

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 392
Committee Substitute Favorable 4/18/05
Committee Substitute #2 Favorable 4/27/05

Short Title: Amend Definition of Malt Beverage in ABC Law. (Public)

Sponsors:

Referred to:

February 28, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE
ALCOHOLIC BEVERAGE CONTROL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-101(9) reads as rewritten:

"(9) 'Malt beverage' means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than ~~six percent (6%), fifteen percent (15%),~~ alcohol by volume. Any malt beverage containing more than six percent (6%) alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage."

SECTION 2. G.S. 105-113.68(a) reads as rewritten:

"(a) Definitions. – As used in this Article, unless the context clearly requires otherwise:

- (1) ~~"ABC Commission" means ABC Commission. – the The North Carolina Alcoholic Beverage Control Commission established under G.S. 18B-200.~~
- (2) Repealed by Session Laws 2004-170, s. 6, effective August 2, 2004.
- (3) ~~"ABC permit" means a written or printed authorization issued by the ABC Commission pursuant to Chapter 18B, other than a purchase transportation permit. Unless the context clearly requires otherwise, "ABC permit" means a presently valid permit.~~ABC permit. – Defined in G.S. 18B-101.
- (4) ~~"Alcoholic beverage" means a beverage containing at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.~~Alcoholic beverage. – Defined in G.S. 18B-101.

- 1 (5) ~~"Fortified wine" means any wine, of more than sixteen percent (16%)~~
2 ~~and no more than twenty four percent (24%) alcohol by volume, made~~
3 ~~by fermentation from grapes, fruits, berries, rice, or honey; or by the~~
4 ~~addition of pure cane, beet, or dextrose sugar; or by the addition of~~
5 ~~pure brandy from the same type of grape, fruit, berry, rice, or honey~~
6 ~~that is contained in the base wine and produced in accordance with the~~
7 ~~regulations of the United States.~~Fortified wine. – Defined in
8 G.S. 18B-101.
- 9 (6) ~~"License" means a License. – A certificate, issued pursuant to this~~
10 ~~Article by a city or county, that authorizes a person to engage in a~~
11 ~~phase of the alcoholic beverage industry.~~
- 12 (7) ~~"Malt beverage" means beer, lager, malt liquor, ale, porter, and any~~
13 ~~other brewed or fermented beverage containing at least one half of one~~
14 ~~percent (0.5%) and not more than six percent (6%) alcohol by~~
15 ~~volume.~~Malt beverage. – Defined in G.S. 18B-101.
- 16 (8) ~~"Person" has the same meaning as in G.S. 105-228.90.~~Person. –
17 Defined in G.S. 105-228.90.
- 18 (9) ~~"Sale" means a transfer, trade, exchange, or barter, in any manner or~~
19 ~~by any means, for consideration.~~Sale. – Defined in G.S. 18B-101.
- 20 (10) ~~"Secretary" means the Secretary. – The Secretary of Revenue.~~
- 21 (11) ~~"Spirituous liquor" or "liquor" means distilled spirits or ethyl alcohol,~~
22 ~~including spirits of wine, whiskey, rum, brandy, gin, and all other~~
23 ~~distilled spirits and mixtures of cordials, liqueurs, and premixed~~
24 ~~cocktails in closed containers for beverage use regardless of the~~
25 ~~dilution.~~Spirituous liquor or liquor. – Defined in G.S. 18B-101.
- 26 (12) ~~"Unfortified wine" means any wine of sixteen percent (16%) or less~~
27 ~~alcohol by volume made by fermentation from grapes, fruits, berries,~~
28 ~~rice, or honey; or by the addition of pure cane, beet, or dextrose sugar;~~
29 ~~or by the addition of pure brandy from the same type of grape, fruit,~~
30 ~~berry, rice, or honey that is contained in the base wine, and produced~~
31 ~~in accordance with the regulations of the United States.~~Unfortified
32 wine. – Defined in G.S. 18B-101.
- 33 (13) ~~"Wholesaler or importer" when Wholesaler or importer. – When used~~
34 ~~with reference to wholesalers or importers of wine or malt beverages~~
35 ~~includes resident wineries that sell their wines at retail and resident~~
36 ~~breweries that produce fewer than 310,000 gallons of malt beverages~~
37 ~~per year.~~
- 38 (14) ~~"Wine" means unfortified Wine. – Unfortified and fortified wine.~~
- 39 (15) ~~"Wine shipper permittee" means a Wine shipper permittee. – A winery~~
40 ~~that holds a wine shipper permit issued by the ABC Commission under~~
41 ~~G.S. 18B-1001.1."~~

42 **SECTION 3.** This act is effective when it becomes law.