

## **Impact Analysis**

### **04 NCAC 02S .0228 DISPENSING ALCOHOLIC BEVERAGES: PRODUCT IDENTIFICATION**

Alcoholic Beverage Control Commission

Robert Hamilton, Rule Making Coordinator

4307 Mail Service Center, Raleigh, NC 27699-4307

phone – (919) 779-0700 x 436

Email – robert.hamilton@abc.nc.gov

Authority: G.S. 18B-100; 18B-206; 18B-207; 130A-248(a); FDA Food Code 2009, 3-304.11(a)

Impact Summary: State Government: No

Local Government: No

Substantial Economic Impact: No

The proposed rule changes would amend the rule to add to the acceptable types of containers that malt beverage, wine and mixed beverages can be served in. The proposed rule changes would also define and add requirements for multi-use containers. Permittees have previously used the additional containers without administrative action by the Commission. The changes were necessary to alleviate the questions regarding the serving of alcoholic beverages in containers that are not within the guidelines of G.S. 130A-248(a) and the FDA Food Code 2009. The permittees were previously required to abide by these guidelines. The actual impact of this amendment is increased clarity in the Administrative Code as to what are current requirements. There would be minimal impact with the Commission answering less questions.

04 NCAC 02S .0228 is proposed for amendment as follows:

**04 NCAC 02S .0228      DISPENSING ALCOHOLIC BEVERAGES: PRODUCT IDENTIFICATION**

(a) Malt Beverages; On-Premises. Malt beverages may be sold by persons holding on-premise permits in the original containers, by the glass, ~~or by the pitcher.~~ mug, by the pitcher or a single-service and single-use container. The brand name of draught malt beverages dispensed in retail outlets shall be shown on the knobs of draught faucets. Covers for these faucets bearing a brand name may be used if the brand name appearing on the cover corresponds with the brand name on the knob of the faucets that are to be used for that brand.

(b) Malt Beverages; Off-Premises. Malt beverages may be sold by persons holding a retail off-premise permit only in the unopened original container that was filled by the product manufacturer.

(c) Wine; On-premise. A person holding an on-premises wine permit may sell wine in the unopened original container, by the carafe, by the ~~glass, or mixed with non-alcoholic beverages.~~ glass or a single-service and single-use container. A person holding an on-premises wine permit may sell wine mixed with non-alcoholic beverages by the carafe, by the glass or a single-service and single-use container. Wine served in ~~carafes or~~ carafes, by the glass or single-service and single-use containers may be dispensed under pressure from nitrogen from sealed bulk containers provided the containers and dispensing systems have been approved by the Commission and the State Commissioner of Health Services. The vintner, brand and type of wine dispensed by the ~~carafe or carafe, glass, glass or single-service and single-use container~~ except for the house wine, shall appear on the wine list; and where the wine is dispensed from bulk containers, the vintner, brand and type shall be shown on the knobs of draught faucets.

(d) Use of Siphons. The use of siphons or other types of dispensers is allowed if the malt beverage or wine contents are dispensed directly from the original containers.

(e) Mixed Beverages. A person holding a mixed beverages permit may sell mixed beverages in a glass, in a pitcher or in a single-service and single-use container.

(f) Multi-Use Containers. All multi-use containers used by permittees to serve any alcoholic beverages shall meet the requirements as referenced by FDA Food Code 2009, 3-304.11(a). Multi-use containers include glassware, mugs, pitchers and carafes.

*History Note:      Authority G.S. 18B-100; 18B-206; 18B-207; 130A-248(a); FDA Food Code 2009, 3-304.11(a);  
Eff. January 1, 1982;  
Amended Eff. March 1, 2013; May 1, 1984.*