

**Disclaimer:**

This document is not intended to provide legal advice. Laws on alcohol sales and service may vary greatly by city, county or state. For complete information on the alcohol laws in effect in your region, please contact the liquor authority in your state and/or municipality.

## North Carolina

<b>STATE LIQUOR AUTHORITY</b>	State of North Carolina Alcoholic Beverage Control Commission 4307 Mail Service Center Raleigh, North Carolina 27699-4307 Phone: 919-779-0700 Fax: 909-662-3583 General Internet Site: <a href="http://www.ncabc.com">www.ncabc.com</a>
<b>AGE TO CONSUME</b>	21
<b>AGE TO SERVE</b>	18
<b>AGE TO POUR</b>	21 for distilled spirits; 18 for beer and wine
<b>AGE TO SELL (PACKAGED LIQUOR)</b>	18
<b>MINORS ALLOWED ON PREMISE?</b>	There is no state policy restricting the admittance of minors into establishments that serve alcohol. Minors are not allowed to consume alcohol either on or off a licensed premise.
<b>CAN PARENTS SERVE?</b>	It is unlawful to server or sell alcohol to anyone under the age of 21
<b>HOURS OF SERVICE</b>	<b>On premise establishments:</b> Monday thru Saturday: 7:00 a.m. until 2:30 a.m. Sunday: noon until local option- hours vary <b>Off premise/retail stores:</b> Monday thru Saturday: 9:00 a.m. until 9:00. Sunday: Local option
<b>ACCEPTED ID'S</b>	Drivers license, Passport, DMV ID and Military ID
<b>LEGAL LEVEL OF INTOXICATION WHILE DRIVING</b>	.08 BAC
<b>DRAM SHOP LAW</b>	Licenses and servers can be held liable for selling to a minor, who injures someone while driving, and it can be proved that the alcohol was the cause of the accident. Proof of training and other responsible practices can be used as a defense. State sets limit on damages to \$500,000.
<b>ID CONFISCATION</b>	Establishments may confiscate IDs they recognize as false.
<b>HAPPY HOUR &amp; OTHER SERVICE RESTRICTIONS</b>	Happy hours or drink specials must be offered for the entire day. Licensees may not give patrons free drinks or offer two-for-one drink specials. The state does not allow a licensee to offer a food and drink combination for a special price except on New Year's, Valentine's Day, Mother's Day and Father's Day: and then only if the drink price is reflected and not reduced in the promotion. There is no difference between "happy hour", "drink specials" and /or "promotions."
<b>PENALTIES FOR SERVING OR SELLING TO A MINOR</b>	Class 1 misdemeanor. 1 <sup>st</sup> offense: punishable by up to 45 days probation, minimum \$250 fine and 25 hours of community service. Subsequent offense within 4 years: up to 45 days imprisonment, or probation with minimum \$500 fine and 150 hours community service. Aiding and abetting is a Class 1 misdemeanor. 1 <sup>st</sup> offense: up to 45 days probation, minimum \$500 fine and 25 hours community service. Subsequent offense within 4 years: up to 45 days imprisonment or probation with minimum \$1000 fine and 150 hours community service.
<b>WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?</b>	Not regulated

## **ADDENDUM: NORTH CAROLINA'S DRAM SHOP LAW**

### Article 1A.

#### Compensation for Injury Caused by Sales to Underage Persons.

##### § 18B 120. Definitions. As used in this Article:

- (1) "Aggrieved party" means a person who sustains an injury as a consequence of the actions of the underage person, but does not include the underage person or a person who aided or abetted in the sale or furnishing to the underage person.
- (2) "Injury" includes, but is not limited to, personal injury, property loss, loss of means of support, or death. Damages for death shall be determined under the provisions of G.S. 28A 18 2(b). Nothing in G.S. 28A 18 2(a) or subdivision (1) of this section shall be interpreted to preclude recovery under this Article for loss of support or death on account of injury to or death of the underage person or a person who aided or abetted in the sale or furnishing to the underage person.
- (3) "Underage person" means a person who is less than the age legally required for purchase of the alcoholic beverage in question.
- (4) "Vehicle" shall have the same meaning as prescribed by G.S. 20 4.01(49). (1983, c. 435, s. 37.)

