

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 977

Short Title: Local Regulation of Kegs of Malt Beverage. (Public)

Sponsors: Senators Allran; Carpenter, Foxx, Garwood, and Rand.

Referred to: Commerce.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL GOVERNMENTS TO REGULATE THE SALE OF
KEGS OF MALT BEVERAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-300 reads as rewritten:

"§ 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine.

(a) Generally. – Except as otherwise provided in this Chapter, the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.

(b) Consumption at Off-Premises Establishment. – It shall be unlawful to consume, or for a permittee to allow the consumption of, malt beverages or unfortified wine on any premises having only an off-premises permit for the kind of alcoholic beverage being consumed.

(c) Local Ordinance. – A city or county may by ordinance:

- (1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county;
- (2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county; and
- (3) Regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.
- (4) Regulate the sale of kegs of malt beverages in accordance with G.S. 18B-310.

1 For the purposes of this subsection, an open container means a container whose seal
2 has been broken or a container other than the manufacturer's unopened original
3 container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic
4 beverages is unlawful except as authorized by the ABC law."

5 **SECTION 2.** Chapter 18B of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 18B-310. Local regulation of the sale of kegs of malt beverages.**

8 Local governments may regulate the sale of malt beverages in kegs to persons other
9 than those holding permits issued under G.S. 18B-1001(1). Any ordinance passed to
10 implement the authorization contained in this section shall contain the following
11 provisions:

- 12 (1) An application for purchase of a keg of malt beverage shall be
13 completed by each purchaser and shall contain the following
14 information:
- 15 a. The name and location of the seller.
 - 16 b. The number and sizes of kegs of malt beverage being
17 purchased.
 - 18 c. The destination of the keg of malt beverage including the name
19 of the owner and the address of the location.
 - 20 d. The name, address, date of birth, and drivers license number of
21 the purchaser.
- 22 (2) A requirement that the application required by subdivision (1) of this
23 section shall be kept by the seller for a period of one year and shall be
24 available for inspection by any law enforcement officer during regular
25 business hours."

26 **SECTION 2.** This act becomes effective January 1, 2002.