GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-2
HOUSE BILL 4

AN ACT TO EXTEND THE DELAY ON THE PAYMENT DEADLINE FOR CERTAIN ABC PERMIT RENEWALS AND TO DIRECT THE ABC COMMISSION TO REINSTATE OR REACTIVATE CERTAIN CANCELLED OR INACTIVATED ABC PERMITS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2020-94 reads as rewritten:

"**SECTION 1.** Notwithstanding G.S. 18B-903, payment of the fee for renewal or registration of an ABC permit held by an ABC permittee that was subject to an order of closure pursuant to Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and Mass Gatherings, shall not be required until 90 days after the date ~~the Governor signs an executive order rescinding the prohibition on those permittees' operation,~~ all executive orders limiting the full operation of the permittee in response to the COVID-19 pandemic are rescinded or expire, provided the ABC permittee notifies the ABC Commission in writing, including by e-mail or other electronic means, of its intent to delay payment. An ABC permittee who delays payment pursuant to this section shall also comply with G.S. 18B-900(a)(8) and submit a recycling plan pursuant to G.S. 18B-903(b2) before the expiration of the 90-day period."

SECTION 2. Section 2 of S.L. 2020-94 is repealed.

SECTION 3. Any ABC permittee that (i) was subject to an order of closure pursuant to Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and Mass Gatherings, (ii) is subject to any executive order limiting the full operation of the permittee in response to the COVID-19 pandemic, and (iii) has paid a fee for renewal or registration of an ABC permit for the 2020-2021 permit year may request a refund of the fee from the ABC Commission. The request shall be made to the ABC Commission in writing, including by email or other electronic means. The refund shall be granted regardless of whether the permittee is operating at limited capacity pursuant to an executive order responding to the COVID-19 pandemic. Notwithstanding G.S. 18B-903, any permit held by a permittee who receives a refund shall remain active. A permittee that receives a refund from the Commission pursuant to this section shall repay the fee before the expiration of the period established by Section 1 of S.L. 2020-94, as amended by Section 1 of this act. Any person who (i) held an ABC permit in the 2020-2021 permit year for a business that was subject to an order of closure pursuant to Section 8 of Executive Order No. 141, (ii) who paid the fee for renewal or registration of the permit, and (iii) surrendered the permit due to closure of the person's business may also request a refund and shall not be required to repay the fee.

SECTION 4. The ABC Commission shall reinstate or reactivate any ABC permits it cancelled or moved to inactive status as a result of its interpretation of Section 1 of S.L. 2020-94 as it existed prior to being amended by Section 1 of this act. In implementing this section, the Commission shall not require affected ABC permittees to submit an application or pay any fees required under G.S. 18B-902. Any permittee whose permit was cancelled or moved to inactive status in this manner and who paid the permit fee to have the permit reinstated or reactivated may request a refund pursuant to Section 3 of this act.

SECTION 5. Section 1 of this act is retroactively effective June 30, 2020. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17th day of February, 2021.

s/ Deanna Ballard
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 1:40 p.m. this 25th day of February, 2021