

1 14B NCAC 15B .0229 is proposed for adoption as follows:

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3 **14B NCAC 15B .0229 MALT BEVERAGE AND WINE DELIVERIES FROM RETAIL PERMITTEES TO**  
4 **CONSUMERS**

5 (a) All deliveries of malt beverages or wine to a purchaser, by or on behalf of a retailer permittee holding a permit  
6 issued pursuant to Subdivisions (1) through (6) and (16) of G.S. 18B-1001, shall be made by the retail permittee, or  
7 pursuant to a delivery service permit issued pursuant to G.S. 18B-1001.4. For purposes of this Rule and 14B NCAC  
8 15B .0230, a retail permittee holding a permit issued pursuant to Subdivisions (1) through (6) and (16) of G.S. 18B-  
9 1001 shall be deemed a delivery service permittee. A retail permittee holding a permit issued pursuant to Subdivisions  
10 (1) through (6) and (16) of G.S. 18B-1001 shall only make deliveries of products taken from their inventory that the  
11 retail permittee is authorized to sell.

12 (b) A retail permittee that contracts with a delivery service permittee pursuant to G.S. 18B-1001.4 to coordinate  
13 delivery of malt beverages or wine to consumers shall do the following:

- 14 (1) Enter into a written agreement for delivery services.  
15 (2) Offer for delivery all brands available at the retail location.

16 (c) Each delivery of malt beverages or wine by a delivery service permittee shall include a label, on the alcoholic  
17 beverages or the package in which the alcoholic beverages are being delivered, that includes all of the following:

- 18 (1) The retail permittee's name and address.  
19 (2) The purchaser's name and delivery address.  
20 (3) The date and time of the purchase.  
21 (4) The delivery service permittee's name, address and delivery service permit number.  
22 (5) An itemized list of the names and quantities of alcoholic beverages to be delivered.

23 (d) No individual under the age of 21 shall deliver alcoholic beverages on behalf of a delivery service permittee.

24 (e) An individual delivering alcoholic beverages pursuant to this Rule shall visually inspect a form of identification  
25 specified in G.S. 18B-302(d)(1) of any individual who is under the age of 30 who takes possession of the alcoholic  
26 beverages being delivered.

27 (f) An individual delivering alcoholic beverages pursuant to this rule shall refuse delivery when any of the following  
28 conditions apply:

- 29 (1) The delivery would result in a violation of G.S. 18B-302.  
30 (2) The recipient of the alcoholic beverages fails to produce proper identification when requested or  
31 required to do so.  
32 (3) The individual delivering alcoholic beverages pursuant to this Rule has doubt as to the authenticity  
33 or correctness of the recipient's identification.  
34 (4) The recipient is or appears to be intoxicated.

35 (g) No deliveries shall be made pursuant to G.S. 18B-1001.4 between the hours of 2:00 a.m. and 7:00 a.m.

36 (h) Only alcoholic beverages delivered in the manufacturer's original, sealed container may be offered for sale or sold  
37 for delivery. Growlers may be delivered if properly sealed pursuant to 14B NCAC 15C .0308.

1 (i) An individual delivering alcoholic beverages pursuant to this Rule may accept gratuities that are not part of the  
2 purchase price of the alcoholic beverages delivered.

3 (j) An order for alcoholic beverages to be delivered pursuant to G.S. 18B-1001.4 may be accepted by the retail  
4 permittee at any time, but payment for the alcoholic beverages can only be accepted during the hours alcoholic  
5 beverages can be sold pursuant to G.S. 18B-1004.

6 (k) No industry member shall participate with or provide anything of value to a retail permittee, and no retail permittee  
7 or anyone acting on its behalf shall participate with or receive anything of value from an industry member, with respect  
8 to alcoholic beverages delivered pursuant to this Rule.

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10 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1001.4;  
11 *Eff.*

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14 14B NCAC15B .0230 is proposed for adoption as follows:

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16 **14B NCAC 15B .0230 – DELIVERY SERVICE TRAINING AND CERTIFICATION REQUIREMENTS**

17 (a) An individual delivering alcoholic beverages pursuant to a delivery service permit shall have completed a delivery  
18 service course and received a certificate of completion in conformity with this Rule prior to making any deliveries.

19 (b) An individual delivering alcoholic beverages pursuant to a delivery service permit shall have in the individual's  
20 possession a copy of the certificate of completion when making deliveries pursuant to a delivery service permit. A  
21 copy of the certificate of completion may be either a paper or electronic copy.

