

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH11068-MA-134 (02/15)

Short Title: ABC Law/Eastern Band of Cherokee Indians.

(Public)

Sponsors: Representative Haire.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS, A
FEDERALLY RECOGNIZED INDIAN TRIBE AND SOVEREIGN NATION, TO
ESTABLISH A TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO
REGULATE THE PURCHASE, POSSESSION, CONSUMPTION, SALE, AND
DELIVERY OF ALCOHOLIC BEVERAGES AT RETAIL AND TO RECEIVE
SHIPMENTS OF SPIRITUOUS LIQUOR AND FORTIFIED WINES FROM THE
NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-203(17) reads as rewritten:

"(17) Provide for the distribution of spirituous liquor to armed forces installations within this State for resale on the ~~installation~~; installation and to the Eastern Band of Cherokee Indians for resale on Indian Country lands within this State under the jurisdiction of the Eastern Band of Cherokee Indians."

SECTION 2. Article 1 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-112. Tribal alcoholic beverage control.

(a) Authority of Tribal Commission. – In accordance with the provisions of 18 U.S.C. § 1161, the Eastern Band of Cherokee Indians, a federally recognized Indian tribe and sovereign nation, is authorized to establish a tribal alcoholic beverage control commission to regulate the purchase, possession, consumption, sale, and delivery of alcoholic beverages on any land designated as Indian Country pursuant to 18 U.S.C. § 1151. The provisions of this section shall apply only so long as the Eastern Band of Cherokee Indians tribe adopts, by ordinance and in its entirety, this Chapter as its ABC law and complies with the provisions thereof. The tribal commission shall have the same authority as the North Carolina Alcoholic Beverage Control Commission in the issuance of permits to retail establishments, located wholly on Indian Country lands under the jurisdiction of the Eastern Band of Cherokee Indians, and the regulation of the purchase, possession, consumption, sale, and delivery of alcoholic beverages at retail outlets and premises.

(b) Authority of the North Carolina Alcoholic Beverage Control Commission. – The North Carolina Alcoholic Beverage Control Commission shall have the authority to enter into an agreement, but not sooner than July 1, 2013, with the tribal commission to provide for the sale, delivery, and distribution of spirituous liquor and fortified wines to the tribal commission.

(c) Failure to Comply With Laws of This State. – If the tribal commission fails to adopt this Chapter by ordinance, fails to amend tribal ABC law to comply with amendments to this



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1 Chapter within six months of passage of such amendments, or fails to comply with the
2 provisions of this Chapter as required by 18 U.S.C. § 1161, the North Carolina Alcoholic
3 Beverage Control Commission is authorized to terminate and prohibit future delivery of any
4 alcoholic beverages from any person to the tribal commission until the tribal commission
5 complies with the provisions of this Chapter and 18 U.S.C. § 1161.

6 (d) **Conflict of Laws.** – If any provision of this section or its application conflicts with
7 federal law, the conflict of laws shall be resolved in favor of the federal law unless compliance
8 with the federal law abrogates a right reserved to the State under the United States
9 Constitution."

10 **SECTION 3.** This act is effective when it becomes law.