

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 324

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

Sponsors: Senators Apodaca, Davis; and Hise.

Referred to: Rules and Operations of the Senate.

March 14, 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 RECEIVE SHIPMENTS OF SPIRITUOUS LIQUOR AND FORTIFIED WINES FROM  
5 THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION AND  
6 TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TO ESTABLISH  
7 A TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO REGULATE  
8 THE PURCHASE, POSSESSION, CONSUMPTION, SALE, AND DELIVERY OF  
9 ALCOHOLIC BEVERAGES AT RETAIL.

10 The General Assembly of North Carolina enacts:

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

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

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

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

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

32 (b) Authority of the North Carolina Alcoholic Beverage Control Commission. – The  
33 North Carolina Alcoholic Beverage Control Commission shall have the authority to enter into  
34 agreements with the tribal commission to provide for the sale, delivery, and distribution of  
35 spirituous liquor and fortified wines to the tribal commission.

36 (c) Failure to Comply With Laws of This State. – If the tribal commission fails to adopt  
37 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 Constitution of the United  
9 States."

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