

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

H

1

HOUSE BILL 1729

Short Title: Allow Direct ABC Shipment.

(Public)

Sponsors: Representatives Harrington; and C. Wilson.

Referred to: Finance.

June 13, 2002

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE AND REGULATE LIMITED RECIPROCAL  
3 INTERSTATE SHIPMENT AND RECEIPT OF UNFORTIFIED WINE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 18B-102.1(a) reads as rewritten:

6 "(a) ~~It~~Except as provided in G.S. 18B-102.2, it is unlawful for any person who is  
7 an out-of-state retail or wholesale dealer in the business of selling alcoholic beverages  
8 to ship or cause to be shipped any alcoholic beverage directly to any North Carolina  
9 resident who does not hold a valid wholesaler's permit under Article 11 of this Chapter."

10 **SECTION 2.** Article 1 of Chapter 18B of the General Statutes is amended  
11 by adding a new section to read:

12 "**§ 18B-102.2. Reciprocal interstate shipment and receipt of unfortified wine**  
13 **authorized; labeling.**

14 (a) Notwithstanding G.S. 18B-102.1, an out-of-state retail or wholesale dealer in  
15 the business of selling alcoholic beverages is authorized to make direct shipments of  
16 unfortified wine to consumers in this State under the provisions of this section.  
17 Unfortified wine may be shipped upon order directly to a consumer, provided the order  
18 is in written form and is accompanied by a purchase-transportation permit issued to the  
19 consumer pursuant to G.S. 18B-403. Before accepting an order from a consumer in this  
20 State, the shipper shall require that the person placing the order state affirmatively that  
21 he or she is at least 21 years of age.

22 (b) Any resident of this State who is at least 21 years of age is entitled to receive  
23 direct shipment of unfortified wine from another state if the wine is for personal or  
24 household use and if the state from which the wine is sent allows its residents to receive  
25 wine shipments from this State. No person may receive any shipment or combination of  
26 shipments in excess of 10 cases of wine per month, nor may any person receive more  
27 than 60 cases of wine in any calendar year. No person who receives wine pursuant to  
28 this section shall resell any of the wine. Pursuant to G.S. 105-164.16(d), a resident of  
29 this State is responsible for payment of taxes on wine purchased from mail order,

1 Internet, or other sellers that do not collect State and local sales and use taxes on the  
2 items.

3 (c) No person who transports wine pursuant to this section shall deliver more  
4 than 10 cases of wine to the same address at one time. The shipping container of any  
5 wine sent into this State under this section must be clearly labeled to indicate that the  
6 container contains alcoholic beverages and cannot be delivered to a person who is not at  
7 least 21 years of age or to a person who is visibly intoxicated."

8 **SECTION 3.** G.S. 18B-403 is amended by adding a new subsection to read:

9 "(h) When a person indicates that the purpose of the purchase-transportation  
10 permit is to accompany an order for direct shipment of unfortified wine from an out-of-  
11 state retailer or wholesaler, the purchase-transportation permit issued to the person  
12 authorizes that person to purchase and authorizes the shipper to transport only the  
13 amounts of those alcoholic beverages authorized by G.S. 18B-102.2. The Commission  
14 may adopt rules to govern issuance of these direct shipment purchase-transportation  
15 permits."

16 **SECTION 4.** This act is effective when it becomes law.