



CHAPTER 18B
ARTICLE 11 - COMMERCIAL ACTIVITY

N.C.G.S. § 18B-1104.

Authorization of brewery permit.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2019-182, ss. 8(a), 21(a) — thirty-first act in the lineage	RETRIEVED 21 September 2026, 03:33 UTC	SOURCE FINGERPRINT fb3dc7413a5060642966fcff - 2218cd5b943f4d428bd427ac - 2f4f0c9c46d301f3
--	---	---	--

- § 18B-1104(a) Authorized Acts. - The holder of a brewery permit may:
- (1) Manufacture malt beverages.
 - (2) Purchase malt, hops and other ingredients used in the manufacture of malt beverages.
 - (3) Sell, deliver and ship malt beverages in closed containers to wholesalers licensed under this Chapter as authorized by the ABC laws, except that malt beverages may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this State. However, nothing in this subdivision shall prohibit the holder of a brewery permit from selling malt beverages to a nonresident wholesaler, nonresident malt beverage vendor, bottler, or other similar party for resale in this State if the malt beverages are shipped from the brewery to wholesalers licensed under this Chapter.
 - (4) Receive malt beverages manufactured by the permittee in some other state for transshipment to (i) dealers in other states or (ii) wholesalers licensed under this Chapter as authorized by the ABC laws.
 - (5) Furnish or sell marketable malt beverage products, or packages which do not conform to the manufacturer's marketing standards, if State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in this State.

- (6) Give its products to customers, visitors, and employees for consumption on its premises. Nothing in this subdivision shall be construed as excluding customers and visitors at the brewery as part of a paid or complimentary tour of the brewery.
- (6a) Receive, in closed containers, and sell at the brewery, malt beverages produced inside or outside North Carolina under contract with a contract brewery. The contract brewery that manufactures the malt beverages shall be responsible for all aspects associated with manufacturing the product, subject to the rules of the Commission and the Department of Revenue. The brewery, not the contract brewery, shall be responsible for registering the contracted product with the Commission, submitting the appropriate reports regarding the malt beverages, and remitting the appropriate taxes if required by those rules. The contract malt beverages may be sold also at affiliated retail outlets of the brewery physically located on or adjacent to the brewery. Any malt beverages received from a contract brewery under this subdivision shall be made available for sale by the brewery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the malt beverages were being imported by the brewery. Contract brewing is authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to subdivision (8) of this subsection where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b).
- (7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell at the brewery, and any additional retail location authorized under subdivision (8) of this subsection, any or all of the following:
 - a. The brewery's malt beverages that have been approved by the Commission for sale in North Carolina.
 - b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina.
 - c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area.
- (7a) Repealed by Session Laws 2019-182, s. 21(a), effective October 1, 2019.

- (7b) Regardless of the results of any local malt beverage election, sell the malt beverages owned by the brewery at the brewery for on- or off-premise consumption upon obtaining the appropriate permit under G.S. 18B-1001.
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale up to 50,000 barrels of malt beverages manufactured by the brewery per year to unaffiliated retail permittees. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 100,000 barrels of malt beverages produced by it per year. The barrelage limitations set forth in this subdivision apply regardless of the number or type of permits that may be issued to a brewery under this Chapter. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery, and malt beverages produced under subdivision (6a) of this subsection, at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter. Except as provided in G.S. 18B-1116(b), the Commission shall have no authority to grant an exemption to or otherwise allow a brewery permittee more than the three additional retail locations authorized by this subdivision. Malt beverages manufactured by a supplier permittee that owns five percent (5%) or more of a brewery permittee acting under the authority granted in this subdivision shall be included in determining whether the brewery permittee complies with the barrelage limitations set forth in this subdivision.

§ 18B-1104(b) Sales or Gifts. - A sale or gift under subdivision (5) or (6) of subsection (a) of this section shall not be considered a retail or wholesale sale under the ABC laws.

§ 18B-1104(c) Tax Compliance. - By October 1 of each year, the Commission shall confirm that the holder of a brewery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's brewery permit until the Commission receives notice from the Department of Revenue that the person is in compliance.

§ 18B-1104(d)

Sales Report Upon Commission Request. - Within 60 days of a request by the Commission, a holder of a brewery permit who obtains a malt beverage wholesaler permit pursuant to subdivision (8) of subsection (a) of this section shall provide a sales report to the Commission. The report shall list separately all of the following for the 12-month period preceding the date of the request:

- (1) The number of barrels of malt beverages sold by the permit holder that were produced by the permit holder.
- (2) The quantity and dollar amount of malt beverages sold by the permit holder under subdivision (7) of subsection (a) of this section.
- (3) The quantity and dollar amount of malt beverages sold on-premises under subdivision (8) of subsection (a) of this section.
- (4) The quantity and dollar amount of malt beverages sold off-premises under subdivision (8) of subsection (a) of this section.
- (5) The quantity and dollar amount of malt beverages sold under G.S. 18B-1114.5.
- (6) The quantity and dollar amount of malt beverages destroyed, spoiled, or otherwise rendered unsalable.

