



SHOW PROS

ALCOHOL RISK REDUCTION TRAINING INSTITUTE

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NORTH CAROLINA HAPPY HOUR RULES

Q: Does North Carolina have happy hour for alcohol?

- ✓ **A: NO.** North Carolina ABC permitted establishments may offer happy hour “food” specials only. ABC Rule 2S.0232 (b) states, “An on-premise permittee or his agent shall not give away a drink or sell the drink for any period of time less than one full business day.”

Q: Can a business reduce the price of drinks for only one segment of the population (i.e. ladies night) as long as it is for the full business day?

- ✓ **A: NO.** ABC Rule 2S.0232(b) further states, “Free or reduced drinks under this provision shall be offered to all customers, not just a segment of the population.”

Q: Can a bartender sell more than one drink to a customer at a time?

- ✓ **A: NO.** ABC Rule 2S.0232 (3) states, “an on-premise permittee or his agent shall not sell more than one drink to a patron for his own consumption or deliver more than one drink at one time to a patron for his consumption. This rule does not however prohibit the sale of pitchers of alcoholic beverages to two or more patrons. This rule also does not prohibit serving a single carafe or bottle of wine to a single patron.” NOTE: This rule does not prohibit a person from purchasing a round of drinks for multiple persons.

Q: What constitutes a “drink”?

- ✓ **A:** ABC Rule 2S.0232 (a) states, “for purposes of this rule, a “drink” contains the amount of alcoholic beverages usually and customarily served to a single patron as a single serving by the permittee.

Q: Can my business sell a bucket of beer to just one person?

- ✓ **A: NO.** The ABC Commission has interpreted “buckets of beer” in the same manner as “pitchers” of beer and can only be sold to two or more persons.

Q: Can my business sell a pitcher of margaritas to just one person?

- ✓ **A: NO.** The ABC Commission has interpreted “pitchers of margaritas” in the same manner as “pitchers” of beer and can only be sold to two or more persons.

Q: Can my business sell “jello shots”?

- ✓ **A: YES.** As long as the recipe has been approved by the ABC Commission in accordance with ABC Rule 2S.511. Jello shots are treated as a single “drink” and comes under the same rule as any other Alcohol beverage drink.

Q: Is a shot and a beer (boiler maker) considered one drink?

- ✓ **A: YES.** For the purpose of this rule, a boilermaker is considered one drink and may be sold to a single patron.





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- Q: Can a business establish a single price based upon the required purchase of more than one drink?**
- ✓ **A: NO.** ABC Rule 2.S.232 (a) (2), states, “an on-premise permittee or his agent shall not establish a single price based upon the required purchase of more than one drink.”
- Q: Can a business require a minimum bar purchase to sit in a VIP area of an establishment?**
- ✓ **A: NO.** The requirement of a minimum bar purchase would be a violation of ABC Rule 2.S.1006 (f) which states, “no on-premise permittee or his agent shall advertise any drink promotion prohibited by ABC Rule 2.S.232. This Paragraph includes a ban on all advertisements of “2 for 1,” “buy 1 get 1 free,” “buy 1 get another for a _____ (nickel, penny, etc.)” and any other similar statement including that a patron must buy more than one drink.
- Q: Can my business sell “doubles” or “drinks with multiple types of alcohol”?**
- ✓ **A: YES.** Doubles and drinks containing several types of liquor (example: long-island ice tea, kamikaze), are fall under the “drink” definition and are allowed as long as they are “usually and customarily served to a single patron.
- Q: Can I advertise “cents-off” coupons for free alcoholic beverages?**
- ✓ **A: NO.** ABC Rule 2S-1006(a), states, “cents-off coupons or coupons offering free alcoholic beverages shall not be used as a method for advertising.”
- Q: Is there any special time during the year where I can offer a package deal where alcoholic beverages are included in the price?**
- ✓ **A: YES.** ABC Rule 2S.232(d) (e) states, “an on-premise permittee may include alcoholic beverages in a package offering that includes a meal or entertainment if the offered special is made in conjunction with the following holidays: New Year’s, Valentine’s Day, Mother’s Day, or Father’s Day. The offer of a meal and alcoholic beverage at a single total price is not a violation of this Section so long as the total price reflects the actual price of the alcoholic beverages and not a reduced price.”
- Q: Can my business promote specials where prizes are given away based on the purchase of certain alcoholic beverages?**
- ✓ **A: NO.** ABC Rule 2S.1006 (e), states, “except as otherwise provided in these Rules, no industry member of retailer shall promote an alcoholic beverage product by giving prizes, premiums or merchandise to individuals for which any purchase of alcoholic beverages is required based on the return of empty containers unless all containers of like products are accepted and considered on an equal basis with the product sold by the permittee.”
- Q: Can I advertise alcoholic beverages on a free standing “marquee” located at the street?**
- ✓ **A: NO.** ABC Rule 2S.1008 (a) (b) requires all exterior advertising for alcohol to be on a “single, non-mechanical sign”, attached to the building of the licensed premises.



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- Q:** Is “bottle service” approved in North Carolina? (Bottle service is a feature of many upscale bars and nightclubs where patrons may purchase entire bottles of liquor for their personal consumption. The purchase of bottle service typically includes a reserved table for the patron's party and mixers of the patron's choice. Bottle service can include the service of a VIP host, who will ensure that patrons have sufficient mixers and will often make drinks using the patrons' liquor bottle and mixers. The purchase of bottle service sometimes results in cover charge being waived for the purchaser's party, and often allows patrons to bypass entrance lines. Wikipedia 2010)
- ✓ **A:** **NO.** Bottles of liquor are sold only in ABC stores in North Carolina. ABC permitted establishments may sell mixed beverages to patrons but not “full” bottles. The ABC Commission has approved establishments placing a bottle(s) of liquor in a locked box which may be kept where patrons are sitting. When the patron orders a drink, an employee will unlock the box, pour the drink, place the bottle back inside the box and lock it. ABC Rule 25.0514(2), states, “Neither a mixed beverage permittee nor his employee shall: sell, offer to sell, or serve on the premises any mixed beverage by customer self-service or allow any such sale or service, except that a guest room cabinet permittee may sell alcoholic beverages from guest room cabinets as authorized by G.S. 18B-1001(12) and the rules of the Commission.” Partial bottles must be returned to the establishments mixing station or locked storage area. Partial bottles are not allowed to be removed from the establishment.
- Q:** Are there any exceptions to ABC Rule 25.0232(b) which prohibits “free or reduced” drinks to just a segment of the population?
- ✓ **A:** **YES.** ABC Rule 25.0106 (e) allows hotels operating lodging, restaurant and lounge facilities under one set of permits may offer lodging guests up to two alcoholic beverages per guest per day in the price of the room package. The restrictions include: (1) The reception or social hour is held on the licensed premises of the hotel; (2) The hotel issues a voucher for the beverages that can be used by the guest to obtain the beverage of his choice; (3) Nonalcoholic beverages shall also be offered to lodging guests during the function; and the hotel must account for the beverages by an internal accounting procedure to insure that the price of each beverage included in the room rate package is the same price as is being charged other patrons in the lounge or restaurant for the same beverage.