

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

SESSION LAW 2011-419  
HOUSE BILL 796

AN ACT TO ALLOW ALL PERMITTEES THAT HAVE BEEN ISSUED A BREWERY PERMIT BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO SELL AT RETAIL MALT BEVERAGES THAT HAVE BEEN MANUFACTURED AT THE BREWERY OR AT ANOTHER LOCATION OUT OF STATE BY THE SAME PERMITTEE ONLY ON THE PREMISES OF THE BREWERY AFTER RECEIVING THE PROPER PERMITS, TO CLARIFY THAT CERTAIN HIGH SCHOOL STUDENTS MAY BE PERMITTED TO TAKE NONCREDIT COURSES AT STATE COMMUNITY COLLEGES, AND TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO ALLOT SMALL COUNTY SUPPLEMENTAL FUNDING TO THE CHEROKEE COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 18B-1104 reads as rewritten:

**"§ 18B-1104. Authorization of brewery permit.**

The holder of a brewery permit may:

- ...
- (7) In an area where the sale of any type of alcoholic beverage is authorized by law, sell the brewery's malt beverages or malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina only at the brewery upon receiving a permit under G.S. 18B-1001(1). The brewery also may obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating



any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

**SECTION 2.** G.S. 115D-20(4), as amended by Section 7.1A(h) of S.L. 2011-145 and by Section 13(c) of S.L. 2011-391, reads as rewritten:

**"§ 115D-20. Powers and duties of trustees.**

The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this Chapter and as are delegated to it by the State Board of Community Colleges. The powers and duties of trustees shall include the following:

- ...
- (4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:
- a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:
    1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
    2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
    3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.
  - b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.
  - c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.
  - d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.

...."

**SECTION 3.** Notwithstanding Section 7.12(c) of S.L. 2011-145, the Department of Public Instruction is authorized to allot funds from the Small County Supplemental Funding Allotment to the Cherokee County Schools for the 2011-2012 fiscal year. The amount allotted shall not exceed the allotment to the Cherokee County Schools for the 2010-2011 fiscal year.

**SECTION 4.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of November, 2011.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 8:19 a.m. this 8<sup>th</sup> day of December, 2011