



NORTH CAROLINA ALCOHOL LAW ENFORCEMENT

**Be A Responsible Seller/Server (B.A.R.S.)
COVID-19 / Executive Order Instructions**



Topics To Be Discussed In This Training

- Defining the parameters of the Governor's State of Emergency Executive Orders
- How do the Governor's Executive Orders apply to locations holding ABC permits in the state?
- How do the Executive Orders effect video gaming locations and video machines at ABC-permitted locations?

Parameters of the Governor's State of Emergency Executive Orders



- On Friday, March 27, 2020, Governor Roy Cooper signed Executive Order 121, ordering North Carolinians to remain in their homes except for performing essential work and essential activities such as taking care of others, obtaining necessary supplies, and for health and safety purposes.
- This Stay at Home Order will help slow the spread of COVID-19, prevent the medical system from being overwhelmed, keep individuals from being exposed to the virus, and keep those who have the virus from spreading it to others.



Parameters of the Governor's State of Emergency Executive Orders

- **What does “Stay at Home” mean?**
- This Order is **MANDATORY** and means people should stay at their residence and limit social interactions and travel for essential activities or essential business purposes.
- The Order took effect on Monday, March 30, 2020 at 5:00 PM, and is valid for 30 days, through April 29, 2020, but can be revised or extended.
- The Executive Order asks for voluntary compliance, however, enforcement actions can be taken if deemed necessary.



How the Governor's Executive Orders Apply to Locations Holding ABC Permits

This Order permits the following ABC-permitted businesses to sell for off-premise consumption:

- Restaurants that provide take-out, drive-thru, or delivery
- Grocery stores
- ABC stores and beer and wine stores
- Gas stations and convenience stores
- Hotels
- Wine shops
- Breweries / wineries / distilleries
- Any ABC-permitted location may sell beer and wine for off-premise consumption when sold in manufacturers' original closed containers. Distilleries and ABC stores are the only authorized locations for the sale of spirituous liquor for off-premise consumption.



Deliveries and “Pick-Up” Alcohol Sales

- Carry-out and “pick-up” sales of alcoholic beverages are acceptable under certain guidelines:
 - The person ordering, paying, and picking up the alcohol needs to be the same person, over the age of 21 years old, and showing no signs of impairment.
 - Carry-out services are for beer and wine only in the manufacturers original closed container or in a closed growler or crowler.
 - Delivery of beer and wine in closed containers can be made by an ABC establishment if the sale is conducted on the licensed premises, payment is made by credit or debit card via telephone or internet, and the driver has received ABC-approved delivery training. The delivery driver must check to ensure the person taking the delivery is at least 21 years old.
 - Orders for food and alcoholic beverages made to a permitted establishment and paid by credit card over the phone are considered legal sales of alcoholic beverages and comply with the Executive Order.
 - For hire vehicles cannot possess spirituous liquor inside the vehicle without the paying owner of the liquor inside the vehicle as well. (NCGS-18B-401(b))

Legal Consumption Locations During Executive Orders



- Your residence
- The residence of a person who allows the consumption
- A temporary dwelling (hotel room)
- Golf course fairway (beer and wine only) as long as social distancing guidelines are followed
- Beer and wine can be consumed at any location, unless local ordinance or Executive Order prohibits the possession and/or consumption.



Illegal Consumption Locations During Executive Orders

- On-premise locations
- Patios/outdoor areas of ABC-permitted establishments
- Hotel bars and common areas
- Golf course pro shops, dressing rooms and players lounges
- Off-premise ABC establishments
- Bars, private clubs, any fraternal organization with ABC permits
- Customers **MAY NOT CONSUME** alcoholic beverages while waiting for to-go food orders at or on any part of the ABC-permitted location.

Video Gaming Machine Operations Prohibited by Executive Order 120



It is currently unlawful for ANY business establishment, such as a gas station or convenience store, to allow the operation of even one video sweepstakes machine. This prohibition will remain in effect until April 24, 2020, unless it is extended further by Governor Cooper.

Is the Executive Order Mandatory or Voluntary?



- **MANDATORY**
- ALE's position is to educate first to encourage voluntary compliance with the Executive Order. ALE is available to answer questions and support local law enforcement in this effort.
- Non-compliance of the Executive Order is a Class 2 misdemeanor.

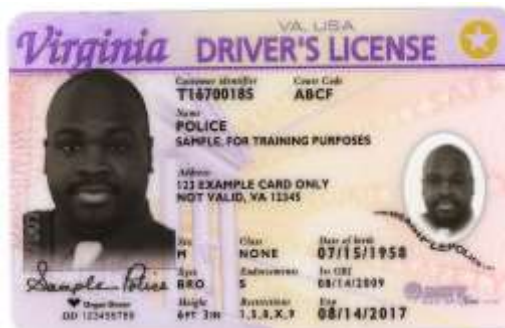




Acceptable Forms of Identification

It shall be the duty of the permittee and his/her employees to determine the age of any person consuming or possessing alcoholic beverages on the licensed premises. Acceptable identification for purposes of determining age shall be:

- A valid driver's license from any state
- A valid special identification card issued by the NC Division of Motor Vehicles
- A military identification card
- A passport





Alcohol and Intoxicated Individuals: Criminal

- NCGS 18B-305 states it is unlawful for any person to knowingly sell or give an alcoholic beverage to an intoxicated individual or for an individual to knowingly buy alcohol for a person who has been refused the right to purchase such beverage.
- A person charged with selling alcohol to an intoxicated individual is subject to a **\$100** fine plus **\$180** cost of court. This does not include any attorney fees.
- More and more, district attorneys have taken an aggressive stance in cases of providing alcohol to intoxicated and/or underage individuals when it results in serious injury or death. In certain cases, individuals have been charged with homicide or manslaughter-related charges.



Alcohol and Intoxicated Individuals: Civil

- NC ABC Commission: No permittee or employee shall knowingly sell alcoholic beverages to, or allow consumption by, an intoxicated individual.
- Violations of NC ABCC regulations, as well as criminal statutes, are reported to the NC ABCC. These violations put the business' ABC permits at risk (fine, suspension, and revocation).
- These violations also make both the business and the **individual employee** subject to civil suit. Under NC law, an individual may be sued for up to **\$500,000** per occurrence for negligently supplying alcohol.



Signs of Intoxication

- Swaying or staggering
- Stumbling or bumping into things
- Leaning on objects for support
- Red/glassy eyes
- Slurred speech
- Annoying other customers
- Difficulty handling money
- Overlooking identification in wallet



North Carolina Alcoholic Beverage Control Commission



- NC ABCC will continue to hold their Commission Meetings on the second Wednesday of the month at 10:00 a.m.
 - For the time being, these meetings will be held virtually
- Due to the State of Emergency declared by Governor Cooper, ABC Chairman A.D. "Zander" Guy has established a grace period for the registration/renewal payment until June 30, 2020
- More information can be found at www.abc.nc.gov or by calling (919) 779-0700

Contact Information



North Carolina Alcohol Law Enforcement

www.ncdps.gov/ale

(919) 733-4060