

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 190  
Committee Substitute Favorable 4/11/01  
Senate Education/Higher Education Committee Substitute Adopted 8/28/02

Short Title: Viticulture/Enology Course Authorization. (Public)

Sponsors:

Referred to:

February 21, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO MANUFACTURE, POSSESS, AND SELL WINE FOR CERTAIN LIMITED PURPOSES AS A PART OF A COMMUNITY COLLEGE'S OR COLLEGE'S VITICULTURE/ENOLOGY PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

**"§ 18B-1114.4. Viticulture/Enology course authorization.**

(a) Authorization. – The holder of a viticulture/enology course authorization may:

(1) Manufacture wine from grapes grown on the school's campus or leased property for the purpose of providing instruction and education on the making of unfortified wines.

(2) Possess wines manufactured during the viticulture/enology program for the purpose of conducting wine-tasting seminars and classes for students who are 21 years of age or older.

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

(b) Limitation. – Authorization for a viticulture/enology course shall be granted by the Commission only for a community college or college that offers a viticulture/enology program as a part of its curriculum offerings for students of the school. No retail sales of wine shall be made by the students, instructor, or school. Wines may be manufactured only from grapes grown in a viticulture/enology course vineyard that is located on the school's campus or leased property.

1       (c) The holder of a viticulture/enology course authorization may manufacture  
2 wines from grapes grown by others until June 30, 2004. Otherwise, wine may be  
3 manufactured only as provided in subsection (b) of this section.

4       (d) The holder of a viticulture/enology course authorization shall not be  
5 considered a winery for the purposes of this Chapter or Chapter 105 of the General  
6 Statutes."

7               **SECTION 2. G.S. 18B-1101 reads as rewritten:**

8       **"§ 18B-1101. Authorization of unfortified winery permit.**

9       The holder of an unfortified winery permit may:

- 10           (1) Manufacture unfortified wine;
- 11           (2) Sell, deliver and ship unfortified wine in closed containers to  
12 wholesalers licensed under this Chapter as authorized by the ABC  
13 laws, except that wine may be sold to exporters and nonresident  
14 wholesalers only when the purchase is not for resale in this State;
- 15           (2a) Receive, in closed containers, unfortified wine produced inside or  
16 outside North Carolina under the winery's label from grapes, berries,  
17 or other fruits owned by the winery, and sell, deliver, and ship that  
18 wine to wholesalers, exporters, and nonresident wholesalers in the  
19 same manner as its wine manufactured in North Carolina. This  
20 provision may be used only by a winery during its first three years of  
21 operation or when there is substantial damage to its grapes, berries, or  
22 other fruits from catastrophic crop loss. This provision may be used  
23 only three years out of every 10 years and notice must be given to the  
24 Commission each time this provision is used;
- 25           (3) Ship its wine in closed containers to individual purchasers inside and  
26 outside this State;
- 27           (4) Furnish or sell "short-filled" packages, on which State taxes have been  
28 or will be paid, to its employees for the use of the employees or their  
29 families and guests in this State;
- 30           (5) Regardless of the results of any local wine election, sell the wine  
31 owned by the winery at the winery for on- or off-premise consumption  
32 upon obtaining the appropriate permit under G.S. 18B-1001;
- 33           (6) Sell the wine owned by the winery for on- or off-premise consumption  
34 at no more than three other locations in the State, upon obtaining the  
35 appropriate permit under G.S. 18B-1001; and
- 36           (7) Obtain a wine wholesaler permit to sell, deliver, and ship at wholesale  
37 unfortified wine manufactured at the winery. The authorization of this  
38 subdivision applies only to a winery that annually sells, to persons  
39 other than exporters and nonresident wholesalers when the purchase is  
40 not for resale in this State, no more than 300,000 gallons of unfortified  
41 wine manufactured by it at the winery.

42       A sale under subdivision (4) shall not be considered a retail or wholesale sale under  
43 the ABC laws."

44               **SECTION 3. G.S. 66-58(c) is amended by adding a new subdivision to read:**

1           "(1a) The sale of products raised or produced incident to the operation of a  
2           community college viticulture/enology program as authorized by G.S.  
3           18B-1114.4."

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