

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 909
Committee Substitute Favorable 4/29/15

Short Title: Sale of Antique Spirituous Liquor.

(Public)

Sponsors:

Referred to:

April 20, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE AND REGULATE THE SALE OF ANTIQUE SPIRITUOUS
3 LIQUOR.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 18B-101 reads as rewritten:

6 "**§ 18B-101. Definitions.**

7 As used in this Chapter, unless the context requires otherwise:

8 ...

9 (5) "ALE Branch" means the Alcohol Law Enforcement Branch of the
10 Department of Public Safety.

11 (5a) "Antique spirituous liquor" means spirituous liquor that has not been in
12 production or bottled in the last 20 years, is in the original manufacturer's
13 unopened container, is not owned by a distillery, and is not otherwise
14 available for purchase by an ABC Board except through the special order
15 process pursuant to G.S. 18B-1001(20).

16 (5b) "Antique spirituous liquor seller" means a person who sells antique
17 spirituous liquor to an ABC Board.

18 (5c) "Bailment surcharge" means the charge imposed on each case of liquor
19 shipped from a Commission warehouse as provided in G.S. 18B-208. This
20 bailment surcharge is in addition to the bailment charge imposed by
21 G.S. 18B-804(b)(2).

22"

23 **SECTION 2.** G.S. 18B-1001 is amended by adding a new subsection to read:

24 "(20) Antique spirituous liquor permit. – A permit under this subdivision may be
25 issued to a holder of a mixed beverages permit issued under subdivision (10)
26 of this subsection. Notwithstanding any law to the contrary, the permit
27 holder may sell at retail antique spirituous liquor for use in mixed beverages
28 for consumption on premises. The acquisition of antique spirituous liquor on
29 or after September 1, 2015, shall be in accordance with the process
30 established by rule of the Commission for special orders of spirituous liquor
31 that is not on the list approved by the Commission."

32 **SECTION 3.** G.S. 18B-902(d) is amended by adding a new subdivision to read:

33 "(43) Antique spirituous liquor permit – \$100.00."

34 **SECTION 4.** G.S. 18B-1001(10) reads as rewritten:

35 "(10) Mixed Beverages Permit. – A mixed beverages permit authorizes the retail
36 sale of mixed beverages for consumption on the premises. The permit also



1 authorizes a mixed beverages permittee (i) to obtain a
2 purchase-transportation permit under G.S. 18B-403 and 18B-404, (ii) to
3 obtain an antique spirituous liquor permit under subdivision (20) of this
4 section, and (iii) to use for culinary purposes spirituous liquor lawfully
5 purchased for use in mixed beverages. The permit may be issued for any of
6 the following:

- 7 a. Restaurants;
- 8 b. Hotels;
- 9 c. Private clubs;
- 10 d. Convention centers;
- 11 e. Community theatres;
- 12 f. Nonprofit organizations; and
- 13 g. Political organizations."

14 **SECTION 5.** G.S. 18B-804 reads as rewritten:

15 "**§ 18B-804. Alcoholic beverage pricing.**

16 (a) Uniform Price of Spirituous Liquor. – The retail price of spirituous liquor sold in
17 ABC stores shall be uniform throughout the State, unless otherwise provided by the ABC law.

18 (b) Sale Price of Spirituous Liquor. – The sale of spirituous ~~liquor~~ liquor, including
19 antique spirituous liquor, sold at the uniform State price shall consist of the following
20 components:

- 21 (1) The distiller's or the antique spirituous liquor seller's price.
- 22 (2) The freight and bailment charges of the State warehouse as determined by
23 the Commission.
- 24 (3) A markup for local boards as determined by the Commission.
- 25 (4) The tax levied under G.S. 105-113.80(c), which shall be levied on the sum
26 of subdivisions (1), (2), and (3).
- 27 (5) An additional markup for local boards equal to three and one-half percent (3
28 1/2%) of the sum of subdivisions (1), (2), and (3).
- 29 (6) A bottle charge of one cent (1¢) on each bottle containing 50 milliliters or
30 less and five cents (5¢) on each bottle containing more than 50 milliliters.
- 31 (6a) The bailment surcharge.
- 32 (6b) An additional bottle charge for local boards of one cent (1¢) on each bottle
33 containing 50 milliliters or less and five cents (5¢) on each bottle containing
34 more than 50 milliliters.
- 35 (7) A rounding adjustment, the formula of which may be determined by the
36 Commission, so that the sale price will be divisible by five.
- 37 (8) If the spirituous liquor is sold to a mixed beverage permittee for resale in
38 mixed beverages, a charge of twenty dollars (\$20.00) on each four liters and
39 a proportional sum on lesser quantities.
- 40 (9) If the spirituous liquor is sold to a guest room cabinet permittee for resale, a
41 charge of twenty dollars (\$20.00) on each four liters and a proportional sum
42 on lesser quantities.

43"

44 **SECTION 6.** G.S. 105-113.80(c) reads as rewritten:

45 "(c) Liquor. – An excise tax of thirty percent (30%) is levied on spirituous liquor and
46 antique spirituous liquor sold in ABC stores. Pursuant to G.S. 18B-804(b), the price of liquor
47 on which this tax is computed is the distiller's or the antique spirituous liquor seller's price plus
48 (i) the State ABC warehouse freight and bailment ~~charges~~ charges and (ii) a markup for local
49 ABC boards."

50 **SECTION 7.** No later than September 1, 2015, the ABC Commission shall
51 establish and adopt temporary rules to implement the provisions of this act.

1 **SECTION 8.** Sections 1 through 6 of this act become effective upon adoption of
2 rules pursuant to Section 7 of this act. The remainder of this act is effective when it becomes
3 law.