



# NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice **with** a scheduled hearing  
 Notice without a scheduled hearing  
 Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 5 and 8 - 14. If a hearing is scheduled, complete block 6.  
Previous publication of text was published in Volume:                      Issue:

<b>1. Rule-Making Agency:</b> NC Alcoholic Beverage Control Commission
<b>2. Agency obtained G.S. 150B-19.1 certification:</b> <input checked="" type="checkbox"/> OSBM certified on: April 15, 2014 <input type="checkbox"/> RRC certified on: <input type="checkbox"/> Not Required
<b>3. Agency website postings:</b> <ul style="list-style-type: none"><li>• Text of proposed rule posted at: <a href="http://abc.nc.gov/legal/statutes_regulations.aspx">http://abc.nc.gov/legal/statutes_regulations.aspx</a></li><li>• Explanation and reason for proposed rule posted at: <a href="http://abc.nc.gov/legal/statutes_regulations.aspx">http://abc.nc.gov/legal/statutes_regulations.aspx</a></li><li>• Federal Certification posted at:</li><li>• Instructions for oral and written comments posted at: <a href="http://abc.nc.gov/legal/statutes_regulations.aspx">http://abc.nc.gov/legal/statutes_regulations.aspx</a></li><li>• Fiscal Note if prepared posted at: <a href="http://abc.nc.gov/legal/statutes_regulations.aspx">http://abc.nc.gov/legal/statutes_regulations.aspx</a></li></ul>
<b>4. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action:</b> <input checked="" type="checkbox"/> <b>ADOPTION:</b> 04 NCAC 02T .0309  <input checked="" type="checkbox"/> <b>AMENDMENT:</b> 04 NCAC 02S .0102, 04 NCAC 02T .0302, 04 NCAC 02T .0303, 04 NCAC 02T .0308  <input type="checkbox"/> <b>REPEAL:</b>
<b>5. Proposed effective date:</b> September 1, 2014
<b>6. Is a public hearing planned?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If yes: <b>Public Hearing date:</b> June 18, 2014 <b>Public Hearing time:</b> 10:00 a.m. <b>Public Hearing Location:</b> NC ABC Commission's Office, 400 East Tryon Road, Raleigh, NC 27610
<b>7. If no public hearing is scheduled, provide instructions on how to demand a public hearing:</b>
<b>8. Explain Reason For Proposed Rule(s):</b> 04 NCAC 02S .0102 – The rule amendment is necessary to comply with Session Law 2013-83, that requires the NC ABC Commission to adopt rules for the suspension of alcohol sales in the latter portion of professional sporting events in order to protect the public safety at the events and after the events.  04 NCAC 02T .0302, 04 NCAC 02T .0304, 04 NCAC 02T .0308 and 04 NCAC 02T .0309 – The rule amendments and the rule adoption are necessary to comply with Session Law 2013-76, that requires the NC ABC Commission to adopt rules dealing with the sanitation of growlers.

**Reason For Proposed Rule(s) cont.:**

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**9. The person to whom written comments may be submitted on the proposed rule:**

**Name:** Robert A. Hamilton

**Address:** 4307 Mail Service Center, Raleigh, NC 27699-4307

**Phone (optional):** 919-779-8323

**Fax (optional):** 919-662-3583

**E-Mail (optional):** Robert.hamilton@abc.nc.gov

**10. Comment Period Ends: July 14, 2014**

**11. Fiscal impact (check all that apply).**

**If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.**

- State funds affected
- Environmental permitting of DOT affected  
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)** – Only 04 NCAC 02T .0308 and 04 NCAC 02T .0309 and as certified by OSBM, it is unclear with these two.
- No fiscal note required by G.S. 150B-21.4

**12. Rule-making Coordinator:** Robert A. Hamilton

**Address:** 4307 Mail Service Center  
Raleigh, NC 27699-4307

**Phone:** 919-779-8323

**E-Mail:** Robert.hamilton@abc.nc.gov

**Agency contact, if any:**

**Phone:**

**E-mail:**

**13. The Agency formally proposed the text of this rule(s) on  
Date:** April 16, 2014

**14. Signature of Agency Head\* or Rule-making Coordinator:**

\_\_\_\_\_  
**\*If this function has been delegated (reassigned) pursuant to  
G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:** Robert A. Hamilton

**Title:** Deputy Administrator