The Commission shall not request more than one sales report from a brewery within a 12-month period. The Commission shall keep all information provided pursuant to this subsection confidential except as required by law or requested by the Department of Revenue. The information shall not be a public record under Chapter 132 of the General Statutes.

§ 18B-1104(e)

Definition. - For purposes of this section, the term "barrels" is as defined in G.S. 81A-9.

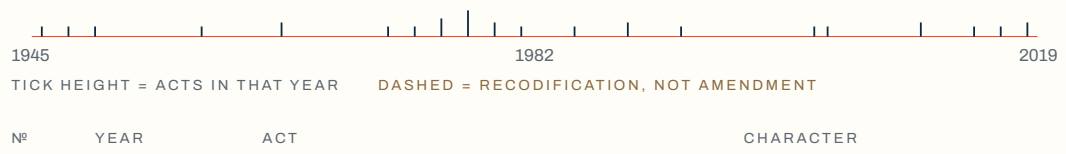
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
31 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



01	1945	c. 903, s. 1	ENACTED
02	1947	c. 1098, ss. 2, 3	AMENDED
03	1949	c. 974, s. 1	AMENDED
04	1957	cc. 1048, 1448	AMENDED
05	1963	c. 426, ss. 10, 12	AMENDED
06	1963	c. 460, s. 1	AMENDED
07	1971	c. 872, s. 1	AMENDED
08	1973	c. 476, s. 128	AMENDED
09	1975	c. 586, s. 1	AMENDED
10	1975	c. 654, ss. 1, 2	AMENDED
11	1975	c. 722, s. 1	AMENDED
12	1977	c. 70, s. 19	AMENDED
13	1977	c. 182, s. 1	AMENDED
14	1977	c. 669, ss. 1, 2	AMENDED
15	1977	c. 676, ss. 1, 2	AMENDED
16	1977	c. 911	AMENDED
17	1979	c. 348, ss. 2, 3	AMENDED
18	1979	c. 683, ss. 5, 6, 11, 12	AMENDED
19	1981	c. 412, s. 2	AMENDED
20	1985	c. 596, s. 2	AMENDED
21	1989	c. 800, s. 4	AMENDED
22	1989	1991 (Reg. Sess., 1992), c. 920, s. 9	AMENDED
23	1993	c. 415, s. 20	AMENDED
24	2003	S.L. 2003-430, s. 1	AMENDED
25	2004	S.L. 2004-203, s. 29	AMENDED
26	2011	S.L. 2011-107, s. 2	AMENDED
27	2011	S.L. 2011-419, s. 1	AMENDED
28	2015	S.L. 2015-98, s. 7	AMENDED
29	2017	S.L. 2017-87, ss. 8, 12-16(a)	AMENDED
30	2019	S.L. 2019-18, s. 2	AMENDED

APPARATUS II
6 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 18B-1116(b)	(a)(6a)	<i>"exemption to this requirement pursuant to"</i>
G.S. 18B-1001	(a)(7)	<i>"upon receiving the appropriate permit under"</i>
G.S. 18B-900(a)(8)	(c)	<i>"brewery permit is in compliance with"</i>
G.S. 18B-900(f)	(c)	<i>"with G.S. 18B-900(a)(8). The provisions of"</i>
G.S. 18B-1114.5	(d)(5)	<i>"amount of malt beverages sold under"</i>
G.S. 81A-9	(e)	<i>"term "barrels" is as defined in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 18B-1104 (2019).

PINPOINT

N.C. Gen. Stat. § 18B-1104(a) (2019).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1945, c. 903, s. 1; 1947, c. 1098, ss. 2, 3; 1949, c. 974, s. 1; 1957, cc. 1048, 1448; 1963, c. 426, ss. 10, 12; c. 460, s. 1; 1971, c. 872, s. 1; 1973, c. 476, s. 128; 1975, c. 586, s. 1; c. 654, ss. 1, 2; c. 722, s. 1; 1977, c. 70, s. 19; c. 182, s. 1; c. 669, ss. 1, 2; c. 676, ss. 1, 2; c. 911; 1979, c. 348, ss. 2, 3; c. 683, ss. 5, 6, 11, 12; 1981, c. 412, s. 2; 1985, c. 596, s. 2; 1989, c. 800, s. 4; 1991 (Reg. Sess., 1992), c. 920, s. 9; 1993, c. 415, s. 20; 2003-430, s. 1; 2004-203, s. 29; 2011-107, s. 2; 2011-419, s. 1; 2015-98, s. 7; 2017-87, ss. 8, 12-16(a); 2019-18, s. 2; 2019-182, ss. 8(a), 21(a).)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

