

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 90

Short Title: Confectioners may use up to 5% Alcohol By Vol. (Public)

Sponsors: Representative Ross (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development.

February 15, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH
3 CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 106-129(3) reads as rewritten:

6 "(3) If it is confectionery, and:

- 7 a. Has partially or completely imbedded therein any nonnutritive
8 object: Provided, that this clause shall not apply in the case of any
9 nonnutritive object if, in the judgment of the Board of Agriculture as
10 provided by regulations, such object is of practical functional value
11 to the confectionery product and would not render the product
12 injurious or hazardous to health; or
- 13 b. Bears or contains ~~any alcohol other than~~ more than five percent
14 alcohol by volume including alcohol not in excess of one half of one
15 per centum (0.5%) by volume derived solely from the use of
16 flavoring extracts; or
- 17 c. Bears or contains any nonnutritive substance: Provided, that this
18 clause shall not apply to a safe nonnutritive substance which is in or
19 on confectionery by reason of its use for some practical functional
20 purpose in the manufacture, packaging, or storing of such
21 confectionery if the use of the substance does not promote deception
22 of the consumer or otherwise result in adulteration or misbranding in
23 violation of any provision of this Article; and provided further, that
24 the Board may, for the purpose of avoiding or resolving uncertainty
25 as to the application of this clause, issue regulations allowing or
26 prohibiting the use of particular nonnutritive substances."

27 **SECTION 2.** This act is effective when it becomes law.

