



JNB

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North Carolina Alcoholic Beverage Control Commission
Chief Counsel
4307 Mail Service Center
Raleigh, NC 27699-4307
BY UNITED STATES MAIL

Re: Petition for Rulemaking Under N.C. Gen. Stat. 150B-20 and 14B NCAC 15A .0401

To the Honorable Chief Counsel:

Per the above referenced authorities, on behalf of our client Barrister and Brewer LLC, 1212 North Mineral Springs Road, Durham, North Carolina, 27703, we respectfully petition the amendment of the following regulations. The regulatory authority for their original promulgation was stricken from N.C. Gen. Stat. 18B-1105 by the 2019 amendments codified in Session Law 2019-182, and the regulations are no longer authorized nor required as the distillery sales provisions have been streamlined.

SECTION .2100 – DISTILLERY PERMIT HOLDERS' SALE OF SPIRITUOUS LIQUOR DISTILLED ON PREMISES TO VISITORS OF THE DISTILLERY FOR CONSUMPTION OFF THE PREMISES

~~14B NCAC 15A .2101 PRIOR APPROVAL FROM ABC COMMISSION~~

- ~~(a) Prior to selling spirituous liquor distilled at the distillery on the premises to consumers, a distillery permittee shall submit a written request for approval to the Commission regarding its intent to sell bottles direct to consumers.~~
- ~~(b) The Commission shall verify compliance with G.S. 18B-1105(a)(4).~~
- ~~(c) Within 15 days of receipt of the request, the Commission shall send written notice to the permittee of approval based on satisfying the requirements in Paragraph (b) of this Rule, or of disapproval and the reasons for disapproval.~~

14B NCAC 15A .2102 RETAIL SALES AT DISTILLERY'S PERMITTED PREMISES

- (a) No retail sales shall be made on the distillery's permitted premises on:
 - (1) New Year's Day;
 - (2) Fourth of July;
 - (3) Labor Day;

- (4) Thanksgiving Day;
- (5) Christmas Day;
- (6) Any Sunday; or
- (7) Any other day between the hours of 9:00 p.m. and 9:00 a.m.
- (b) Any distillery employee involved with the sale of spirituous liquor to the consumer shall be at least 18 years of age.
- ~~(e) Distillery products to be sold directly to consumers shall be stored in a retail area in the permitted premises separate from distillery products to be shipped to the State ABC warehouse for sale to local boards.~~
- (cd) The distillery permittee shall not sell any bottle of spirituous liquor to a consumer until after the consumer has completed a tour of the distillery.

~~**14B NCAC 15A .2103 DISTILLERY RECORD-KEEPING**~~

~~The distillery permittee's electronic records, as required by G.S. 18B-1105(a)(4), shall be available for inspection by alcohol law enforcement officers and employees of the Commission at any time an employee of the permittee is present on the permitted premises.~~

We appreciate your prompt attention to this matter.

Very Truly Yours,



Jonathan Blitz
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