

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 735

Short Title: Amend Definition of Malt Beverage in ABC Law. (Public)

Sponsors: Senators Rand; Bingham and Webster.

Referred to: Commerce.

March 22, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE DEFINITION OF A MALT BEVERAGE UNDER THE  
3 ALCOHOLIC BEVERAGE CONTROL LAWS AND AMEND THE REVENUE  
4 LAWS TO MAKE CORRESPONDING CHANGES IN THE DEFINITIONS OF  
5 ALCOHOLIC BEVERAGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 18B-101(9) reads as rewritten:

8 "(9) 'Malt beverage' means beer, lager, malt liquor, ale, porter, and any  
9 other brewed or fermented beverage containing at least ~~one half of one~~  
10 ~~percent (0.5%), and not more than six percent (6%),~~ one-half of one  
11 percent (0.5%) alcohol by volume."

12 **SECTION 2.** G.S. 105-113.68(a) reads as rewritten:

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

- 15 (1) ~~"ABC Commission" means ABC Commission. – the~~ The North  
16 Carolina Alcoholic Beverage Control Commission established under  
17 G.S. 18B-200.
- 18 (2) Repealed by Session Laws 2004-170, s. 6, effective August 2, 2004.
- 19 (3) ~~"ABC permit" means a written or printed authorization issued by the~~  
20 ~~ABC Commission pursuant to Chapter 18B, other than a~~  
21 ~~purchase transportation permit. Unless the context clearly requires~~  
22 ~~otherwise, "ABC permit" means a presently valid permit.~~ ABC permit.  
23 – Defined in G.S. 18B-101.
- 24 (4) ~~"Alcoholic beverage" means a beverage containing at least one half of~~  
25 ~~one percent (0.5%) alcohol by volume, including malt beverages,~~  
26 ~~unfortified wine, fortified wine, spirituous liquor, and mixed~~  
27 ~~beverages.~~ Alcoholic beverage. – Defined in G.S. 18B-101.
- 28 (5) ~~"Fortified wine" means any wine, of more than sixteen percent (16%)~~  
29 ~~and no more than twenty-four percent (24%) alcohol by volume, made~~

1 by fermentation from grapes, fruits, berries, rice, or honey; or by the  
2 addition of pure cane, beet, or dextrose sugar; or by the addition of  
3 pure brandy from the same type of grape, fruit, berry, rice, or honey  
4 that is contained in the base wine and produced in accordance with the  
5 regulations of the United States.Fortified wine. – Defined in  
6 G.S. 18B-101.

7 (6) ~~"License" means a~~ License. – A certificate, issued pursuant to this  
8 Article by a city or county, that authorizes a person to engage in a  
9 phase of the alcoholic beverage industry.

10 (7) ~~"Malt beverage" means beer, lager, malt liquor, ale, porter, and any~~  
11 ~~other brewed or fermented beverage containing at least one half of one~~  
12 ~~percent (0.5%) and not more than six percent (6%) alcohol by~~  
13 ~~volume.~~ Malt beverage. – Defined in G.S. 18B-101.

14 (8) ~~"Person" has the same meaning as in G.S. 105-228.90.~~ Person. –  
15 Defined in G.S. 105-228.90.

16 (9) ~~"Sale" means a transfer, trade, exchange, or barter, in any manner or~~  
17 ~~by any means, for consideration.~~ Sale. – Defined in G.S. 18B-101.

18 (10) ~~"Secretary" means the~~ Secretary. – The Secretary of Revenue.

19 (11) ~~"Spirituos liquor" or "liquor" means distilled spirits or ethyl alcohol,~~  
20 ~~including spirits of wine, whiskey, rum, brandy, gin, and all other~~  
21 ~~distilled spirits and mixtures of cordials, liqueurs, and premixed~~  
22 ~~cocktails in closed containers for beverage use regardless of the~~  
23 ~~dilution.~~ Spirituos liquor or liquor. – Defined in G.S. 18B-101.

24 (12) ~~"Unfortified wine" means any wine of sixteen percent (16%) or less~~  
25 ~~alcohol by volume made by fermentation from grapes, fruits, berries,~~  
26 ~~rice, or honey; or by the addition of pure cane, beet, or dextrose sugar;~~  
27 ~~or by the addition of pure brandy from the same type of grape, fruit,~~  
28 ~~berry, rice, or honey that is contained in the base wine, and produced~~  
29 ~~in accordance with the regulations of the United States.~~ Unfortified  
30 wine. – Defined in G.S. 18B-101.

31 (13) ~~"Wholesaler or importer" when~~ Wholesaler or importer. – When used  
32 with reference to wholesalers or importers of wine or malt beverages  
33 includes resident wineries that sell their wines at retail and resident  
34 breweries that produce fewer than 310,000 gallons of malt beverages  
35 per year.

36 (14) ~~"Wine" means unfortified~~ Wine. – Unfortified and fortified wine.

37 (15) ~~"Wine shipper permittee" means a~~ Wine shipper permittee. – A winery  
38 that holds a wine shipper permit issued by the ABC Commission under  
39 G.S. 18B-1001.1."

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