22 (c) Minimum course content requirements for an approved delivery service course shall include North Carolina-  
23 specific laws including the following:

- 24 (1) age requirements for possessing, purchasing, and consuming alcoholic beverages;  
25 (2) age requirements for selling, serving and delivering alcoholic beverages;  
26 (3) acceptable forms of identification;  
27 (4) methods to detect fake, altered, and imposter forms of identification;  
28 (5) State Dram Shop laws;  
29 (6) sale or give to intoxicated persons, including:  
30 (A) penalties;  
31 (B) prevention;  
32 (C) typical signs of intoxication; and  
33 (D) methods of detecting intoxication in customers;  
34 (7) sale or give to underage persons, including:  
35 (A) penalties;  
36 (B) prevention; and  
37 (C) methods of identifying potentially underage customers;

- 1 (8) hours of sale and delivery;
- 2 (9) amounts of alcohol beverages that may be purchased by customers in accordance with G.S. 18B-  
3 303,
- 4 (10) amounts of alcohol beverages that may be transported by an individual in accordance with G.S.  
5 18B-400, and
- 6 (11) statutes and rules governing the delivery of alcoholic beverages pursuant to a delivery service  
7 permit.

8 An approved course shall include a test that demonstrates that the individual taking the training has an understanding  
9 and competence in the laws set out in this Paragraph. Correct answers to at least 80% of all questions must be given  
10 by the individual before a certificate of training is issued.

11 (d) A certificate of training shall be issued to an individual who successfully completes an approved course. A  
12 certificate of training shall contain the name of the individual certified, the date the training was completed, the  
13 certification expiration date, a unique certificate number, and a Quick Response (QR) code that provides electronic  
14 access to identify the delivery service permittee, by permittee name and permit number, the individual is certified to  
15 make deliveries for. A certificate of training shall be valid during the period the individual is employed by or under  
16 contract with the specified delivery service permittee for a period of three years from the date of completion of the  
17 training.

18 (e) Upon the successful completion of the training course, a certificate of completion shall be issued to the individual  
19 by an approved delivery service course provider that provided the training to the individual. Upon issuance of the  
20 certificate of training, the approved delivery service course provider shall transmit a copy of the certificate to the  
21 Commission by mail or electronically.

22 (f) Before an individual with a certificate of completion issued pursuant to the Rule makes deliveries for a delivery  
23 service permittee, the delivery service permittee shall submit verification that the individual is an employee or  
24 independent contractor of the delivery service permittee. A delivery service permittee shall notify the Commission  
25 either by mail or electronically whenever an individual issued a certificate of training is no longer an employee or  
26 independent contractor of the permittee.

27 (g) Delivery service training courses and providers shall be approved by the Commission before a certificate of  
28 training will be accepted for purposes of this Rule. A person seeking to become an approved vendor for delivery  
29 service training in North Carolina and a delivery service permittee that provides training for its own employees and  
30 independent contractors shall submit the course provider's name, mailing, physical and email addresses, telephone  
31 numbers and the contract person's name and contact information, together with a copy of its delivery service course  
32 content, to the Commission for approval. The Commission shall approve courses and providers that meet the minimum  
33 course content requirements set forth in Paragraph (c) of this Rule. Course approval shall be valid for three years. A  
34 course provider's course content shall be submitted to the Commission for approval at least once every three years in  
35 order to maintain approved status.

36 (h) An approved course provider shall update their delivery service training course content within 30 days of notice  
37 from the Commission to the delivery service permittee and course provider of changes needed in the delivery service

1 training curriculum to reflect changes in current ABC laws or rules. Notification under this Paragraph shall be by  
2 email to the address provided by the approved course provider to the Commission.

3 (i) The Commission shall maintain electronic programs that allow the following:

- 4 (1) An individual to receive required delivery service training pursuant to this Rule.
- 5 (2) Delivery service permittees to verify that an individual who has been issued a certificate of training  
6 is an employee or independent contractor of the delivery service permittee.
- 7 (3) Delivery service permittees to notify the Commission that an individual issued a certificate of  
8 training is no longer an employee or independent contractor of the delivery service permittee.
- 9 (4) Law enforcement and the general public to verify the authority of an individual issued a certificate  
10 of training to make deliveries on behalf of a delivery service permittee, including through use of the  
11 Quick Response (QR) code assigned to the individual's certificate of training.

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13 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1001.4;  
14 *Eff.*  
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