

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1500
Committee Substitute Favorable 5/4/05
Third Edition Engrossed 5/10/05

Short Title: Wine-Tasting Changes.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING PERMIT AND TO AMEND THE LAW CONCERNING COMMUNITY COLLEGE VITICULTURE/ENOLOGY PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1001(15) reads as rewritten:

"(15) Wine-Tasting Permit. – A wine-tasting permit authorizes wine tastings on ~~the a premises conducted and supervised by the permittee. holding a retail permit, by the retail permit holder or his employee.~~ A wine tasting consists of the offering of a sample of one or more unfortified wine products, in amounts of no more than one ounce for each sample, without charge, to customers of the business. Any person pouring wine at a wine tasting shall be at least 21 years of age.

a. Representatives of the winery, which produced the wine, ~~or the wine producer~~ producer, a wholesaler, or a wholesaler's employee may assist with the ~~tastings in a manner consistent with existing law.~~ tasting. Assisting with a wine tasting includes, but is not limited to:

1. Pouring samples for customers.
2. Checking the identification of patrons being served at the wine tasting.

b. When a representative of the winery which produced the wine, the wine producer, a wine wholesaler, or a wine wholesaler's employee assists in a wine tasting conducted by a retail permit holder:

1. The retail permit holder shall designate an employee to actively supervise the wine tasting.

- 1 2. A retail permit holder's employee shall not supervise
2 more than three wine-tasting areas.
- 3 3. No more than six wines may be tasted at any one tasting
4 area.
- 5 4. The wine tasting shall not last longer than four hours
6 from the time designated as the starting time by the retail
7 permit holder.
- 8 c. The retail permit holder shall be solely liable for any violations
9 of law occurring in connection with the wine tasting.

10 The Commission shall adopt rules to assure that the tastings are limited
11 to samplings and not a subterfuge for the unlawful sale or distribution
12 of wine, and that the tastings are not used by industry members for
13 unlawful inducements to retail permit holders, and do not violate
14 existing rules. Except for purposes of this subsection, the holder of a
15 wine-tasting permit shall not be construed to hold a permit for the
16 on-premises sale or consumption of alcoholic beverages. Any food
17 business is eligible for a wine-tasting permit."

18 **SECTION 2.** G.S. 18B-1114.4 reads as rewritten:

19 "**§ 18B-1114.4. Viticulture/Enology course authorization.**

20 (a) Authorization. – The holder of a viticulture/enology course authorization
21 may:

- 22 (1) Manufacture wine from grapes grown on the school's campus or the
23 school's contracted or leased property for the purpose of providing
24 instruction and education on the making of unfortified wines.
- 25 (2) Possess wines manufactured during the viticulture/enology program
26 for the purpose of conducting wine-tasting seminars and classes for
27 students who are 21 years of age or older.
- 28 (3) Sell wines produced during the course to wholesalers or to retailers
29 upon obtaining a wine wholesaler permit under G.S. 18B-1107, except
30 that the permittee may not receive shipments of wines from other
31 producers.

32 (b) Limitation. – Authorization for a viticulture/enology course shall be granted
33 by the Commission only for a community college or college that offers a
34 viticulture/enology program as a part of its curriculum offerings for students of the
35 school. ~~No retail sales of wine shall be made by the students, instructor, or school.~~
36 Wines may be manufactured only from grapes grown in a viticulture/enology course
37 ~~vineyard, not to exceed five acres, vineyard~~ vineyard that is located on the school's campus or the
38 school's contracted or leased property.

39 (c) The holder of a viticulture/enology course authorization who obtains a wine
40 wholesaler permit under G.S. 18B-1107 subject to the limitation in subsection (a) of this
41 section may manufacture wines from grapes grown by others until June 30, 2004.
42 ~~Otherwise, wine may be manufactured only as provided in subsection (b) of this section.~~
43 obtain a winery special event permit under G.S. 18B-1114.1, and where the permit is
44 valid may participate in approved events and sell at retail at those events any wine

1 produced incident to the operation of the vitaculture/enology program. The holder of a
2 vitaculture/enology course authorization may participate in not more than six winery
3 special events within a twelve-month period and may sell up to 25 cases of wine at each
4 event. Net proceeds from the program's retail sale of wine pursuant to this subsection
5 shall be retained by the school and used for support of the viticulture/enology program.

6 (d) The holder of a viticulture/enology course authorization shall not be
7 considered a winery for the purposes of this Chapter or Chapter 105 of the General
8 Statutes."

9 **SECTION 3.** G.S. 18B-1114.1(a) reads as rewritten:

10 "(a) Authorization. – The holder of an unfortified winery permit, a limited winery
11 permit, a vitaculture/enology course authorization, or a wine producer permit may
12 obtain a winery special permit allowing the winery or wine producer to give free
13 tastings of its wine, and to sell its wine by the glass or in closed containers, at trade
14 shows, conventions, shopping malls, wine festivals, street festivals, holiday festivals,
15 agricultural festivals, balloon races, local fund-raisers, and other similar events
16 approved by the Commission."

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