

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1008

Short Title: New ABC Permits Based on Existing Permits.

(Public)

Sponsors: Representative Gibson.

Referred to: Alcoholic Beverage Control.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT TO PROVIDE EQUITY IN THE ISSUANCE OF ABC PERMITS BY
ALLOWING PERMITS TO BE ISSUED BASED ON EXISTING PERMITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1006 is amended by adding a new subsection to read:

"(o) Restaurant and Hotel Permits Based on Existing Permits. – No restaurant or hotel shall be denied a permit for on-premises sale of malt beverages, unfortified wine, or mixed beverages if a permit for the on-premises sale of malt beverages, unfortified wine, or mixed beverages has been issued to another restaurant, hotel, sports club, or tourism resort located in the same county when the restaurant or hotel applying for the permit for the on-premises sale of malt beverages, unfortified wine, or mixed beverages can substantiate the loss of food sales caused by competition from other restaurants, hotels, sports clubs, or tourism resorts within the county, and either:

(1) The restaurant or hotel applying for the permit is located within one-half mile of a permitted establishment and both are within the same county in which the on-premises sale of malt beverages, unfortified wine, or mixed beverages is authorized in two or more cities in the county; or

(2) The restaurant or hotel applying for the permit is located in a county that has approved the sale of mixed beverages in at least six municipalities."

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

"(p) Food Business Permits Based on Existing Permits. – No food business shall be denied a permit for the off-premises sale of malt beverages or unfortified wine if a permit for off-premises sale of malt beverages or unfortified wine has been issued to another food business located in the same county, and the food business applying for the permit for the off-premises sale of malt beverages or unfortified wine can substantiate

1 the loss of food and nonalcoholic beverage sales caused by competition from sports
2 clubs, tourism resorts, or another permitted food businesses in the county, and either:

3 (1) The food business applying for the permit is located within one-half
4 mile of a permitted sports club or tourism resort and both are within
5 the same county in which the off-premises sale of malt beverages or
6 unfortified wine is authorized in two or more cities in the county; or

7 (2) The food business applying for the permit is located within a county
8 that has approved the off-premises sale of malt beverages and
9 unfortified wine in at least six municipalities."

10 **SECTION 3.** This act is effective when it becomes law.