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SENATE BILL DRS45280-ML-122

Short Title: Regulate Hemp-Derived Beverages.

(Public)

Sponsors: Senators Moffitt, Johnson, and Lazzara (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REGULATE NONALCOHOLIC HEMP-DERIVED BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-101 reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

...

(4) "Alcoholic beverage" means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, mixed beverages, and any alcohol consumable. This term does not include hemp-derived beverages.

...

(7b) "Hemp-derived beverage" means a nonalcoholic beverage fit for human consumption that contains hemp, as defined in G.S. 90-87, but may contain concentrations of other hemp-derived cannabinoids in excess of that amount.

(7c) "Hemp-derived cannabinoid" means any phytocannabinoid found in hemp, including delta 9 tetrahydrocannabinol (delta 9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), delta 7 tetrahydrocannabinol (delta 7 THC), delta 8 tetrahydrocannibinol (delta 8 THC), or delta 10 tetrahydrocannibinol (delta 10 THC). This term also includes any synthetic cannabinoid derived from hemp and contained in a hemp-derived consumable product.

~~(7b)~~(7d) "Historic ABC establishment" means a restaurant or hotel that meets all of the following requirements:

- a. Is on the national register of historic places or located within a State historic district.
- b. Is a property designed to attract local, State, national, and international tourists located on a State Route (SR) and with a property line located within 1.5 miles of the intersection of a designated North Carolina scenic byway as defined in G.S. 136-18(31).
- c. Is located within 15 miles of a national scenic highway.
- d. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in two or more cities in the county.



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(7e)(7e) "Keg" means a portable container designed to hold and dispense 7.75 gallons or more of malt beverage.

...

(9) "Malt beverage" means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage or alcohol consumable except unfortified or fortified wine as defined by this Chapter, containing at least one-half of one percent (0.5%), and not more than 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. This term also includes hemp-derived beverages.

...."

SECTION 2. G.S. 18B-102 reads as rewritten:

"§ 18B-102. Manufacture, sale, etc., forbidden except as expressly authorized.

(a) General Prohibition. – It shall be unlawful for any person to manufacture, sell, transport, import, deliver, furnish, purchase, consume, or possess any alcoholic beverages except as authorized by the ABC law.

(a1) Powdered Alcohol Prohibition. – It shall be unlawful for any person to manufacture, sell, transport, import, deliver, furnish, purchase, consume, or possess powdered alcohol.

(a2) Hemp-Derived Beverages. – Except as otherwise provided in this Chapter, it shall be unlawful for any person to manufacture, sell, transport, import, deliver, furnish, purchase, consume, or possess hemp-derived beverages.

(b) Violation a Class 1 Misdemeanor. – Unless a different punishment is otherwise expressly stated, any person who violates any provision of this Chapter shall be guilty of a Class 1 misdemeanor. In addition the court may impose the provisions of G.S. 18B-202 and of G.S. 18B-503, 18B-504, and 18B-505."

SECTION 3. G.S. 18B-206 reads as rewritten:

"§ 18B-206. Standards for alcoholic beverages, beverages and hemp-derived beverages.

(a) Authority to Set Standards. – The Commission may set standards and adopt rules for alcoholic beverages and hemp-derived beverages to protect the public against alcoholic beverages or hemp-derived beverages containing harmful or impure substances, alcoholic beverages or hemp-derived beverages containing an improper balance of substances as determined by the Commission, spurious or imitation alcoholic ~~beverages,~~ beverages or hemp-derived beverages, and alcoholic beverages or hemp-derived beverages unfit for human consumption. In setting standards and in issuing rules relating to ~~them,~~ alcoholic beverages, the Commission may follow federal guidelines for standards of identity, labeling and advertising contained in Title 27 of the Code of Federal Regulations, or may adopt more restrictive standards.

(b) Effective Date of Standards. – A person possessing alcoholic beverages or hemp-derived beverages which do not meet a new standard set by the Commission shall have 60 days after the effective date of the standard to sell or otherwise dispose of those alcoholic ~~beverages,~~ beverages or hemp-derived beverages.

(c) Testing. – The Commission may test malt beverages, unfortified wine, fortified wine, and spirituous liquor possessed or offered for sale in this State to determine whether they meet the standards set by the Commission. If the Commission chooses to test an alcoholic ~~beverage,~~ beverage or hemp-derived beverage, that test may be performed by the Commission, the Commission may arrange for the State Chemist to perform the testing, or the Commission may have the testing performed in some other manner. The manufacturer of tested alcoholic beverages or hemp-derived beverages shall pay the costs of the test. In lieu of testing an alcoholic ~~beverage,~~ beverage or hemp-derived beverages, the Commission may rely on testing by a federal agency or an agency of another state or may accept test results from a federal agency, an agency of another state, or the manufacturer of the alcoholic beverage or hemp-derived beverage or his or

1 her authorized agent. A manufacturer who submits test results shall also submit a fee of ten
2 dollars (\$10.00) for each test result to cover administrative costs."

3 **SECTION 4.** G.S. 18B-403.1(a) reads as rewritten:

4 "(a) Purchase-Transportation. – A person who is not a permittee may purchase and
5 transport for off-premises consumption a keg or kegs ~~as defined in G.S. 18B-101(7e)~~ after
6 obtaining a purchase-transportation permit. Failure to obtain a purchase-transportation permit
7 according to this section is a violation of G.S. 18B-303(b)."

8 **SECTION 5.** The ABC Commission shall adopt rules, or amend their rules,
9 consistent with the provisions of this act. The Commission may use the procedure set forth in
10 G.S. 150B-21.1 to adopt or amend any rules as required under this section.

11 **SECTION 6.** This act becomes effective July 1, 2025, and applies to hemp-derived
12 beverages manufactured, sold, transported, imported, delivered, furnished, purchased, consumed,
13 or possessed on or after that date.