

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**HOUSE BILL 392
RATIFIED BILL**

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- (2) Repealed by Session Laws 2004-170, s. 6, effective August 2, 2004.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.~~
- (5) ~~"Fortified wine" means any 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. Fortified wine. – Defined in G.S. 18B-101.~~
- (6) ~~"License" means a License. – A certificate, issued pursuant to this Article by a city or county, that authorizes a person to engage in a phase of the alcoholic beverage industry.~~
- (7) ~~"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%) alcohol by volume. Malt beverage. – Defined in G.S. 18B-101.~~
- (8) ~~"Person" has the same meaning as in G.S. 105-228.90. Person. – Defined in G.S. 105-228.90.~~

- (9) ~~"Sale" means a transfer, trade, exchange, or barter, in any manner or by any means, for consideration.~~ Sale. – Defined in G.S. 18B-101.
- (10) ~~"Secretary" means the Secretary. – The Secretary of Revenue.~~
- (11) ~~"Spirituous liquor" or "liquor" means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin, and all other distilled spirits and mixtures of cordials, liqueurs, and premixed cocktails in closed containers for beverage use regardless of the dilution.~~ Spirituous liquor or liquor. – Defined in G.S. 18B-101.
- (12) ~~"Unfortified wine" means any wine of sixteen percent (16%) or less 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.~~ Unfortified wine. – Defined in G.S. 18B-101.
- (13) ~~"Wholesaler or importer" when~~ Wholesaler or importer. – When used with reference to wholesalers or importers of wine or malt beverages includes resident wineries that sell their wines at retail and resident breweries that produce fewer than 310,000 gallons of malt beverages per year.
- (14) ~~"Wine" means unfortified~~ Wine. – Unfortified and fortified wine.
- (15) ~~"Wine shipper permittee" means a~~ Wine shipper permittee. – A winery that holds a wine shipper permit issued by the ABC Commission under G.S. 18B-1001.1."

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

In the General Assembly read three times and ratified this the 4th day of August, 2005.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2005