

1 04 NCAC 02T .0308 is proposed for amendment as follows:

2
3 **04 NCAC 02T .0308 GROWLERS**

4 (a) As used in this Rule, a growler is a refillable rigid glass, aluminum or stainless steel container with a flip-top or screw-on
5 lid that is no larger than 2 liters (0.5283 gallons) into which a malt beverage is ~~pour~~ prefilled, filled or refilled for off-
6 premises consumption.

7 ~~(b) Holders of only a brewery permit that have retail permits pursuant to G.S. 18B-1001(2), may sell growlers filled~~ may sell,
8 deliver and ship growlers prefilled with the brewery's malt beverage for off-premises consumption provided a label is affixed
9 to the growler that accurately provides the information as required by ~~04 NCAC 02T .0303~~ Rules .0303(a) and .0305. .0305 of
10 this Subchapter.

11 ~~(c) Holders of retail permits pursuant to G.S. 18B-1001(1), (2) or (16), who do not hold a brewery permit, shall not prefill~~
12 growlers with malt beverage.

13 ~~(d) Holders of a brewery permit that also have retail permits pursuant to G.S. 18B-1001(1), may fill or refill growlers on~~
14 demand with the brewery's malt beverage for off-premises consumption provided the label as required by Rules .0303(b) and
15 .0305 of this Subchapter is affixed to the growler.

16 ~~(e) Holders of retail permits pursuant to G.S. 18B-1001(1), (2) or (16), may fill or refill growlers on demand with draft malt~~
17 beverage for off-premises consumption provided the label as required by Rules .0303(b) and .0305 of this Subchapter is
18 affixed to the growler.

19 ~~(e) Holders of a brewery permit that have retail permits pursuant to G.S. 18B-1001(2), may refill customer's growlers~~
20 provided a label is affixed to the growler that accurately provides the information as required by 04 NCAC 02T .0303 and
21 .0305.

22 ~~(d) Breweries that refill growlers sold by other breweries shall relabel the growler prior to filling it with malt beverage.~~

23 ~~(e) Breweries that refill growlers sold by other breweries shall remove, deface or cover any permanent or non-permanent~~
24 labels prior to affixing a new label.

25 ~~(f) Holders of retail permits pursuant to G.S. 18B-1001(1), (2) or (16), shall affix a label as required by Rules .0303(b) and~~
26 .0305 of this Subchapter to the growler when filling or refilling a growler.

27 ~~(g) Holders of retail permits pursuant to G.S. 18B-1001(1), (2) or (16), may, in their discretion, refuse to fill or refill a~~
28 growler, except in matters of discrimination pursuant to G.S. 18B-305(c).

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30 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-305; 18B-1001(1), (2) and (16);*

31 *Eff. April 1, 2011;*

32 *Amended Eff. October 25, 2013.*