules .0303 and .0304 of this Section.~~

Authority G.S. 18B-100; 18B-206(a); 18B-207.

**14B NCAC 15C .0306 LABEL ALTERATION**

~~No permittee nor his employee shall~~ Permittees and their employees or agents shall not alter, mutilate, destroy, obliterate or remove obliterate, remove, or cover any mark, brand or a label on wine or malt beverages kept for sale in this State, State, except for Permittees may affix an additional labeling or relabeling label or relabel a container to comply with the requirements of this Section or of federal or state laws and regulations.

Authority G.S. 18B-100; 18B-206(a); 18B-207.

**14B NCAC 15C .0307 GROWLERS**

(a) As used in this Section, a "growler" is a rigid glass, ceramic, plastic, aluminum, or stainless steel ~~container with a closure or cap with a secure sealing~~ container, with a secured seal closure or cap, that is no larger than 4 liters (1.0567 gallons) into which a malt beverage or unfortified wine is prefilled, filled, or refilled on demand, for off-premises consumption.

(b) Malt beverages may be sold in growlers as follows:

- (1) Holders of only a brewery permit may sell, deliver, and ship growlers prefilled with the brewery's malt beverage for off-premises consumption provided a label is affixed to the growler has an attached label that provides the information as required by Rules .0303(a) and .0305 of this Section.
- (2) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), ~~or (16)(16), or (16a)~~ who do not hold a brewery permit shall not refill growlers with malt beverage.
- (3) Holders of a brewery permit who also have retail permits pursuant to G.S. 18B-1001(1) may fill or refill growlers on demand with the brewery's malt beverage for off-premises consumption, provided the growler has an attached label as required by Rules .0303(b) and (c) and .0305 of this ~~Section is affixed to the growler. Section.~~
- (4) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), ~~or (16)(16), or (16a)~~ may fill or refill growlers on demand with draft malt beverage for off-premises consumption, provided the growler has an attached label as

required by Rules .0303(b) and (c) and .0305 of this ~~Section is affixed to the growler. Section.~~

(c) Unfortified wine may be sold in growlers as follows:

- (1) Holders of only an unfortified winery permit may sell, deliver, and ship growlers prefilled with the winery's unfortified wine for off-premises consumption provided a label is affixed to the growler has an attached label that provides the information as required by Rules .0304(a), (b), and (c), and .0305 of this Section.
- (2) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), ~~or (16)(16), or (16a)~~ who do not hold an unfortified winery permit shall not refill growlers with unfortified wine.
- (3) Holders of an unfortified winery permit who also have retail permits pursuant to G.S. 18B-1001(3) may fill or refill growlers on demand with the winery's unfortified wine for off-premises consumption, provided the growler has an attached label as required by Rules .0304(d) and (e) and .0305 of this ~~Section is affixed to the growler. Section.~~
- (4) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), ~~or (16)(16), or (16a)~~ may fill or refill growlers on demand with unfortified wine for off-premises consumption, provided the growler has an attached label as required by Rules .0304(d) and (e) and .0305 of this ~~Section is affixed to the growler. Section.~~

(d) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16)(16), or (16a)~~ shall affix a label to the growler as required by Rules .0303(b) and (c), .0304(d) and (e), and .0305 of this Section ~~to the growler~~ when filling or refilling a growler.

(e) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16), (16), or (16a)~~ may, in their discretion, refuse to fill or refill a growler, except in matters of discrimination pursuant to G.S. 18B-305(c).

Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-305; 18B-1001.

**14B NCAC 15C .0308 GROWLERS: CLEANING, SANITIZING, FILLING AND SEALING**

(a) Except as permitted pursuant to Rules .0307(b) and (c) of this Section, permittee and permittee's employee shall fill and refill filling and refilling growlers shall only occur only on demand by a consumer.

(b) ~~Growlers shall only be filled or refilled by a permittee or the permittee's employee. Only a permittee or permittee's employee shall fill or refill a growler.~~

(c) Prior to filling or refilling a growler, a permittee or the permittee's employee shall clean and sanitize the growler and its cap ~~shall be cleaned and sanitized by the permittee or the permittee's employee~~ using one of the following methods:

- (1) Manual washing in a three compartment sink:
  - (A) prior to starting, clean sinks and work area to remove any chemicals, oils, or grease from other cleaning activities;



- (B) empty residual liquid from the growler to a drain. Growlers shall not be emptied into the cleaning water;
  - (C) clean the growler and cap in water and detergent. Water temperature shall be at a minimum 110°F or the temperature specified on the cleaning agent manufacturer's label instructions. Detergent shall not be fat or oil based;
  - (D) remove any residues on the interior and exterior of the growler and cap;
  - (E) rinse the growler and cap in the middle compartment with water. Rinsing may be from the spigot with a spray arm, from a spigot, or from the tub as long as the water for rinsing is not stagnant and continually refreshed;
  - (F) sanitize the growler and cap in the third compartment. Chemical sanitizer shall be used in accordance with the EPA-registered label use instructions and shall meet the minimum water temperature requirements of that chemical; and
  - (G) a test kit or other device that accurately measures the concentration in mg/L of chemical sanitizing solutions shall be provided and be accessible for use; or
- (2) Mechanical washing and sanitizing machine:
- (A) mechanical washing and sanitizing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer and shall be used according to the machine's design and operation specifications;
  - (B) mechanical washing and sanitizing machines shall be equipped with chemical or hot water sanitization;
  - (C) concentration of the sanitizing solution or the water temperature shall be accurately determined by using a test kit or other device; and
  - (D) the machine shall be regularly serviced based upon the manufacturer's or installer's guidelines.
- (2) Filling a growler with a contamination-free process:
- (A) the growler shall be inspected visually for contamination;
  - (B) for growlers that can be refilled, the process shall be otherwise in compliance with the FDA Food Code 2009, Section 3-304.17(C); and
  - (C) for growlers that are for single use, the process shall be otherwise in compliance with the FDA Food Code 2009, Sections 4-903.11 and 4-903.12.

(e) Permittee or permittee's employee shall fill or refill growlers ~~Growlers shall be filled or refilled~~ from the bottom of the growler to the top with a tube that is attached to the malt beverage or unfortified wine faucet and extends to the bottom of the growler or with a commercial filling machine.

(f) ~~When not in use, tubes to fill or refill growlers shall be immersed and stored in a container with liquid food grade sanitizer.~~ Permittee or permittee's employee shall immerse and store tubes to fill or refill growlers in a container with liquid food grade sanitizer.

(g) After filling or refilling a growler, a permittee or the permittee's employee shall seal the growler ~~shall be sealed~~ with a closure or cap.

Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001.

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10B .0502, .0504, amend the rules cited as 15A NCAC 10B .0203, .0206, .0503; 10C .0205, .0208, .0211, .0305, .0316, .0318, .0321, .0322; 10D .0102, .0104, .0205, .0211, .0212, .0215, .0218, .0229, .0232, .0236, .0239- .0241, .0258, .0265, .0271, .0275, .0276, .0278, .0283, .0291, .0294, and repeal the rules cited as 15A NCAC 10D .0217, and .0267.*

*Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless*

(d) Notwithstanding Paragraph (c) of this Rule, a permittee or the permittee's employee may fill or refill a growler ~~may be filled or refilled~~ without cleaning and sanitizing the growler, as follows:

- (1) Filling or refilling a growler with a tube as referenced by Paragraph (e) of this Rule:
  - (A) food grade sanitizer shall be used in accordance with the EPA-registered label use instructions;
  - (B) a container of liquid food grade sanitizer shall be maintained for no