

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 667
Committee Substitute Favorable 5/6/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H667-PCS50766-SU-72

Short Title: 2009 Viticulture/Enology Act.

(Public)

Sponsors:

Referred to:

March 19, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR
3 ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR
4 THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC
5 BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL,
6 PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL
7 RESEARCH, TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE
8 AUTHORIZATION TO SELL UNFORTIFIED WINE AT A NON-CAMPUS
9 LOCATION, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN
10 OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE
11 AT THEIR PREMISES DURING BUSINESS HOURS AND TO ALLOW WINERIES TO
12 SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER
13 SPECIFIED CONDITIONS, AND TO AMEND THE DEFINITION OF SPORTS CLUB
14 TO INCLUDE CERTAIN EQUESTRIAN CENTERS.

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** G.S. 18B-103 is amended by adding a new subdivision to read:

17 "(5a) The manufacture, possession, and consumption of alcoholic beverages for
18 the purpose of conducting scientific, chemical, pharmaceutical, mechanical,
19 industrial, and educational research in connection with teaching, research, or
20 extension programs conducted by, or under the supervision of, an instructor
21 at an accredited community college, public or private college or university,
22 or an extension agent in connection with educational programs and activities
23 offered by the North Carolina Cooperative Extension Service."

24 **SECTION 2.** G.S. 18B-1114.4(a) reads as rewritten:

- 25 "(a) Authorization. – The holder of a viticulture/enology course authorization may:
- 26 (1) Manufacture wine from grapes grown on the school's campus or the school's
27 contracted or leased property for the purpose of providing instruction and
28 education on the making of unfortified wines.
- 29 (2) Possess wines manufactured during the viticulture/enology program for the
30 purpose of conducting wine-tasting seminars and classes for students who
31 are 21 years of age or older.



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- 1 (3) Sell wines produced during the course to wholesalers or to retailers upon
2 obtaining a wine wholesaler permit under G.S. 18B-1107, except that the
3 permittee may not receive shipments of wines from other producers.
4 (4) Sell wines produced during the course, upon obtaining a permit under
5 G.S. 18B-1001(4)."

6 **SECTION 3.** G.S. 18B-1001(4) reads as rewritten:

7 "(4) Off-Premises Unfortified Wine Permit. – An off-premises unfortified wine
8 permit authorizes the retail sale of unfortified wine in the manufacturer's
9 original container for consumption off the premises and it authorizes the
10 holder of the permit to ship unfortified wine in closed containers to
11 individual purchasers inside and outside the State. The permit may be issued
12 for retail businesses. The permit may be issued to the holder of a
13 viticulture/enology course authorization under G.S. 18B-1114.4. A school
14 obtaining a permit under this subdivision is authorized to sell wines
15 manufactured during its viticulture/enology program at one non-campus
16 location in a county where the permittee holds and offers classes on a regular
17 full-time basis in a facility owned by the permittee. The permit may also be
18 issued for a winery or a wine producer for sale of its own unfortified wine.
19 wine during hours when the winery or wine producer's premises is open to
20 the public, subject to any local ordinance adopted pursuant to
21 G.S. 18B-1004(d) concerning hours for the retail sale of unfortified wine. A
22 winery obtaining a permit under this subdivision is authorized to sell wine
23 manufactured by the winery at one additional location in the county under
24 the same conditions specified in G.S. 18B-1101(5) for the sale of wine at the
25 winery; provided, however, that no other alcohol sales shall be authorized at
26 the additional location. Orders received by a winery by telephone, Internet,
27 mail, facsimile, or other off-premises means of communication shall be
28 shipped pursuant to a wine shipper permit and not pursuant to this
29 subdivision."

30 **SECTION 4.** G.S. 18B-1000(8) reads as rewritten:

- 31 "(8) Sports club. – An establishment that meets either of the following
32 requirements:
33 a. The establishment is substantially engaged in the business of
34 providing equine boarding, training, and coaching services, and the
35 establishment offers on-site dining, lodging, and meeting facilities
36 and hosts horse trials and other events sanctioned or endorsed by the
37 United States Equestrian Federation, Inc.; or
38 b. The establishment is substantially engaged in the business of
39 providing an 18-hole golf course, two or more tennis courts, or both.
40 The sports club can either be open to the general public or to members and
41 their guests. To qualify as a sports club, an establishment's gross receipts for
42 club activities shall be greater than its gross receipts for alcoholic beverages.
43 This provision does not prohibit a sports club from operating a restaurant.
44 Receipts for food shall be included in with the club activity fee."

45 **SECTION 5.** This act is effective when it becomes law.