

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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PRINCIPAL CLERK

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SENATE BILL DRS45157-MLf-73

Short Title: Allow Common Area Entertainment ABC Permit. (Public)

Sponsors: Senators Woodard and Gunn (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO
3 ISSUE COMMON AREA ENTERTAINMENT PERMITS TO ALLOW A CUSTOMER OF
4 AN ABC LICENSED PREMISES LOCATED IN A SHOPPING MALL TO CONSUME
5 AN ALCOHOLIC BEVERAGE PURCHASED FROM THE LICENSED PREMISES
6 WITHIN A DESIGNATED INDOOR OR OUTDOOR COMMON AREA ON THE
7 SHOPPING MALL PROPERTY.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 18B-1000 reads as rewritten:

10 "§ 18B-1000. Definitions concerning establishments.

11 The following requirements and definitions shall apply to this Chapter:

12 ...

13 (7a) Shopping mall. – A building or structure, or multiple buildings and structures
14 on the same property and under common ownership or control, that contain or
15 contains multiple businesses that sell food, goods, services, or a combination
16 of food, goods, and services, and that are connected by common areas.

17 (7b) Sports and entertainment venue. – Stadiums, ballparks, and other similar
18 facilities with a permanently constructed seating capacity of 3,000 or more
19 which are not located on the campus of a school, college, or university.

20"

21 SECTION 2. G.S. 18B-1001 is amended by adding a new subdivision to read:

22 "(21) Common Area Entertainment Permit. – A permit under this subdivision may
23 be issued to the owner of a shopping mall that has at least one tenant that holds
24 a permit issued under subdivisions (1), (3), (5), or (10) of this section. A
25 common area entertainment permit authorizes a customer of a shopping mall
26 tenant holding a permit issued under subdivisions (1), (3), (5), or (10) of this
27 section to exit that licensed premises with an open container of the alcoholic
28 beverage sold by the tenant holding the permit and consume the alcoholic
29 beverage within the confines of any indoor or outdoor common area on the
30 premises of the shopping mall designated by the owner of the shopping mall
31 for consumption of alcoholic beverages. Additionally, a permit issued under
32 this subdivision is subject to all of the following conditions:

33 a. The owner of the shopping mall shall designate the common area in
34 which alcoholic beverages may be consumed. The owner of the
35 shopping mall shall rope off, use fencing, or use some other temporary
36 barrier to clearly define the borders of the designated common area.



1 Additionally, the owner of the shopping mall shall post signs in a
 2 conspicuous location on the shopping mall property indicating which
 3 common area is the designated common area. The owner of the
 4 shopping mall shall submit to the Commission for review and approval
 5 (i) a plat of the shopping mall property for a designated outdoor
 6 common area with the common area designated for alcohol
 7 consumption clearly marked or (ii) a detailed map of the relevant
 8 building on the shopping mall property for a designated indoor
 9 common area with the common area designated for alcohol
 10 consumption clearly marked. The Commission shall reject any plat or
 11 map submitted under this sub-subdivision that does not meet the
 12 requirements of this subdivision or any rule adopted by the
 13 Commission. The owner of the shopping mall must submit a plat or
 14 map as required under this sub-subdivision for each renewal of the
 15 permit issued under this subdivision and at least 10 days prior to
 16 making any adjustments to the designated common area.

17 b. Alcoholic beverages sold for consumption in a designated common
 18 area shall be dispensed only in a paper or plastic cup bearing the name,
 19 logo, or name and logo of the licensed premises from which the
 20 beverage was purchased. The amount of alcoholic beverage dispensed
 21 into a cup under this sub-subdivision shall not exceed 16 fluid ounces.

22 c. A customer is not allowed to possess or consume more than one
 23 alcoholic beverage at a time while within the designated common area.

24 d. Alcoholic beverages may only be consumed within the designated
 25 common area during the hours in which the alcoholic beverage may
 26 be sold under G.S. 18B-1004, and the owner of the shopping mall may
 27 further limit the days and times in which an alcoholic beverage may
 28 be consumed in a designated common area. The owner of the shopping
 29 mall shall post signs in a conspicuous location on the shopping mall
 30 property indicating the days and times in which a person may consume
 31 an alcoholic beverage in a designated common area.

32 e. A customer in the designated common area shall dispose of any
 33 alcoholic beverage in his or her possession prior to exiting the
 34 designated common area. A person is not allowed to exit a designated
 35 common area with any alcoholic beverage he or she was consuming
 36 within the area.

37 f. A customer is not allowed to bring and consume alcoholic beverages
 38 not purchased from a tenant of the shopping mall holding an applicable
 39 permit.

40 g. A customer is not allowed to enter the licensed or unlicensed premises
 41 of a tenant of the shopping mall with an alcoholic beverage purchased
 42 from a different tenant of the shopping mall holding an applicable
 43 permit.

44 h. Any additional conditions imposed by the Commission. Any
 45 additional conditions shall be posted on the Commission's Web site."

46 **SECTION 3.** G.S. 18B-902(d) reads as rewritten:

47 "(d) Fees. – An application for an ABC permit shall be accompanied by payment of the
 48 following application fee:

49 ...

50 (46) Common area entertainment permit – \$750.00."

1 **SECTION 4.** The Alcoholic Beverage Control Commission may adopt temporary
2 rules to implement the requirements of this act. Any temporary rules adopted in accordance with
3 this section shall remain in effect until permanent rules that replace the temporary rules become
4 effective.

5 **SECTION 5.** This act becomes effective July 1, 2019.