

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1025

Short Title: Winemaking on Premises Permit. (Public)

Sponsors: Representatives Luebke; LaRoque and Ross.

Referred to: Alcoholic Beverage Control.

March 31, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION
3 TO ISSUE PERMITS FOR 'WINEMAKING ON PREMISES' BUSINESSES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 18B-1001 is amended by adding a new subdivision to
6 read:

7 "(16) Winemaking on Premises Permit. – A permit may be issued to a
8 business, located in a jurisdiction where the sale of unfortified wine is
9 allowed, where individual customers who are 21 years old or older
10 may purchase ingredients and rent the equipment, time, and space to
11 make unfortified wine for personal use in amounts set forth in 27
12 C.F.R. § 24.75. Except for wine produced for testing equipment or
13 recipes and samples pursuant to this subdivision, the permit holder
14 shall not engage in the actual production or manufacture of wine.
15 Samples may be consumed on the premises only by a person who has a
16 nonrefundable contract to ferment at the premises, and the samples
17 may not exceed one ounce per sample. All wine produced at a
18 winemaking on premises facility shall be removed from the premises
19 by the customer, and may only be used for home consumption and the
20 personal use of the customer."

21 SECTION 2. G.S. 18B-307 reads as rewritten:

22 "§ 18B-307. Manufacturing offenses.

23 (a) Offenses. – It shall be unlawful for any person, except as authorized by this
24 Chapter, to:

25 (1) Sell or possess equipment or ingredients intended for use in the
26 manufacture of any alcoholic beverage, except equipment and
27 ingredients provided under a Brew on Premises permit or a
28 Winemaking on Premises permit; or

1 (2) Knowingly allow real or personal property owned or possessed by him
2 to be used by another person for the manufacture of any alcoholic
3 beverage, except pursuant to a Brew on Premises permit or a
4 Winemaking on Premises permit.

5 (b) Unlawful Manufacturing. – Except as provided in G.S. 18B-306, it shall be
6 unlawful for any person to manufacture any alcoholic beverage, except at an
7 establishment with a Brew on Premises permit or a Winemaking on Premises permit,
8 without first obtaining the applicable ABC permit and revenue licenses.

9 (c) Second Offense of Manufacturing. – A second offense of unlawful
10 manufacturing of alcoholic beverage shall be a Class I felony."

11 **SECTION 3.** G.S. 18B-902(d) is amended by adding a new subdivision to
12 read:

13 "(37) Winemaking on premises permit. – \$400.00."

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