##### § 18B 121. Claim for relief created for sale to underage person.

An aggrieved party has a claim for relief for damages against a permittee or local Alcoholic Beverage Control Board if:

- (1) The permittee or his agent or employee or the local board or its agent or employee negligently sold or furnished an alcoholic beverage to an underage person; and
- (2) The consumption of the alcoholic beverage that was sold or furnished to an underage person caused or contributed to, in whole or in part, an underage driver's being subject to an impairing substance within the meaning of G.S. 20 138.1 at the time of the injury; and
- (3) The injury that resulted was proximately caused by the underage driver's negligent operation of a vehicle while so impaired. (1983, c. 435, s. 37.)

##### § 18B 122. Burden of proof and admissibility of evidence.

The plaintiff shall have the burden of proving that the sale or furnishing of the alcoholic beverage to the underage person, as defined, was, under the circumstances, negligent. Proof of the sale or furnishing of the alcoholic beverage to an underage person, as defined, without request for identification shall be admissible as evidence of negligence. Proof of good practices (including but not limited to, instruction of employees as to laws regarding the sale of alcoholic beverages, training of employees, enforcement techniques, admonishment to patrons concerning laws regarding the purchase or furnishing of alcoholic beverages, or detention of a person's identification documents in accordance with G.S. 18B 129 and inquiry about the age or degree of intoxication of the person), evidence that an underage person misrepresented his age, or that the sale or furnishing was made under duress is admissible as evidence that the permittee was not negligent. (1983, c. 435, s. 37.)

##### § 18B 123. Limitation on damages.

The total amount of damages that may be awarded to all aggrieved parties pursuant to any claims for relief under this Article is limited to no more than five hundred thousand dollars (\$500,000) per occurrence. When all claims arising out of an occurrence exceed five hundred thousand dollars (\$500,000), each claim shall abate in the proportion it bears to the total of all claims. (1983, c. 435, s. 37.)

##### § 18B 124. Joint and several liability.

The liability of the negligent driver or owner of the vehicle that caused the injury and the permittee or ABC board which sold or furnished the alcoholic beverage shall be joint and several, with right of contribution but not indemnification. (1983, c. 435, s. 37.)

§ 18B 125. Exceptions.

This Article does not create a claim for relief against the following:

- (1) One who holds only a brown bagging permit, a special occasions permit, or a limited special occasions permit;
- (2) One who holds only a special one time permit under G.S. 18B 1002;
- (3) One who holds only permits listed in G.S. 18B 1100;
- (4) One who holds any combination of the permits listed in this section. (1983, c. 435, s. 37.)

§ 18B 126. Statute of limitations.

The statute of limitations is as provided in G.S. 1 54. (1983, c. 435, s. 37.)

§ 18B 127. Duty of clerk of superior court.

When execution on a judgment on a cause of action under G.S. 18B 121 is returned unsatisfied, in whole or in part, the clerk of superior court to whom such return is made shall transmit to the Commission certified copies of the judgment, the execution and return and any other proceedings upon the judgment. (1983, c. 435, s. 37.)

§ 18B 128. Common law rights not abridged.

The creation of any claim for relief by this Article may not be interpreted to abrogate or abridge any claims for relief under the common law, but this Article does not authorize double recovery for the same injury. (1983, c. 435, s. 37.)

§ 18B 129. No liability for refusal to sell or for holding documents.

- (a) No permittee or his agent or employee may be held liable for damages resulting from the refusal to sell or furnish an alcoholic beverage to a person who fails to show proper identification as described in G.S. 18B 302(d), or who appears to be an underage person.
- (b) No permittee or his agent or employee may be held civilly liable if the permittee or his agent or employee holds a customer's identification documents for a reasonable length of time in a good faith attempt to determine whether the customer is of legal age to purchase an alcoholic beverage, provided the permittee or his agent or employee informs the customer of the reason for his actions. (1983, c. 435, s. 37.)