

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 290
Committee Substitute Favorable 4/15/15

Short Title: Prohibit Powdered Alcohol.

(Public)

Sponsors:

Referred to:

March 19, 2015

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE SALE, POSSESSION, OR CONSUMPTION OF POWDERED ALCOHOL AND TO CLARIFY THAT THE ADMINISTRATIVE PROCEDURE ACT APPLIES TO CERTAIN ACTIONS TAKEN BY THE ABC COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-101 reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

...

(12a) "Premises" means all areas, whether inside or outside the licensed premises, where the permittee has control of the property through a lease, deed, or other legal process.

(12b) "Powdered alcohol" means any powder or crystalline substance capable of being converted into a liquid alcoholic beverage fit for human consumption.

(13) "Sale" means any transfer, trade, exchange, or barter, in any manner or by any means, for consideration.

...."

SECTION 2. G.S. 18B-102 is amended by adding a new subsection to read:

"(a1) Powdered Alcohol Prohibition. – It shall be unlawful for any person to manufacture, sell, transport, import, deliver, furnish, purchase, consume, or possess powdered alcohol."

SECTION 3. G.S. 18B-906(a) reads as rewritten:

"(a) Act Applies. – An ABC permit is a "license" within the meaning of G.S. 150B-2, and, except for revocation pursuant to ~~G.S. 18B-904(e)(3)~~G.S. 18B-904(e)(3), suspension pursuant to G.S. 18B-904(e)(4), or for a confirmation pursuant to G.S. 18B-900(a)(8), a Commission action on issuance, suspension, or revocation of an ABC permit, other than a temporary permit issued under G.S. 18B-905, is a "contested case" subject to the provisions of Chapter 150B except as provided in this section."

SECTION 4. G.S. 150B-38(a) is amended by adding a new subdivision to read:

"(7) The Alcoholic Beverage Control Commission."

SECTION 5. Sections 1 and 2 of this act are effective when this act becomes law.

Section 3 of this act becomes effective May 1, 2015, and applies to suspensions issued on or after that date. Section 4 of this act becomes effective May 1, 2015, and applies to contested cases brought on or after that date.

