

**14B NCAC 15B .0209 CONSUMPTION: INTOXICATION BY PERMITTEE PROHIBITED**

(a) No permittee or permittee's employees shall be on licensed premises permitted under G.S. 18B-1001, 18B-1002, 18B-1114.1 or 18B-1114.5 after consuming alcoholic beverages except under the following conditions:

- (1) The permittee or employee is off duty for the remainder of that day or night during which the permittee or employee consumes any alcoholic beverage;
- (2) The permittee or employee is out of uniform when uniforms are required to be worn while performing any on duty services; and
- (3) The permittee or employee shall not perform any on duty services of any nature while or after consuming alcoholic beverages.

(b) Notwithstanding Paragraph (a) of this Rule, a malt beverage or wine permittee or its employee who is of legal age and who is responsible for ordering or serving alcoholic beverages may sample new malt beverage or wine products as provided by 14B NCAC 15C .0711(b) on the licensed premises. Samples shall not exceed two ounce servings of individual products and the total of the samples shall not exceed eight ounces in one calendar day.

(c) No permittee or the permittee's agents or employees shall be or become intoxicated on the licensed premises.

(d) Notwithstanding Paragraph (a) of this Rule, a permittee or the permittee's employees may be on licensed premises after consuming alcoholic beverages pursuant to G.S. 18B-1121(3) and (4) and may serve or pour alcoholic beverages for other persons for the remainder of the day provided the alcohol concentration of the permittee or the permittee's employees who serve or pour remains less than 0.03. The serving or pouring of alcoholic beverages for other persons pursuant to this Paragraph constitutes implied-consent to a chemical analysis of the person's alcohol concentration consistent with G.S. 20-16.2 and G.S. 20-139.1. The failure to submit to a chemical analysis pursuant to this Paragraph shall constitute a violation of the ABC laws.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1005(b); 18B-1006(d); 18B-1121; Eff. January 1, 1982; Amended Eff. May 1, 1984; Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge James L. Conner, II declared Rule 04 NCAC 02S .0212(b) void as applied in North Carolina Alcoholic Beverage Control Commission v. Midnight Sun Investments, Inc. t/a Tiki Cabaret (03 ABC 1732); Amended Eff. January 1, 2011; Transferred and Recodified from 04 NCAC 02S .0212 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016; Amended Eff. April 1, 2019.*