

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 547

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

Sponsors: Representative Haire (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development.

March 31, 2011

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

9 The General Assembly of North Carolina enacts:

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

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

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

17 "**§ 18B-112. Tribal alcoholic beverage control.**

18 (a) Authority of Tribal Commission. – In accordance with the provisions of 18 U.S.C. §  
19 1161, the Eastern Band of Cherokee Indians, a federally recognized Indian tribe and sovereign  
20 nation, is authorized to establish a tribal alcoholic beverage control commission to regulate the  
21 purchase, possession, consumption, sale, and delivery of alcoholic beverages on any land  
22 designated as Indian Country pursuant to 18 U.S.C. § 1151. The provisions of this section shall  
23 apply only so long as the Eastern Band of Cherokee Indians tribe adopts, by ordinance and in  
24 its entirety, this Chapter as its ABC law and complies with the provisions thereof. The tribal  
25 commission shall have the same authority as the North Carolina Alcoholic Beverage Control  
26 Commission in the issuance of permits to retail establishments, located wholly on Indian  
27 Country lands under the jurisdiction of the Eastern Band of Cherokee Indians, and the  
28 regulation of the purchase, possession, consumption, sale, and delivery of alcoholic beverages  
29 at retail outlets and premises.

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

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



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.