



# HOUSE BILL 328: Allow Trade or Exchange of Spirituous Liquor.

2021-2022 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 14, 2021
<b>Introduced by:</b>	Reps. Moffitt, Bradford, Dahle, Hardister	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	PCS to First Edition H328-CSCE-10		Susan Sitze Staff Attorneys

**OVERVIEW:** *The PCS for House Bill 328 would allow certain trades or exchanges of lawfully purchased spirituous liquor without obtaining a permit.*

**CURRENT LAW:** G.S. 18B-101(13) defines a sale as a transfer, trade, exchange, or barter, in any manner or by any means, for consideration. G.S. 18B-102 makes it a Class 1 misdemeanor for any person to manufacture, sell, transport, import, deliver, furnish, purchase, consume, or possess any alcoholic beverages except as authorized by the Alcohol and Beverage Control (ABC) laws.

G.S. 18B-800(a) and G.S. 18B-1105(a)(4) allow the sale of spirituous liquor only at ABC stores and at the distillery where the spirituous liquor was produced.

G.S. 18B-101(5a) defines an antique spirituous liquor as an unopened bottle of liquor that has not been in production or bottled in the last 20 years.

**BILL ANALYSIS:** **Section 1** of the PCS would authorize the trade or exchange of lawfully purchased spirituous liquor if all of the following are met:

- The transaction only involves the trade or exchange of lawfully purchased spirituous liquor for other lawfully purchased spirituous liquor.
- The trade or exchange is only between individuals, for personal use only, and not for resale.
- The spirituous liquor to be traded or exchanged is or has been approved by the ABC Commission for sale in North Carolina and is not unfit for human consumption.
- The spirituous liquor is not an antique spirituous liquor.

**Section 2** of the PCS would require the ABC Commission to adopt temporary rules to implement the provisions of this bill, which would remain in effect until permanent rules become effective.

**EFFECTIVE DATE:** This act becomes effective October 1, 2021, and applies to trades or exchanges made on or after that date.

*Brian Gwyn, Staff Attorney, substantially contributed to this summary.*

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