

Issued 3/19/2020

**ENFORCEMENT OF EXECUTIVE ORDER 118
GUIDANCE RECEIVED FROM NC ALE**

I communicated yesterday evening with ALE yesterday evening to get further information on enforcement of EO 118 and they have provided the following responses (in blue).

PLEASE NOTE: THIS IS A CONSTANTLY CHANGING SITUATION, and any of these guidelines could be edited tomorrow. I will be monitoring the ABC Commission website and communicating further with ALE and other sources as needed to keep you updated with the latest regulations and changes. Please call me with any questions or issues.

- 1) Is it correct that there are NO EXEMPTIONS to EO 118 and the ban on on-premise consumption? In other words, it does not matter if a location is non-profit, a “private club,” etc. Rather, the legal effect of EO 118 is that all on-premise ABC licenses are in a suspended status until the expiration of the EO.

One exemption to the order currently exists. Currently, golf courses with ABC permits can sell alcohol like normal, as long as their patrons don’t consume inside (they can take it with them out onto the golf course and drink like normal). Otherwise, as of today, no establishment with on-premise permits is allowed to sell alcohol for the purpose of on-premise consumption.

- 2) Is it correct that if a premises has an on-premise consumption license, they are automatically authorized to sell unopened beer and wine to the public for off-premise consumption during this same time period.

Correct. An on-premise permit automatically authorizes off-premise sales. It’s not typically done, but it is allowed.

- 3) My understanding of EO 118 is that premises may NOT allow a customer to have a drink on premise while “shopping” or “waiting” for a take-out order.

Correct. We’ve gotten confirmation that it is a violation of number 1.

- 4) You've noted that ALE’s position is to educate and encourage voluntary compliance with this order. ALE is available to answer questions and support local law enforcement, but will not be primary on enforcement efforts. If local law enforcement identifies a problem spot (i.e. refusing to comply with a warning to cease on-premise consumption and/or arguing that the establishment is exempt), ALE will assist through either phone conversations with the officer and license holder or, as availability permits, reporting to the scene with local law enforcement.

Correct. We will submit a violation report to the ABC Commission any time local law enforcement has to charge an owner/employee with violating the EO.

- 5) In the case of extreme refusal to comply, I understand that ALE would have the option, in addition to local law enforcement's ability to charge criminally, to take action as to the location's existing license(s).

(Same as 4).

- 6) Am I correct that the sale of liquor at ABC stores is not affected by EO 118 since there is no on-premise consumption at those stores?

Each local ABC board is allowed to make their own determination as to if their stores will remain open.

- 7) Am I correct that off-premise consumption does NOT include an establishment mixing a liquor drink for a customer and the customer leaving with it in a to-go cup or similar container?

Correct. Spirituous liquor drinks cannot be prepared to-go, because that would violate several state statutes (alcohol would be in the passenger area of a motor vehicle in other than the manufacturer's original unopened container).

- 8) Are customers allowed to make off-premise consumption purchases from inside an establishment or are sales to be strictly curbside? Same question as to refilling of growlers?

Purchases for off-premise consumption can be made inside the store OR curbside.

- 9) If a restaurant is providing take-out meals, can they provide alcohol for off-premise consumption in the same transaction?

Alcohol can be included in the transaction with a meal.