

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 74
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 4/29/03
House Committee Substitute Favorable 7/9/04

Short Title: N.C. Vineyard Amendments.

(Public)

Sponsors:

Referred to:

February 18, 2003

A BILL TO BE ENTITLED

AN ACT CONCERNING WINERY PERMITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-101(7) and G.S. 18B-101(15) read as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

...

(7) "Fortified wine" means ~~any wine made by fermentation from grapes, fruits, berries, rice, or honey, to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine, and which has an alcoholic content of not more than twenty four percent (24%) alcohol by volume.~~ wine, of more than sixteen percent (16%) and no more than twenty-four percent (24%) alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

...

(15) "Unfortified wine" means ~~any wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar.~~ of sixteen percent (16%) or less alcohol by volume made by fermentation from pure grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry,

1 rice, or honey that is contained in the base wine and produced in
 2 accordance with the regulations of the United States."

3 **SECTION 2.** G.S. 18B-1101(6) and G.S. 18B-1101(7) read as rewritten, and
 4 a new G.S. 18B-1101(6a) is enacted, as follows:

5 "**§ 18B-1101. Authorization of unfortified winery permit.**

6 The holder of an unfortified winery permit may:

7 ...

8 (6) Sell the wine owned by the winery for on- or off-premise consumption
 9 at no more than three other locations in the State, upon obtaining the
 10 appropriate permit under G.S. ~~18B-1001~~; and ~~18B-1001~~;

11 (6a) Receive, in closed containers, and sell at the winery, unfortified wine
 12 produced inside or outside North Carolina under contract with the
 13 winery. Such contract wine must have the winery's name clearly
 14 displayed on each bottle. The contract wine may be sold also at
 15 affiliated retail outlets of the winery physically located on or adjacent
 16 to the winery. Any wine received by a winery under this provision
 17 must be made available for sale by the winery to wholesalers for
 18 distribution to retailers, without discrimination, in the same manner as
 19 if the wine were being imported by the winery;

20 (7) Obtain a wine wholesaler permit to sell, deliver, and ship at wholesale
 21 unfortified wine manufactured at the winery. The authorization of this
 22 subdivision applies only to a winery that annually sells, to persons
 23 other than exporters and nonresident wholesalers when the purchase is
 24 not for resale in this State, no more than ~~300,000~~-100,000 gallons of
 25 unfortified wine manufactured by it at the winery."

26 ..."

27 **SECTION 3.** G.S. 105-113.68(a)(5) and G.S. 105-113.68(a)(12) read as
 28 rewritten:

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

31 ...

32 (5) ~~"Fortified wine" means a wine made by fermentation from grapes,~~
 33 ~~fruits, berries, rice, or honey, to which nothing has been added other~~
 34 ~~than pure brandy made from the same type of grape, fruit, berry, rice,~~
 35 ~~or honey that is contained in the base wine, and which has an alcoholic~~
 36 ~~content of not more than twenty four percent (24%) alcohol by~~
 37 ~~volume. any wine, of more than sixteen percent (16%) and no more~~
 38 than twenty-four percent (24%) alcohol by volume, made by
 39 fermentation from grapes, fruits, berries, rice, or honey; or by the
 40 addition of pure cane, beet, or dextrose sugar; or by the addition of
 41 pure brandy from the same type of grape, fruit, berry, rice, or honey
 42 that is contained in the base wine and produced in accordance with the
 43 regulations of the United States.

44 ...

1 (12) "Unfortified wine" means ~~wine that has an alcoholic content produced~~
2 ~~only by natural fermentation or by the addition of pure cane, beet, or~~
3 ~~dextrose sugar.~~ any wine of sixteen percent (16%) or less alcohol by
4 volume made by fermentation from grapes, fruits, berries, rice, or
5 honey; or by the addition of pure cane, beet, or dextrose sugar; or by
6 the addition of pure brandy from the same type of grape, fruit, berry,
7 rice, or honey that is contained in the base wine, and produced in
8 accordance with the regulations of the United States."

9 **SECTION 4.** G.S. 18B-800(b) reads as rewritten:

10 "(b) Fortified Wine. – In addition to spirituous liquor, ABC stores may sell
11 fortified wine. ABC stores may also sell wine products, irrespective of alcohol content
12 by volume, which were classified as fortified wine by the ABC Commission prior to
13 July 7, 2004."

14 **SECTION 5.** This act becomes effective October 1, 2004.